

# TOTZAOS CHAYIM

ISSUES OF LIFE

LAWS OF VISITING THE SICK, DEATH AND MOURNING

Dr. Seligmann Baer



## ECLECTIC TORAH COMPILATIONS

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— TALMUDIC BOOKS —

# TOTZAOS CHAYIM

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**Dr. Seligmann Baer**

יצחק בן אריה יוסף דוב

**4th Edition**

**Roedelheim 1894**

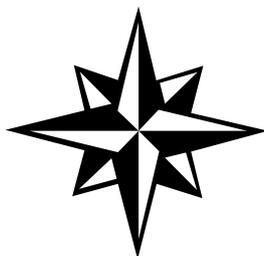
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**ECLECTIC TORAH COMPILATIONS**

With Extensive Footnotes Based on Sefer Yikoroh d'Chiyvei by R' Chaim  
Bernstein and R' Hyman Goldin's Hamadrikh – The Rabbi's Guide

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Dedicated to the  
Memory of

**Anne Samson**  
of Blessed Memory  
(Los Angeles)

**רחל רבקה סמסון ע"ה**  
**ת.נ.צ.ב.ה**

# TOTZAOS CHAYIM – ISSUES OF LIFE

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# TOTZAOS CHAYIM – ISSUES OF LIFE

## ABBREVIATIONS

Common abbreviations used in this work:

HO = Hilchos Oveil in Rambam's Mishneh Torah

KSA = Kitzur Shulchon Aruch

MT = Mishneh Torah of the Rambam

OC = Orech Chayim section of the Shulchon Aruch

SA = Shulchon Aruch

TJ = Jerusalem Talmud

YD = Yoreh Deyoh section of the Shulchon Aruch

### IMPORTANT NOTICE TO ALL READERS

IN NO WAY SHOULD THIS MONOGRAPH BE CONSIDERED AN ATTEMPT TO DECIDE THE FINAL, PRACTICAL HALACHA.

THE READER IS ENCOURAGED TO LEARN THE SOURCES HIMSELF, AND MUST ALWAYS CONSULT WITH A COMPETENT RABBI REGARDING ANY SPECIFIC QUESTION OR ISSUE HE OR SHE MAY HAVE.

# TOTZAOS CHAYIM – ISSUES OF LIFE

## TRANSLATOR'S PREFACE

Although Dr. Seligmann Baer was not a rabbi, he was a recognized, world-class scholar of immense proportions and a classic example of a layman-Talmid Chochom. He was, by all accounts, an observant, God-fearing Jew. Professionally, he served as a simple Hebrew schoolteacher in the German community of Biebrich near Wiesbaden.

However, Dr. Baer distinguished himself by publishing a number of exemplary and important works on diverse Jewish topics, the most prominent of which was his well-researched and extremely influential Siddur Avodas Yisroel, published at Roedelheim in 1868. A fabulous composition of great meticulousness, spotted with occasional innovativeness, it is considered by many as one of the most accurate Siddurs ever published. It has been the gold standard for the Ashkenazi Nusach for almost 150 years and continues to invite the attention of all major publishers of prayerbooks to this day. Dr. Baer also prepared accurate texts of Tehillim, Selichos and the Torah itself according to the Mesorah. His works are characterized as being grammatically punctilious, closely following the example of the seminal liturgical printer, Rabbi Wolf Heidenheim, author of the celebrated Sfas Emes (Roedelheim) Siddur.

Totzaos Chayim, (the Issues of Life), now long out-of-print, was published four times over a 42-year period, the final version in 1894, shortly before Dr. Baer's own death in 1897. Herein is a complete, yet compact, compendium of most of the pertinent laws of Visiting the Sick, Mourning, caring for the body before burial, the burial procedure, bereavement, etc., accompanied by all relevant prayers and Psalms for each occasion. A substantial portion of the book is devoted to those Midrashim and homiletics which are to be learned with the mourner during Shiva. Several pages are dedicated to recommendations for tombstone inscriptions. This is a book of well over 400 pages, in Hebrew with translated facing pages in German. Curiously, several well-known laws and customs such as not dragging one's Tzitzis on a grave (Loeg L'Rash), placing a stone on the grave, not drying one's hands with a towel after washing when leaving the cemetery, and that Kohanim and pregnant women are not to enter cemeteries among others are not mentioned.

I have taken upon myself to translate the Laws and Customs Dr. Baer saw fit to include in his book. Some of these practices have fallen into disuse or have been usurped by local practices which follow a different tradition. Although one can assume that Dr. Baer was addressing an Ashkenazi, and particularly a German, readership he remained faithful to the Shulchan Aruch, the Rama and the Poskim, and gravitated closely to universal practice and the accepted Halacha. For this reason, this work is relevant to all observant Jews even today.

**By no means should reading this work be considered a substitute for more intensive study of the myriad detailed Halachos and Minhogim as stated in the Shulchan Aruch, Yoreh De'ah and Poskim, the classic Geshet HaChayim, Pnei Boruch, et al. This monograph has been prepared only to give the reader a brief insight into many of these little-known regulations.**

Reuven Brauner, Raanana, Israel, Av 5773

Many of my footnotes and references regarding visiting the ill have been taken from the Sefer Yikoroh d'Chiyyei by R' Chayim Bernstein, Bnei Brak 1979 while footnotes regarding death, burial and mourning practices were taken from Hamadrikh – The Rabbi's Guide by Hyman Goldin, Hebrew Publishing Company, NY, 1956 Revised Edition.

# TOTZAOS CHAYIM – ISSUES OF LIFE

## EXCERPTS FROM DR. BAER'S FORWARD

“...the well-known work, Sefer HaChayim comprises the righteous and true practices which we perform with the deceased, and the prayers said in a sick man's house and at the cemetery, etc. It was authored by Rabbi Shimon bar Yisroel Yehuda z”l, also known as Shimon Frankfurter, and published in Amsterdam by his son Moshe in the year 5463 (1763), and again in 5468 (1768), and republished several more times. It is found in every home, and there is no community nor any congregation without it... However, I have found that these editions have innumerable confusions, mistakes in language, printing errors, etc....

“...in the year 5612 (1852) I took it upon myself to fulfill what our Sages said, ‘in a place where there are no men, try to be a man’ and corrected the distortions found in that book, from beginning to end, in accordance with the rules of grammar, to correct the language of the prayers and supplications from their muddle. I have removed some prayers altogether replacing them with others I found in Sefer Sh’la, Sefer Ma'avar Yabok and other earlier works and manuscripts. Everything here is written in a straight-forward, simple and understandable language for it should be that we only pray clearly, in purity, holiness and with the proper intent – and what business do we have with mysteries? I have also gathered, organized and brought the sources for all the Laws and customs regarding matters of death, the purification procedure, internment, mourning, matters which are customarily learned in a mourner's house, Kaddish, and so forth. Besides these issues, I have included matters relating to sickness, comforting the mourners, and prayers said at the cemetery throughout the year, and to which I have added related Piyyutim, some of which have never before been published. I have also included a German translation of the prayers and the Laws for those not fluent in our Holy Tongue, as well as examples of tombstone inscriptions, etc.

“I have called this work **TOTZAOS CHAYIM**, the Issues of Life. I first published this at the outstanding press of Mr. Lehrberger in Roedelheim in 5612 (1852) and then a corrected, updated edition in 5622 (1862) with many additional Selichos. More than 5000 copies were printed and sold proving to me that my book has found favor with my people.

“This is the third printing, improved, expanded with additional commentary, and reedited. I have cleaned up this book two, three and four times until my soul was certain that it is thoroughly pure with no flaw or imperfection. Thank God who helped me.

“And you, my trusted people Israel, remove from among yourselves those other inarticulate prayers and may your mouths not cause your flesh to sin. Why anger God with your voices? Turn your minds to my book of which I toiled so much, not for greatness or glory, but only to elevate the grandeur of our prayers with clear, pure and proper language, and to remove all unintelligible and irrational prayers. Awaken and arise my people, take my blessing to your homes so that the Living God will hear your voices. He will remove from us all illness, keep us in good health, shine the light of Torah in our eyes and put His love in our hearts so that we may serve Him in truth all our lives, and so that it will be for good for us and our children, forever.

“May God grant me life and be my Helper, and I shall perform His Holy Service for the honor and exaltation of His Name,

Yitzchak ben Arye Yosef Dov  
Biebrich on Rhine, Tishrei 5632 (1871)

Fourth edition printed by Mr. Meyer Lehrberger, Roedelheim 25 Nissan 5654 (1894).”

# TOTZAOS CHAYIM – ISSUES OF LIFE

## 1. LAWS OF VISITING THE SICK (BIKUR CHOLIM)<sup>1</sup>

### a. THE OBLIGATION

It is incumbent<sup>2</sup> upon everyone<sup>3</sup> to visit those who are ill<sup>4</sup>, as we learn from Sotah 14a, “So says R’ Chammah bar Chaninah, ‘What is the

<sup>1</sup> This chapter is equivalent to Baer's 1894 edition of Totzaos Chayim, page 4.

<sup>2</sup> The Torah has obligated us to visit the sick.

Some Rishonim (e.g. the Bahag) enumerate Bikur Cholim as a Positive Torah Commandment learned from the verse *והלכת בדרכיו*, “And you shall go in His Ways” (Deut. 28:9). The Talmud also learns this from *אחרי ה' אלקיכם תלכו וכו'*, “And after God, your God, shall you follow” (Deut. 13:5). But, how is it possible to “follow after (lit. “walk with)” God?

The Talmud explains that this means that we must follow in His ways; just as God clothes the naked so, too, shall we clothe those in want of clothing, and just as God visits the sick so, too, shall we visit the sick.

Other Rishonim such as the Rambam, the Ramban and Rabbeinu Yona among others hold that Bikur Cholim is not an independent Mitzvah but a part of the Positive Commandment of *ואהבת לרעך כמוך*, “And you shall love your fellow as yourself” (Lev. 19:18), and as a part of the general obligation of *גמילות חסדים*, performing acts of loving-kindness.

Bikur Cholim is also a part of our requirement to support and sustain Jews.

Our Sages have also taught that just as we are obligated to return a lost object to a Jew as it says, *והשבותו לו*, “And you shall return it to him” (Deut. 22:2) one is duty-bound to return another Jew’s “lost body”. That is, we are obligated to do whatever we can to assure that Jews live, using both our money and “persons”. Money means providing financial assistance. Our “person” includes treating the ill and saving people from sickness by applying any medical knowledge we may have which could be of help.

In accordance with this, Bikur Cholim is a Positive Commandment from the Rabbis. See further Yikoroh d’Chiyyei – Laws of Visiting the Ill, Chapter 1.

There may even be times when Bikur Cholim is, in fact, a matter of *פיקוח נפש* – saving a life - and one who desists from visiting the ill would be in violation of the prohibition of *לא תעמוד על דם רעך* “Do not stand (idly) by the blood of your brother” (Leviticus 19:16). Rashi writes on this verse that this means, “He is dying, and you can save him”.

Just as one is required to save his fellow’s life, so too must he save his own. Therefore, one must be equally concerned with caring for his own health and physical welfare.

<sup>3</sup> Bikur Cholim is obligatory on all adult Jewish men and women and is applicable at all times, day or night, weekdays, Shabbos or Holidays, etc., in all places and in all circumstances.

We visit the non-Jewish ill for the sake of maintaining peaceful relations with them (YD 335:9).

<sup>4</sup> Baba Metzia 30b, MT HO 14:1, YD 335:1.

One does not make a Brochah upon performing the Mitzvah of Bikur Cholim (See Yikoroh d’Chiyyei 1:6).

# TOTZAOS CHAYIM – ISSUES OF LIFE

meaning of the verse “*After the Lord, your God, you shall walk*”? Is it possible for Man to ‘walk after’ the Holy Presence? Has it not already been said, “*God is a consuming fire*”<sup>5</sup>? Rather, this verse means, ‘Imitate the attributes of the Holy One, Blessed be He. Just as He clothes the naked, so shall you; just as He visits the ill, so shall you, and so forth’<sup>6</sup>.

We also find in Baba Metzia 30b that “Rabbi Yosef learned, ‘Where it says<sup>7</sup>, “*And you shall inform them*” refers to the house of the living<sup>8</sup>; “*of the way*” means loving-kindness, “*that they shall go*” means the Mitzvah of visiting the ill, etc.’”<sup>9</sup>

## b. PRAYING FOR MERCY

It is vital that visitors pray for mercy for the sick person, as this is what will restore him to life. This is as we learn from the following incident in Nedarim 39b<sup>10</sup>:

<sup>5</sup> Get too close to God, and you’ll be burned.

<sup>6</sup> Bikur Cholim is a great Mitzvah and one should be most prudent in its performance. Our Sages have enjoined us so, and have stressed the importance of this Commandment. They have also warned us of the great iniquity it would be to be lethargic in its performance, let alone to ignore it.

<sup>7</sup> Ex. 18:20. This is from Yisro’s insightful advice to his son-in-law Moshe.

<sup>8</sup> Rashi explains this to mean that Moshe should teach them a trade in order that they can support themselves.

<sup>9</sup> Anyone who visits a sick person “removes”, so to speak, a part of his illness – all in accordance with his participation in helping the ill.

Our Sages have said that a **בן גילו** (defined as either someone about the same age as the sick person or one born with the same horoscope - Rashi, Nedarim 39b) removes 1/60th (figuratively or, some say, literally) of the illness when he visits (YD 335:2, Taz ). This may be since the ill person has most delight from the visit of a **בן גילו**. However, in reality, every visitor is beneficial to him.

Midrash Shochar Tov (Tehillim 41) and Menoras HaMaor (Ner 3, Klal 8, Part 2, Chapter 2) write that R’ Elezar HaKefar said that one who does not come and visit adds 1/60th to the illness.

All this is said when the visitor loves the sick person, as he loves himself (Midrash Rabbah Vayikra 34:1, Midrash Shochar Tov, Tehillim 41).

<sup>10</sup> In our editions, this story appears on Nedarim 40a. See Shabbos 12b, MT Shabbos 24:2.

# TOTZAOS CHAYIM – ISSUES OF LIFE

“It once happened that one of Rabbi Akiva’s students took ill, and none of the Scholars came to visit. However, when Rabbi Akiva came to visit, he swept and washed the floors, and so he was revived. The man said to him, “Rabbi, you have restored me to life!” Rabbi Akiva went out and taught, “Anyone who does not visit the ill is considered a murderer”.

When Rabbi Dima came he said, ‘Anyone who visits the ill causes him to live, and anyone who does not visit the ill causes him to die. How does he cause this? For when he visits the ill, he prays for compassion for him so that he may live, etc.’”

## c. REWARD FOR VISITING THE ILL

The reward for visiting the ill is very great indeed, as it says in Shabbos 127a, “Rabbi Yehuda says, ‘Six things does a person eat the fruits of in this world, yet the principal remains for him in the World to Come, and these are they: hospitality to wayfarers, visiting the ill, etc.’”

It is stated in Nedarim 40a, “Says Rabbi Yehuda in the name of Shmuel, ‘Anyone who visits the ill is saved from the judgment of Gehinom, from the Evil Inclination, and from afflictions. Everyone will honor him, and he will be blessed with (good) friends like Naaman<sup>11</sup> had, etc.’”

## d. NO LIMIT FOR VISITING

We also learn on page 39b, “There is no limit to visiting the ill.<sup>12</sup> Even an adult must visit a child<sup>13</sup>, and even a hundred times a day, etc.”<sup>14</sup>

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<sup>11</sup> This is referring to the story in II Kings 5. Naaman, a Syrian general, was advised to see Elisha the Prophet in order to cure himself of leprosy. He heeded his friends’ counsel and was healed.

<sup>12</sup> Providing he does not become burdensome to the sick man. In fact, the more visits, the more praiseworthy (Nedarim 39b, MT HO 14:4, YD 335:2).

<sup>13</sup> The greatest of Israel are obligated to visit the smallest of the small of Israel (YD 335:2).

A man may visit a woman and a woman may visit a man as long as they are not alone together. A man may attend to and assist a sick woman such as help her up or help her lie down, etc. However, a man should not help a woman who has intestinal problems or similar because of the intimate nature of her condition. A woman may help a man who has stomach problems (YD 335:10).

# TOTZAOS CHAYIM – ISSUES OF LIFE

**It says in Sefer Chassidim 361, “If one has both poor and rich sick persons before him, and the multitude is going to visit the rich man to give him honor, then you should go to the poor man, even if the rich man is a Talmudic scholar. This is so since the many are with the rich man and no one is with the poor man. However, if a Torah scholar needs charity, as well as does another poor man, honor of the Torah takes precedence.”<sup>15</sup>**

---

One should not visit his enemy unless such a visit is arranged in advance and the visit will result in their coming to peace with one another. In this case, the visit would be constructive (Rama YD 335:2).

We do not visit someone who we know for sure spitefully violates even one Mitzvah of the Torah or we know is an idolater or a public desecrator of Shabbos or an informer. However, if we say that he is a **תינוק שנשבה** – one who was never exposed to Judaism and it can be assumed does not know of Jewish Law - or has sinned unwittingly, he is considered a Jew who we are obligated to visit.

Someone who telephones the ill only fulfills part of the Mitzvah inasmuch as the actual Mitzvah can only be performed in person when he can do all the aspects of Mitzvah of Bikur Cholim, as explained herein. However, whatever he does for the sick person is considered for his merit. Still, the first visit should be done in person (Minchas Yitzchak Part 2, Siman 84).

<sup>14</sup> One should train his children in the Mitzvah of Bikur Cholim and have them accompany him to visit the sick.

One who is actively engaged in the Mitzvah of Bikur Cholim is exempt from performing any other Positive Commandment because of the principle **העוסק במצוה פטור מן המצוה** – that one who is actively engaged in a Mitzvah, is exempt from performing another Mitzvah.

One who has to do both Bikur Cholim and comfort a mourner, and has time to do both, should do Bikur Cholim first (Rama YD 335:10). However, if he has to choose only one, he should comfort the mourner since this is an act of loving-kindness for both the living and the deceased. However, if there would be some particular benefit for the sick person by his visit, he should go visit the sick man.

One should not be concerned about missing a Torah lesson or miss the performance of another Mitzvah by doing Bikur Cholim as it says, **אשרי משכיל אל דל**, “Praiseworthy is he who contemplates the needy” (Psalms 41:2).

It is customary to give charity to the poor on behalf of the ill since “Repentance, Prayer and Charity remove the evil decree”.

<sup>15</sup> The order of whom to visit first when one is confronted with having to make a choice, follows these guidelines:

- a. A poor man who no one visits comes before a rich man who has many visitors.
- b. A Torah scholar precedes others, if both are in need of assistance.
- c. An ignorant, but God-fearing man takes precedence over a scholar who is not God-fearing.

# TOTZAOS CHAYIM – ISSUES OF LIFE

Now, if the scholar is not a God-fearing man, but the poor man, although uneducated, is God-fearing, then the latter takes precedence, as it says, *‘Fear of God precedes wisdom’*, and *‘honor the fearers of God’*. It also says regarding visiting a poor sick man, *“Praiseworthy is he who contemplates the needy, for on the day when evil comes, God will deliver him. God will preserve him and restore him to life. God will fortify him on the bed of misery...”* (Psalms 41:2-4).

## e. WHEN WE SHOULD VISIT

A sick person should not be visited during the first three hours of the day nor during the last three hours of the day<sup>16</sup>. This is in accordance with what we learn in Nedarim 40a, “Rav Shisha the son of Rav Idi says, ‘One should not visit a sick man neither during the first three hours of the day, nor during the last three hours of the day so that the visitor will have compassion for the ill. Should he visit him during the first three hours, the sick man might be feeling well after his night’s rest (so we may come to think that there is no need to pray for him), and in the evening he will be very weak (and we might think that our prayers won’t help).’”

It also says there that we do not visit someone who has an abdominal ailment so as not to cause him embarrassment nor someone with an eye problem or a headache because our visit would be a burden for him<sup>17</sup>. Therefore, we do not directly call on anyone who has any type of ailment which makes it difficult for him to talk with his visitors.<sup>18</sup> Rather, we just

<sup>16</sup> YD 335:4. Relatives and close friends who are accustomed to visit this man’s house should go visit right away, while others should wait at least until three days have elapsed before visiting, unless the man took ill suddenly under which circumstances all should go right away (TJ Peah 3:17, MT HO 14:5, YD 335:1).

One should only go after or by the third day, possibly so as not to worry the ill person into feeling that he is so sick that people have to visit him now or it may be too late (see Taz). He would not so feel with regard to relatives or the frequent visitor.

Some (Birkei Yosef YD 335:2, Orech HaShulchon YD 335:8) have written that these guidelines are not applicable today. Therefore:

- a. One may time his visit to the hospital when the doctors are not making their rounds or the patient is not being treated or being fed.
- b. If the visitor is busy and had no other time to visit, he may come whenever he can.

<sup>17</sup> It is a Mitzvah to visit someone even if they have a contagious disease, unless it is particularly dangerous.

<sup>18</sup> Nedarim 48a, MT HO 14:5, YD 335:8. The following persons are not visited directly:

- a. Someone with intestinal problems
- b. Someone who has bleeding problems

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go to an anteroom and inquire as to his welfare from there. We ask what we can do for him<sup>19</sup>, we listen to his distress, and we pray that God will have mercy on him.<sup>20</sup>

## f. HOW WE SHOULD CONDUCT OURSELVES WHEN VISITING THE ILL

We also learn in Shabbos 12b and Nedarim 40a that the visitor should not sit on upon the sickbed nor on a chair or stool.<sup>21</sup> Rather he should cover himself<sup>22</sup> and sit before the sick man since the Holy Presence hovers above the head of the ill person, as it says, “*God will fortify him on the bed of misery*”.

The Ran writes that this refers to a situation where the sick man is lying on the ground and the visitor would then be higher than the Shechina. So writes Tosefos in the first chapter of Shabbos, and so the Hagahos Maimoni at the end of the Laws of Mourning that when the sick person is lying on a bed, it is permitted to sit on a chair or stool; and so is the custom.

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- c. Someone who has an eye-illness
  - d. Someone suffering from headaches
  - e. Anyone for whom the visit would be burdensome.

The first two are not visited because of embarrassment. That is, they may have to take care of their intimate, personal needs and will be embarrassed to do so in the presence of a visitor. The second two are not visited because talking is difficult for them (YD 335:8).

Similarly, one should not visit someone totally unexpectedly, as a surprise, lest he be caught at some embarrassing moment.

Remember, visits should never be so long as to be detrimental to or a burden upon the patient.

<sup>19</sup> That is, what sort of assistance can he provide.

<sup>20</sup> Nedarim 10a, MT HO 14:5, YD 335:8.

<sup>21</sup> Visitors should not sit higher than the patient's head nor sit behind him, but at the same level as he. This is since the שכינה, God's Holy Presence, hovers above the sick man's head as it says, ה' יסעדנו על ערש דוי, “God will fortify him on the bed of misery (Psalms 41:4)” and the visitor would then be sitting higher than the שכינה (YD 335:3) See Totzaos Chayim.

The ideal way of performing the Mitzvah is for the visitor to enter the room with awe, and with an awareness of God's Holy Presence, and not turn from side to side.

The Rishonim wrote that this would mean that visitors should wear a Tallis with Tzitzis. The Achronim say that nowadays this means that visitors should dress as they would when going to synagogue.

<sup>22</sup> Maybe, to put a hat on, as a way of showing respect.

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## g. WHAT WE SHOULD SPEAK ABOUT

**When visiting a very sick person<sup>23</sup>, we discuss comforting matters<sup>24</sup> so that he will not be afraid or frightened. We tell him that he should listen to his doctor and to those who are attending to him. We also inquire if he has the finances to pay for his medical expenses, and similar matters<sup>25</sup>.**

<sup>23</sup> One who is very ill, that is, one who has been sick for three or more days or one whose illness came suddenly, should be instructed to prepare a will and set his affairs straight. He should be told not to fear death.

But really, our Sages have said that we do not speak to him of matters of life or death but, rather, we discuss with him practical matters, regarding his affairs and paying off his debts, etc. (YD 335:7). We ask, “Did you borrow or did you loan? Did you deposit something with someone or did someone deposit something with you? Do you have any untithed fruit? Which are first tithes and which are second tithes?” (Maseches Semochos).

In those communities where it is the custom, the very ill, that is, those who are dying, should be instructed to confess their sins and repent. However, in those places where it is not the custom to do so, we do not tell him to repent or tell him to set his affairs in order lest this cause him consternation, worry or weaken him. We must be very careful in this matter.

The gravely ill person should be instructed to forgive all those who sinned against him, whether in matters of money, deed or word. He should be told to ask for forgiveness from anyone against whom he sinned in matters of money, deed or word. If he has possession of someone else’s money, he should be told to arrange to return it. He should be told to ask to be relieved of any oaths he may have made. We tell him to quickly give charity.

Thus, if it is clear that he is about to die, we speak to him anyway about repentance. We say, “Repent and do not worry about it. For many have repented and did not die, while many have not repented and died. In the merit of your repentance, you may live. Everyone who repents has a portion in the World to Come.” Often, repentance relieves the sick man’s conscience and eases his acceptance of the stringency of the Heavenly judgment that has been decreed for him.

<sup>24</sup> With judgment and tact. We should neither encourage him with false hopes nor depress him with words of despair (Hamadrikh). See KSA 153:5.

<sup>25</sup> An essential element of the Mitzvah of Bikur Cholim is to inquire into the needs of the ill person and ask what can be done to help him (TJ Peah 3 17d; MT HO 14:5; YD 345:1).

The actualization of this Mitzvah is to:

- a. Help the sick person with his physical needs, including his medicinal needs, food, hygiene, helping him repay debts, etc.
- b. Help him pay his medical expenses.
- c. Help with his spiritual needs. This includes prayer, repentance, giving charity, etc., and,
- d. Pray to God for mercy for the ailing person.

Visitors must take interest in the welfare and needs of the ill. This means that they must inquire into his medical treatment, arrange his bed, check into matters of hygiene and cleanliness, and anything else which would ease his condition.

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Once we have bolstered his spirits, we speak with him, at his level, telling him that although he is in no danger, we should take heed to what our Sages (Shabbos 32a) have told us, that a person should always request mercy so that he not become ill. But if he does fall ill, we say that he should draw on his (accumulated) merits, and he will be discharged, as we learn with Mar Ukva who explains the phrase ‘*if the fallen one falls from it* (ממנו)<sup>26</sup>’ (Deut. 22:8).

Therefore, the first thing we tell him is to be in awe of God<sup>27</sup>. We tell him to resolve to do some matter of good when he becomes well, but that he should be very moderate in this matter lest he accept upon himself something so difficult that he will never be able to accomplish it in his lifetime. In such a case, it would be better for him not to make such a pledge at all than to make a pledge he cannot fulfill.

The visitor should then offer him good advice and say something like, “I came here to counsel you, and may God be with you. Even though you are in no danger, nevertheless, ‘*Happy is the man who is in constant fear (of Heaven)*’. Consider your affairs. Maybe you lent money to someone or deposited something with someone, and you have as yet recorded this matter; or maybe others lent you money or deposited something with you? Surely you are aware that our Sages have taught, ‘Yom Kippur does not atone for sins between man and his fellow man, until he placates his friend!’<sup>28</sup>”

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Visitors should take particular interest in the quality of his food and that he is being fed on time. In fact, feeding the ill takes precedence over giving normal charity to the poor (See Yikoroh d’Chiyyei 3:4).

<sup>26</sup> The verse refers to the Mitzvah of building a parapet on our roofs. The word ממנו can be read ‘from it’ or ‘from him’. In the first reading, the verse would refer to the roof, but Mar Ukva reads “from him” to mean that the fallen man has to find merit ‘from himself’ in order to convince Heaven that he is worth saving.

<sup>27</sup> We should speak intelligently with him, and with tact, neither giving him false hope nor cause him to despair (KSA 193:5).

<sup>28</sup> See para. 1.3 below.

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“Rava also said (Shabbos 31) that at the hour a man is brought to his (Heavenly) Judgment he is asked, ‘Were you trustworthy<sup>29</sup> in your business dealings? Did you fix times to learn Torah? Did you beget children? Did you anticipate the final Salvation? Did you argue intelligently<sup>30</sup>? Did you understand one matter from another? Even so, if you (only) feared God, you have amassed for yourself a treasure. However, if you did not fear Him, you do not have this.

“Therefore, consider that you should not cause anyone else a loss nor you should lose due to others. You, yourself, should pay back your creditors now, and do not rely on your family to do so. If you oppressed someone or stole something or you have until now denied that you owe someone something, now is the time to repay your debts, even if much time has passed. Do not be afraid to embarrass yourself by this for it is better that you cause yourself great humiliation in this World than small shame in the World to Come; for the first matter you will be asked about is if you dealt honestly in business.

“Maybe you sinned against someone out of anger or during a quarrel or you deceived him or shamed him or libeled him, Heaven forbid? If this is so, send someone to them to ask for forgiveness. If they are distant from you, then ask for forgiveness in front of three people. Since Israel is a holy people, surely they will forgive you.

“In the same way, you should forgive those who caused you embarrassment, as it says, ‘*He carries off sin and passes over iniquity*’. Who is the one who carries off the sin? It is the One who passes over the iniquity (Rosh Hashanah 17a).”

These and similar things should be spoken about with the sick man in order that he will be strengthened by them and take note of his affairs, admit to his sins and correct his ways. This way he will be uncontaminated by sin and come in a pure state before the Creator.<sup>31</sup>

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<sup>29</sup> I.e. honest

<sup>30</sup> Maybe, “Did you discuss matters rationally?”

<sup>31</sup> Visitors should make sure that the ill person is never left alone. If need be, friends and neighbors should organize themselves in shifts so as to assure that the sick person has someone with him at all times.

The essence of the Mitzvah of Bikur Cholim is to see to it that the sick person is made to feel comfortable. Therefore, visitors should tell him stories which make him happy or discuss matters which divert his attention, and things which make him laugh.

# TOTZAOS CHAYIM – ISSUES OF LIFE

## h. PRAYING FOR THE ILL

The visitor must offer a prayer for the sick person in order to fulfill his religious obligation of Visiting the Ill.<sup>32 33</sup>

He may pray in any language he so wishes. The visitor's prayer must include the sick man along with 'all the sick of Israel' and say, "May God have mercy on you among the sick of Israel", as it says in Shabbos 12, "The Rabbis have taught, 'One who visits the sick on the Sabbath says, 'Shabbos is not for crying out, but healing shall come soon'".<sup>34</sup> Rabbi

Still, a Mitzvah is performed even if one keeps silent or visits someone who is sleeping because when he learns of the visit he will be comforted.

We do not inform a sick person about the death of a relative if this will cause him consternation and anguish. We do not cry over or eulogize the deceased before him. We silence those who come to comfort the sick man "because of his loss".

<sup>32</sup> YD 335:4 Rama, KSA 193:3. A visitor who fails to ask for mercy (i.e. pray) for the sick man has not fulfilled the Mitzvah, for praying is at the core of the Law of Visiting the Sick.

Sefer Chassidim (753) writes that from the principle of **כל ישראל ערבים זה לזה**, "All Israel are guarantors one for another", we may deduce that when one Jew is in distress, we are all to feel his sorrow. One who fails to pray is a sinner.

Maharil Diskin would pray for the sick with such a warm heart that tears would fall from his eyes when he mentioned the name of the ill person.

The essential text for praying for the sick is:

**"May God have mercy upon you among the sick of Israel".**

It is important to include this ill person among the sick of Israel since a prayer for the many is (surely) heard in their merit (YD 335:6).

If the sick man is lying before you, there is no need to mention his name. But if the sick man is not in front of you, his name should be mentioned in the prayer. It is the custom to add his mother's name as well.

On a weekday and when in front of him, visitors may pray in any language that he understands, unless this would weaken him, in which case one should pray silently or go outside the room and pray. But when not before him, one should pray for the sick man in Hebrew (YD 335:5). The Shach explains that since God's Holy Presence, the **שכינה**, hovers above the head of the ill, one may pray in any language, for God understands all languages. However, when not in the presence of the ill, we need the ministering angels to carry our prayers to God and they don't understand any language but Hebrew.

<sup>33</sup> See below.

<sup>34</sup> As there are a great number of issues regarding visiting the ill on a Shabbos or Yom Tov, we shall only touch on only a couple of them here.

One may visit the ill on Shabbos, except that one does not say, **המקום ירחם עליך וכו'**, "May God have compassion on you, etc." as one would do on a weekday since this may cause the sorrow or crying which is forbidden on Shabbos (YD 335:6, and Shach there). Rather one says, **שבת (יו"ט) היא מלועוק ורפואה קרובה לבוא** and some add, **ורחמיו מרובים**

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Meir says, “May Shabbos heal by its own merit<sup>35</sup>” Rabbi Yehuda says, “May God have mercy on you, and the sick of Israel”. Rabbi Yosse says, “May God have mercy on you among the sick of Israel, while Shevna of Jerusalem says, “When you enter say Shalom, and when you leave (on Shabbos) say Shabbos He Milizok, etc.”

Rabbi Chanina asked, “Who said that one who has a sick person at home must include him with the sick of Israel?” It is Rabbi Yosse. Rashi explains the phrase “among the sick of Israel” to mean that since we include him with others, his prayer will be heard due to the merit of the others.

In synagogue<sup>36</sup>, the Sefer Torah is taken in hand and the Mi Shebeirach prayer is said. The Torah is then returned to the Ark and Psalms 30 and 41 are recited followed by Kaddish Yosom (the Orphan’s Kaddish). On Shabbos, a different prayer text is used.

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**ושבתו בשלום** which basically means, “Although we must not cry out for the ill on Shabbos (or Yom Tov), nevertheless, healing will come soon in the merit of Shabbos”. The sick person will then feel comforted even without prayer, as one would on a weekday.

We do pray for and beseech God on behalf of the dangerously ill on Shabbos, and we change his name then, too.

<sup>35</sup> In the merit of your having observed its Laws.

<sup>36</sup> Totzaos Chayim p.48ff. It is customary to pray for the ill in synagogue and ask mercy for him during the Torah Reading since it is then that God’s Compassion is aroused (Rama YD 335:10).

It is proper to ask a rabbi to pray for the sick of one’s household (Rama YD 335:10) as it says, **חמת מלך מלאכי מות ואיש חכם יכפרנה**, “The king’s wrath is like angels of death, but the wise man will appease it” (Proverbs 16:14).

One should pray for someone even if it doubtful that this person is still alive since it can be assumed that most people who have been (recently) ill are still alive.

In the event of an epidemic, a public fast should be declared.

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## Prayers for the Ill

וְהִסִּיר יְהוָה מִמֶּךָ כָּל-חֲלִי וְכָל-מַדְוֵי מִצְרַיִם הַרְעִים  
אֲשֶׁר יָדַעְתָּ לֹא יִשְׂמְךָ בְּךָ וְנִתְּנָם בְּכָל-שְׁנֵאֵיךָ: וַיֹּאמֶר  
אִם-שָׁמָּוּעַ תִּשְׁמַע לְקוֹל יְהוָה אֱלֹהֶיךָ וְהִיָּשֵׁר בְּעֵינָיו  
תַּעֲשֶׂה וְהִיאֲנִי לְמִצְוֹתָיו וְשִׁמְרָתְךָ כָּל-חֻקָּיו כָּל-תְּמַחֲלָה  
אֲשֶׁר-שָׂמְתִי בְּמִצְרַיִם לֹא-אֲשִׁים עֲלֶיךָ כִּי אֲנִי יְהוָה רַפְאֵיךָ:  
בּוֹרֵא נֵב שְׁפָתַיִם שְׁלוֹם לְרַחֵם לְרַחֵם וְלִקְרוֹב  
אָמַר יְהוָה וּרְפָאתָיו:

ובסיומא טמנו יחמר: ביי"ט וועגנעהטן פֿתן קרמנקטן ימגע זמן:  
הַמְּקוֹם יִשְׁלַח לְךָ רְפוּאָה שְׁלֵמָה בְּמַהְרָה עִם-כָּל-  
שְׂאֵר חוֹלֵי עַמּוֹ יִשְׂרָאֵל:

ובשבת וי"ט יחמר זה כלליתו מן חג שבת וי"ט יחמר חג שבת וי"ט יחמר חג שבת  
החולה:  
שְׁבֶת הִיא (יזם טוב הוא) מְלֻעָוֶק וּרְפוּאָה קְרוּבָה לְבוֹא  
וְשָׁבְתוּ בְּשָׁלוֹם:

*“And the Lord will take away from thee all sickness; and He will put none of the evil diseases of Egypt, which thou knowest, upon thee, but He will lay them upon all them that hate thee. And He said, “If thou wilt diligently hearken to the voice of the Lord thy god, and wilt do that which is right in His eyes, and wilt give ear to His commandments, and keep all His statutes, I will put none of the disease upon thee, which I have put upon the Egyptians; for I am the Lord that healeth thee.”*

**On weekdays say:**

*“May the Omnipresent have mercy upon thee and send thee a perfect cure among all the sick of Israel”*

**On Shabbos and Holidays say:**

*“(Although) today is the Sabbath (Festival), and we are forbidden to cry out, (know that) a cure is close at hand, because His mercy is abundant; so rest peacefully.”*

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From Hamadrikh:

## טז. תפלה להתפלל בעד החולה

כשמתפללים בעד החולה, טוב שיהיו עשרה כדי שיאמרו קדיש, ואומרים מזמורי תהלים אלו: פרק כ, כג, כז, ל, לא, לב, מא, פח, פט, קב, קכא, קל. ואחר כך יאמרו בתמניא אפי ממזמור קיט כל הפסוקים משמו של החולה, כגון אם שמו יעקב יאמרו הפסוקים י, ע, ק, ב, ואחרי כן יאמרו כל פסוקי האותיות „קרע שטן“ בתמניא אפי, ואחר כך יאמרו תפלה זו:

יְיָ יְיָ, אֵל רַחוּם וְחַנוּן, אֲרַךְ אַפַּיִם וְרַב חֶסֶד וְאַמֶּת,  
נוֹצֵר חֶסֶד לְאַלְפִים, נִשְׂא עוֹן וּפְשַׁע וְחַטָּאָה וְנִקְיָה:  
לֵךְ יְיָ הַגְדֵּלָהּ וְהַגְבוּרָה וְהַתְּפַאֲרָתָהּ וְהַנְּצִיחַ וְהַהוֹד, כִּי  
כָל בְּשָׂמַיִם וּבְאָרֶץ. לֵךְ יְיָ הַמְּלִכָהּ, וְהַמְתַּנְשֵׂא לְכָל  
לְרֹאשׁ. וְאַתָּה, בְּיַדְךָ נַפְשׁ כָּל חַי וְרוּחַ כָּל בָּשָׂר אִישׁ,  
וּבְיַדְךָ כַּחַ וְגִבּוּרָה לְגַדֵּל וּלְחַזֵּק, וּלְרַפֵּא אָנוּשׁ עַד  
דְּכָא, עַד דְּכְדוּכָהּ שֶׁל נַפְשׁ. וְלֹא יִפְלֵא מִמֶּךָ כָּל  
דְּבָר, וּבְיַדְךָ נַפְשׁ כָּל חַי. לְכֵן יְהִי רְצוֹן מִלְּפָנֶיךָ,  
הָאֵל הַנְּאֻמָּן, אֲב הַרְחָמִים, הָרוֹפֵא לְכָל תַּחֲלוּאֵי  
עַמֶּךָ הַקְּרוּבִים עַד שְׁעָרֵי הַמָּוֶת, וְהַמְחַבֵּשׁ מְזוּר  
וְתַעֲלֵה לִידֵידֵינוּ, וְהַגּוֹאֵל מִשַּׁחַת חֲסִידֵינוּ, וְהַמוֹצִיא  
מִמָּוֶת נַפְשׁוֹת עֲבָדֵינוּ, אַתָּה רוֹפֵא נְאֻמָּן, שְׁלַח מִרְפָּא  
וְאַרוּכָה וְתַעֲלֵה, בְּרוּב חֶסֶד וְחַנּוּנָה וְחַמְלָה, לְנַפְשׁ

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(פלוני בן פלונית; לנקבה: פלונית בת פלונית), לרוחו לנפשו  
האומלל (לנקבה: לרוחה לנפשה האומלל), ולא  
תַרד נפשו (נפשה) לשאלה, ותמלא רחמים עלי  
(עליה), להחלימו ולרפאו, להחזיקו ולהחיותו  
(להחלימה ולרפאותה, להחזיקה ולהחיותה), כרצון  
כל קרוביו ואוהביו (קרוביה ואוהביה), ויראו לפניך  
זכותי וצדקותי (זכותיה וצדקותיה), ותשליך  
במצולות ים כל חטאתי (חטאתיה), ויכבשו רחמיך  
את כעסך מעלי (מעליה), ותשלח לו (לה) רפואה  
שלמה, רפואת הנפש ורפואת הגוף, ותחדש כנשר  
נעוריו (נעוריה), ותשלח לו (לה) ולכל חולה מרפא  
ארוכה, מרפא ברכה, מרפא תרופה ותעלה, מרפא  
חנינה וחמלה, מרפא רחמים ושלום וחיים ואורך  
ימים ושנים. ויקים בו (בה) מקרא שכתוב על ידי  
משה עבדך נאמן ביה, ויאמר, אם שמוע תשמע  
לקול יי אלהיך, והישר בעיניו תעשה, והאונת  
למצותיו, ושמרת כל חקיו, כל המחלה אשר שמת  
במצרים לא אשים עליך, כי אני יי רופאך. ועבדתם  
את יי אלהיכם וברך את לחמך ואת מימך, והסירותי

# TOTZAOS CHAYIM – ISSUES OF LIFE

מחלה מקרבה. לא תהיה משפלה ועקרה בארצה, את מספר ימיה אמלא. והסיר יי ממך כל חולי וכל מדוי מצרים הרעים אשר ידעת, לא ישימם בך; ונתנם בכל שנאיה. ועל ידי עבדיך הנביאים כתוב לאמר, ואכלתם אכול ושבוע, והללתם את שם יי אלהיכם אשר עשה עמכם להפליא, ולא יבושו עמי לעולם. דרכיו ראיתי וארפאהו, ואנחהו, ואשלם נחומים לו ולאביו. בורא ניב שפתים, שלום שלום לרחוק ולקרוב, אמר יי, ורפאתיו. ונרחק לכם, יראי שמי, שמש צדקה ומרפא בכנפיה. או יבקע כשחר אורח, וארוכתה מהרה תצמח. רפאנו יי ונרפא, הושיענו ונושעה כי תהלתנו אמה, והעלה רפואה שלמה לכל מכות עמך בית ישראל, ובפרט ל(פב"פ), רפואה שלמה לרמ"ח אבריו (אבריה) ושס"ה גידיו (גידיה), לרפא אותו (אותה) כחזקתה מלך יהודה מחליו וכמרים הנביאה מצרעתה, בשמות הקדושים היוצאים מפסוקים של שלש עשרה מדותיה. אל נא רפא נא ל(פב"פ) להקים אותו מחליו (אותה מחליה), ולהאריך עוד ימי חייו (חייה), כדי שיעבוד (שתעבוד) אותך באהבה וביראה, ותתן לו (לה) חיים של רחמים, חיים של בריאות, חיים של שלום, חיים של ברכה, כדכתיב, כי ארך ימים ושנות חיים ושלום יוסיפו לך, אמן סלה.

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Many prayers were composed and many Psalms designated as those one should say for the ill. Psalms<sup>37</sup> to be recited<sup>38</sup> are as follows:

**20, 6, 9, 13, 16, 17, 18, 22, 23, 25, 30, 31, 32, 33, 36, 38, 39, 41, 49, 55, 56, 69, 86, 88, 89, 90, 91, 102, 103, 104, 107, 116, 118, 142, 143, and 128.**

These are followed by all verses which begin with the letters of the person's name from Psalm 119. Thus, if his name was יעקב say all verses beginning with the letter (י) followed then by (ע) then (ק) and (ב). Follow this by reciting all verses beginning with the letters קר"ע שט"ן. The Ark is then opened, the thirteen Attributes of God are recited- ה' ה' א-ל רחום וחנון - followed by other prayers.

It<sup>39</sup> is good to teach some lessons from the Mishnah followed by a short prayer<sup>40</sup> in the home of a sick person.

If<sup>41</sup> someone has a headache or feels ill in one of his limbs or organs or his wife or children fall ill or he is troubled whether with his health or his finances, (sensing that) Heaven has aroused judgment with him, he should recite a special prayer<sup>42</sup>.

It<sup>43</sup> is beneficial that a sick person recite Psalms 4 - למנצח בגינות מזמור - לדוד ה' אורי וישעי וכי' - 27 and לדוד.

<sup>37</sup> Totzaos Chayim p.38.

<sup>38</sup> Baer writes that these 36 Psalms are to be recited in synagogue with a Minyan, verse by verse, responsively, Chazan and congregation.

<sup>39</sup> Totzaos Chayim p.34.

<sup>40</sup> See Totzaos Chayim, p.34.

<sup>41</sup> Totzaos Chayim p.10ff.

<sup>42</sup> See Totzaos Chayim p.10ff.

<sup>43</sup> Totzaos Chayim p.20.



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all agree that) in case of danger to life, we pray for him even on Shabbos.”<sup>47</sup>

## I. ADDING A NAME<sup>48</sup>

It is also the custom when praying for a (very) sick person to add a name as we learn in Rosh Hashanah 16b<sup>49</sup>, “Rabbi Yitzchok says, ‘Four things annul a person’s judgment: charity, prayer, changing the name<sup>50</sup> and changing one’s deeds.’” The (new) name<sup>51</sup> should be one which instills in our hearts His love and fear and unreserved service. Then it will be fulfilled for us that, “*All those illnesses which I delivered upon Egypt will not be sent to you, for I am God your Healer*”.

When adding a name, recite all the Psalms said for an ill person, take a Sefer Torah from the Ark<sup>52</sup>, open it, and the first name of one our patriarchs we find will be that man’s new name from now on.

The Sefer is returned to the Ark. The Ark is re-opened and we recite, ה' ה' וכו', and we use his original name. We then recite another prayer<sup>53</sup>. Everyone present should commit themselves to give charity for the welfare of the sick man and say, “Charity saves from death”.

## m. REDEEMING THE SOUL<sup>54</sup>

One should take coins in hand, of any denomination, as many as he can, and only with proper religious intent. The total value of the coins must equal the numerical value of the sick person’s name. Thus, if his name was יעקב, he should take coins equal to 182 (e.g. Shekels) or for רחל,

<sup>47</sup> We pray for and beseech God on behalf of the dangerously ill on Shabbos, and we change his name then, too.

<sup>48</sup> Totzaos Chayim pp.8 and 44ff.

<sup>49</sup> Also Ta'anis 15a. One who is dangerously ill should have his name changed, for by so doing his judgment may be “torn up”. So we have found with our forefather Abraham who could only sire children after his named was changed.

<sup>50</sup> With a new name, he changes his identity and fate. He is a now a different person who can begin his life anew.

<sup>51</sup> The original can also be read, “May Hashem (God) place in our hearts His love....”.

<sup>52</sup> Or a Chumash. Hamadrikh p.103.

<sup>53</sup> See Totzaos Chayim p.44.

<sup>54</sup> Totzaos Chayim p.52

# TOTZAOS CHAYIM – ISSUES OF LIFE

238 (Shekels). The money is then divided into seven parts<sup>55</sup> and distributed to the poor<sup>56</sup>.

Other methods of Redeeming the Soul in accordance with the Kabbalah can be found in Sefer HaShla and Sefer Shomer HaBris.

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<sup>55</sup> Corresponding to the seven punishments written in the Torah.

<sup>56</sup> Praying that this will be a redemption for the soul of the sick man, and for his healing.

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## Adding (Changing) a Name

### שְׁנוֹי הַשֵּׁם •

גרסינן ב"ה דף ע"ז ע"ב, חטר רבי יצחק ד' דברים מקרעין גזר דינו של אדם, חלו הן, נדקה, לעקה, שני השם, ושני טעמה. על כן אם רוצים לשנות את שמו של החולה לזמנים תחלה כל מוטרי תהלים הנרשעים לעיל כתפלה על החולה, ואח"כ לוקחים ס"ח ען הארון הקדש ופותחים אותה והשם הראשון טעמות אבותינו שמואלים נה, בו יקראו את החולה מכיום ההוא והלאה. ועוזרין ס"ח לארון ופותחין הארון ולזמנים התפלה ללעיל ה' ה' אל וכו' עד ושלום יוסיפו לך, ויזכירים נה את החולה עוד בשמו הראשון. ואח"כ מוסיפים עוד:

לזכר.

לנקה.

וְאִם אֵם נִגְזַר עָלָיו בְּבֵית	וְאִם אֵם נִגְזַר עָלֶיהָ בְּבֵית
דִּינָהּ הַצָּדִק מִיָּתֶהּ שְׂיָמוּת	דִּינָהּ הַצָּדִק מִיָּתֶהּ שְׂיָמוּת
מִחֲלֵי זָרָה הִגְדָּה רַבּוֹתֵינוּ	מִחֲלֵי זָרָה הִגְדָּה רַבּוֹתֵינוּ
הַקְּדוֹשִׁים אָמְרוּ שְׁלֹשָׁה	הַקְּדוֹשִׁים אָמְרוּ שְׁלֹשָׁה

דברים קורעים גזר דינו של אדם ואחד מהם הוא שני השם ששני השם של החולה. וקמני דבריהם ונשתנה שמו כי אחר הוא ואם על (פלוגי ויכיר עס הראשון של החולה) נגזר הדין. על (פלוגי ויכיר בשני השם) לא נגזר לכן אחר הוא ואינו הוא הנקרא בשם הראשון. וכמו שגששתנה שמו בן ישפתנה הנגזר מעליו מדין לרמזים ומכמותה לחיים וממחלה לרפואה שלמה לפי"ס בשם כל השמות הכתובים בספר התורה וזה וקשם כל המלאכים הממנים על כל הרפואות והצלוח תשלח מהרה רפואה

לזכר.

לנקה.

שְׁלֵמָה לִפְנֵי הַקָּדוֹשׁ	שְׁלֵמָה לִפְנֵי הַקָּדוֹשׁ
יָמֵי וְשָׁנֵי בְּנֵי יָמֵי	יָמֵי וְשָׁנֵי בְּנֵי יָמֵי
וְיָבֵלָה כְּשֵׁם יָמֵי קָרִב	וְיָבֵלָה כְּשֵׁם יָמֵי קָרִב
עַד וְשָׁלוֹם מִשְׁתַּדָּה וְעַד	עַד וְשָׁלוֹם מִשְׁתַּדָּה וְעַד
עוֹלָם. אָמֵן סְלָה:	עוֹלָם. אָמֵן סְלָה:

ואח"כ הרב זו החזיק שנקבל יערך את החולה ויזכרו בשמו הטובה ויאמר:

" מי שברך אבותינו אברהם יצחק ויעקב שרה רבקה

לזכר.

לנקה.

רַחֵל וְלֵאָה הֵיא וְיָבֵרָה אֵת	רַחֵל וְלֵאָה הֵיא וְיָבֵרָה אֵת
הַחֹלָה פְּלוּגִית בְּעֵבֹר	הַחֹלָה פְּלוּגִית בְּעֵבֹר
שְׁכַל־הַקָּהֵל הַזֶּה גְּדַר . . . .	שְׁכַל־הַקָּהֵל הַזֶּה גְּדַר . . . .

(\*) נ"ק לא יאטרו התפלה כלל, רק מי שברך לכו ד' פעמים כפתיחת הארון. ג' פעמים ראשונים מוכרים זו את החולה בשמו הראשון וכמעט הד' מוכיח אותו בשמו החדש.

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לזכר.	לנקה.
לְצַדִּיקָהּ בְּשִׁכְרָהּ וְהָ הַקְדוֹשׁ	לְצַדִּיקָהּ בְּשִׁכְרָהּ וְהָ הַקְדוֹשׁ
בְּרוּךְ הוּא יִמְלֵא רַחֲמָיו	בְּרוּךְ הוּא יִמְלֵא רַחֲמָיו
עָלֶיהָ לְהַחֲלִימוֹ לְרַפְאוֹ	עָלֶיהָ לְהַחֲלִימוֹ לְרַפְאוֹ
וְלַחֲזֹקוֹ וְלַחֲלִיפוֹ	וְלַחֲזֹקוֹ וְלַחֲלִיפוֹ
וְלַחַיּוּתוֹ וְלַשְׁלוֹם לוֹ	וְלַחַיּוּתוֹ וְלַשְׁלוֹם לוֹ
וְלְכָל־שְׂאֵר חוּלֵי יִשְׂרָאֵל מִהֲרֵה רַפְאוֹה שְׁלָמָה מִן־	וְלְכָל־שְׂאֵר חוּלֵי יִשְׂרָאֵל מִהֲרֵה רַפְאוֹה שְׁלָמָה מִן־
הַשָּׁמַיִם רַפְאוֹת הַנְּפֶשׁ וְרַפְאוֹת הַגּוּף וְאֲרֵךְ יָמָיו	הַשָּׁמַיִם רַפְאוֹת הַנְּפֶשׁ וְרַפְאוֹת הַגּוּף וְאֲרֵךְ יָמָיו
וְשָׁנָיו טוֹבִים. אָמֵן:	וְשָׁנָיו טוֹבִים. אָמֵן:

כל מי שיטעוד על גבו יתן דבר טה לניקה כטעוד החולה ויאמר נפה טלה

צַדִּיקָהּ תִּצֵּל מִפְּטֵהּ.

*“Even if it were against him (her) by Thy righteous Court that he (she) die of his (her) present illness, lo, our holy Rabbis said that three things cause an evil decree passed on man to be cancelled, one them being the change of the sick person’s name. We fulfilled what they said and his (her) name was changed, and it is a different person. If the decree was passed on..., but on... it was not passed, for it is now someone else that is not called by the former name. As his (her) name was changed, so may the evil decree passed on him (her) be changed from law to mercy, from death to life, from illness to a perfect cure to..., son (daughter of... In the name of the persons mentioned in this Holy Book, and in the name of Thy angels that bring healing and relief, send Thou speedily a perfect cure to ..., son (daughter) of..., and prolong Thou his (her) days and years with health. May he (she) spend his (her) days in good health and peace, from now and henceforth. Amen. Selah.”*

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## 1.1 THE ABRIDGED HAVINEINU PRAYER<sup>57</sup>

One who does not have the strength (due to illness) to pray the normal Service, may pray a shorter version of the usual weekday Shmone Esrei called Havineinu<sup>58</sup> wherein the middle thirteen blessings have been condensed into one short paragraph, beginning with the word Havineinu, although the first and last three blessings remain the same as usual.

## 1.2 A SICK PERSON SHOULD BLESS HIS CHILDREN<sup>59</sup>

It is proper for a sick person to bless his children before his death<sup>60</sup>. He should first wash his hands, place his hands on their heads, and bless them.

He should implore them with good and correct things and not vexing matters, in order that they accept his words. However, what he wants them to do first, he should say last. Above all, he should command them that they go in the Way of God, as it says with Abraham, “*So that you shall know Him*”. He ordered his children and his household to observe the Ways of God, to perform acts of charity and righteousness, in order to bring about to them what God promised him (Abraham).

We learn from this verse that a person is obliged to command his children regarding the Way of God before his death, for it may be when they come to remember their father’s intentions and directives they will steer clear from evil and overcome their improper impulses.

It is considered that anyone who leaves behind a righteous son is as if he did not die as it says, “*That God shall bring to Abraham*”, and it does not say, “*to the house of Abraham*”. We found the same with Jacob who blessed and reprovved his children before his death, and so with Moses our Teacher who rebuked Israel before his death and blessed them, and Joshua, Samuel the Prophet, and David with Solomon his son, who all did the same.

<sup>57</sup> Totzaos Chayim p.22.

<sup>58</sup> This prayer can be found in many Siddurim, and Totzaos Chayim pp.22-28. It can only be said on a regular weekday, weekday Rosh Chodesh, Chol HaMo'ed, Chanuka and Purim.

<sup>59</sup> Totzaos Chayim p.62.

<sup>60</sup> This prayer is similar to the one with which we bless our children on Friday nights but with the addition of one verse:

ונחה עליו רוח ה' רוח חכמה ובינה רוח עצה וגבורה רוח דעת ויראת ה'.

See Totzaos Chayim, p.62.

# TOTZAOS CHAYIM – ISSUES OF LIFE

He should caution his children about all matters and inform them how they are to divide their inheritance amongst themselves in such a way so as to avoid dispute and arguments after his death. Everything should be done in accordance with our religion<sup>61</sup> and the Torah.

If he knows of a specific sin he committed, he must confess it. However, confession is not effective with a sin he committed against another person until he appeases that person and requests forgiveness<sup>62</sup>.

## 1.3 CONFESSION BEFORE ONE'S DEATH – VIDUY<sup>63</sup>

If we see that someone is about to die, we tell him, “Confess your sins.”<sup>64, 65</sup>

<sup>61</sup> I.e. the Halacha.

<sup>62</sup> Totzaos Chayim p.30. Totzaos Chayim records the order of confession for a sick person on pages 30-34.

<sup>63</sup> Totzaos Chayim pages 30ff, 58, 64, and 70.

<sup>64</sup> Shabbos 32a, Sifri Bamidbar 5:6, MT Hilchos Teshuva 1:1, YD 338:1.

<sup>65</sup> This should be done tactfully. We tell him not to fear confessing because many have confessed and lived, while others failed to confess and died. Anyone who confesses has a share in the World to Come (Sahhedrin 43b, MT Hilchos Teshuva 1:1; YD 338:1). If he cannot confess verbally, he should do so mentally and say **תהא מיתתי כפרה על כל עוני** “May my death be an atonement for all my sins”. If he so desires, he may make a lengthier confession, such as the confessions recited on Yom Kippur like **על אשמונו** and **על חטא** to the end of **עלינו לשבח**, **ברוך שם כבוד מלכותו, עלינו לשבח**, **שמע ישראל**, until **מתחת אין עוד** and **אמת ויציב** until **עזרת** (see Hamadrikh p.106).

The order of the Repentance for one on his deathbed is as follows (in accordance with YD 338:2):

“I hereby acknowledge before God, the God of my fathers, that my healing and my death are in Your Hands.

May it be Your Will that You provide me with a complete healing. But, if I should die, may my death be an atonement for all my sins, iniquities and misdeeds that I may have committed before You.

May my portion be in Gan Eden and that I shall merit the World to Come which awaits the righteous.”

The Kol Bo adds that if wishes, he may add the traditional **וידי**, confessional prayer, as is found in the Yom Kippur service.

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The man must first ask for forgiveness from anyone against whom he sinned, whether by word or deed. He should also forgive all those who sinned against him. He then washes his hands while wearing his Arba Kanfos<sup>66</sup> and belt, and recites a short confession<sup>67</sup>, although it is best if the first time someone else says it and he responds, after-which he can repeat it by himself as often as he wishes.

If a person senses that he is dying, he should give himself up with love of Heaven. He should praise and thank His Name that he merited death on his bed. He should recount God's compassion that He granted him from the day he was born until this day. He should set his mind and thoughts on the World to Come, and pray<sup>68</sup>.

After this, he should stretch out his arms and legs, making sure that no limb protrudes off the bed when he dies<sup>69</sup>. He should have in mind the love of God until all his senses have passed, and that his soul depart at the word **אחד**<sup>70,71</sup>.

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One who does not know how to repent should be instructed to simply say,

**“May it be God's Will that my death be an atonement for all my sins”.**

Now, none of the above is to be told to the ignorant, women or children lest they cry and their hearts break.

We try to teach the sick how to pray and ask for mercy. We teach them how to accept the Heavenly Decree and afflictions.

We do not discuss the matters of his sins. Rather, the sick man himself may remind himself of them in order to repent.

<sup>66</sup> i.e. his Tallis Kotton or Lahptzedekel.

<sup>67</sup> See Totzaos Chayim pp.58 and 60.

<sup>68</sup> See Totzaos Chayim, pp.64ff. Totzaos Chayim lists eighteen verses which should now be recited, corresponding to the numerical value of Chai, life. See also Sefer Ma'avar Yabok and Sefer Chassidim 560 who says that he should say Psalm 29 **מזמור הבו לה' בני אלים**

<sup>69</sup> Shach YD 339:4, Be'er Heitev there. The Recanati writes that care should be taken that no limb of the deceased hangs over the edge of the bed.

<sup>70</sup> While saying **שמע ישראל ה' אלוקינו ה' אחד**.

<sup>71</sup> The text of a short form of the Viduy appears in Hamadrikh, pp.105-106.

# TOTZAOS CHAYIM – ISSUES OF LIFE

## 1.4 GRATITUDE OF SOMEONE WHO HAS BEEN HEALED<sup>72</sup>

A person must acknowledge and praise the Holy One, Blessed be He, immediately upon arising from an illness so that he will not be accused from Above of being a 'denier of good' and of being one who does not thank God for reviving him. Therefore, he should remember God's graciousness, and thank Him. A woman, too, must thank God when she heals, as does a man<sup>73</sup>.

Once the healed person is able to leave his home, of the first things he should do is go to synagogue and bless<sup>74</sup> in a loud voice the One who bestows loving-kindness while standing next to the Sefer Torah and before ten men. Therefore, he should go to synagogue on a day when they read from the Torah. In the absence of a synagogue, he may make this blessing (anywhere) before ten men.

He should pledge to give as much charity as he can. It is proper for him to recite this thanks-giving blessing within three days, but if this was not possible, he may bless whenever he wishes. Women, too, must make this blessing before ten men.

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<sup>72</sup> Totzaos Chayim pages 72 and 78.

<sup>73</sup> Totzaos Chayim presents both another 18-verse (corresponding to חיים) prayer and additional verses to be recited here – See Totzaos Chayim, p.72ff.

<sup>74</sup> See Totzaos Chayim, p.78. This is Birkas HaGomel.

# TOTZAOS CHAYIM – ISSUES OF LIFE

## 2. LAWS CONCERNING A DYING PERSON

### a. PREPARING FOR AN IMMINENT DEATH<sup>75</sup>

We do not have permission to abandon someone who is about to die, lest he die alone.<sup>76</sup>

We must not move a dying man from his place nor place anything underneath him.

We must not take anything from him nor put anything in his mouth, for anyone who does any of these things hastens his death<sup>77</sup> and it is as if he killed him. However, if the man still has strength and he asks or signals for something to drink, we give it to him.

We must not do anything in preparation for death<sup>78</sup> before his death.

We send out his wife, children and relatives from before him so that he does not see their anguish and does not hear their cries. But, if they can stand before him without raising their voices, then there is no doubt that the dying man has joy from seeing his loved ones with him.

If we see that someone is about to die, we should encourage him to say these verses unless he is too weak to do so, in which case, those around him should recite them<sup>79</sup>.

**שמע ישראל ה' אלוקינו ה' אחד: ברוך שמו חי וקיים לעולם ועד:**

<sup>75</sup> Totzaos Chayim pages 80ff and 106ff. See also para. 1.3 above.

<sup>76</sup> It is forbidden to leave someone alone to die. It is a Mitzvah to be present at the moment of death, as it says, *“ויחי עוד לנצח לא יראה השחת כי יראה חכמים ימותו וכו’*, *“Can one live eternally, and never see the pit, and though he sees the wise man die?”* (Psalms 49:10-11). This is in accordance with Hagahos Alfasi on Psalms 49.

<sup>77</sup> Nothing may be done to accelerate the advent of death however so slight an act or deed, whether or not it is done in his presence, even indirectly, and even if the man and his family are suffering. Anyone who does this is guilty of bloodshed (Shabbos 151b, Semochos 2:3, MT HO 4:5, YD 339:1 and Rama).

A dying man may be moved if a fire breaks out in the house (KSA 194:2).

We are not permitted to act as if he were already dead, such as digging his grave, performing Kriah (tearing his garment as a sign of mourning), eulogizing him, etc. (YD 339:1 and Rama)

<sup>78</sup> Including funeral arrangements (Shabbos 151a, MT HO 4:5, YD 339:1).

<sup>79</sup> Just before Moshe Rabbeinu died he said, *ברוך שמו חי וקיים לעולם ועד* (Tanchuma, end Parshas Vo'eschanan).

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## Prayer to be Recited at Imminent Death

אסרוזין חולה סמוך ללידתו ווען די חונן חייבטן קרמקען טטעהענדען זעהען, דאס ער נכהע לונן פֿערטיידען חייט, וועלען זיך מיהן אלס, וואס זיין נכוחו לאמרוס ערזונטערן פֿוןגענדע: לו זיגען. קמן ער מבער זעלמו יאמרוס הם. ניכט זעהר זעלבט טפרעכען זיך זיגען זיך מלויין:

**שְׁמַע יִשְׂרָאֵל יְיָ אֱלֹהֵינוּ יְיָ אֶחָד:**  
**בְּרוּךְ שְׁמוֹ חַי וְקַיִם לְעוֹלָם וָעֶד (\*):**  
**הַמְלַאךְ הַגָּאֵל אֶתִּי מִכְּלָדֶּע יְבָרַךְ אֶת־**  
**הַנְּעָרִים וַיִּקְרָא בָהֶם שְׁמִי וְשֵׁם אֲבֹתַי אַבְרָהָם**  
**וַיִּצְחָק וַיְהִי לָרֵב בְּקִרְבֵּי הָאָרֶץ: מִרְכַּמְכָּה**  
**בְּאֵלֶם יְיָ מִי כָמְכָה נְאֻדָּר בְּקִדְשׁ נִזְרָא תְהִלַּת**  
**עֲשֵׂה פְלֵא: אַתָּה גְבוּר לְעוֹלָם אֲדַנִּי מְחִיָּה**  
**מְחִיָּה אַתָּה רַב לְהוֹשִׁיעַ מְכַלְכֵּל חַיִּים בְּהֶסֶד**  
**מְחִיָּה מְחִיָּה בְּרַחֲמִים רַבִּים:**

וואס זעהט די חולה להפטר ווען דער קרמקע זינגט חיון דער גסיסה יאמרו העומדים אללו המזמורים זינגט זעהנע פֿערטיידען לו קהנען זינגט הנאים, וואס הוא סמוך לשנת חטן פֿוןגענדע מזמורים, חטן שנת חונן או שנת או י"ט יאמרו תזלה יום טוב קדער סמוך לשנת זינגט חטן חויד מזמור שיר ליום השבת וגו'.

צו מוזמור שיר ליום השבת: טוב להדות ליהנה ולומר לשמך עליון:  
 להגיד בבקר חסדך ואמונתך בלילות: עלי-עשור ועלי-נבל עלי הגיון  
 בכנור: כי שמחתני יהוה בפעלך במעשי ידך ארגו: מהגדלו מעשיך  
 יהוה מאד עמקי מחשבתך: איש בער לא ידעו כסיל לא יבין את-זאת:  
 בפרח רשעים כמדעשבו ויציו כל-פעלי און להשמדם עדי-עד: ואתה  
 מרום לעלם יהוה: כי הגה איבך יהוה כיהנה איבך יאבדו יתפרדו כל-  
 פעלי און: ותרם בראים קרני בלתי בשמן רענו: ותבט עיני בשורי  
 בקמים עלי מרעים תשמענה אונני: צדיק בתמר יפרח כארוז בלבנון  
 ישנה: שתולים בבית יהוה בחצרות אלהינו יפריחו: עוד ינובון בשיבה  
 השנים ורעננים יהיו: להגיד ביישר יהוה צורי ולא-עולתה בו:

(\* וואונרוס זעלן זי, כי כן משה רבינו זינגט ספטר וכן העולה אור ברוך שמו חיו וקיים לעולם ועד (תהווא קוף ש' וואחזין).

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If he still is alive, those standing by him should recite the following Psalms. On Shabbos or Yom Tov, begin with Psalm 92, **מזמור שיר ליום** **השבת וכו'** first<sup>80</sup>:

**67, 90, 103, 104, 107, 115, 117, 118, 121, 128,  
130, 134, 142, 143, 145, 148, 149, 150.**

If a change (deterioration) in his condition is observed, stop and recite the verses as shown on Page 102 and 104 of Totzaos Chayim.

## **b. WHAT TO DO AND SAY IF YOUR ARE PRESENT AT A DEATH<sup>81</sup>**

If we see that his soul is about to depart, everyone is to stand up next to him, look at his face, and say aloud these "verses of unity (of the Name)".

This is the orders as it appears in all Siddurim and manuscripts, and so is the custom in most communities. Some communities have the custom to add **ה' מלך, ה' מלך, ה' מלך, ה' מלך לעולם ועד**.

Those present continuously repeat these verses until his soul departs, and, if possible, arrange their words so they say **אחד** at the moment of death.

All those standing by him when the soul departs must do Kriah somewhere at the edge of their garments and recite a prayer<sup>82,83,84</sup>.

<sup>80</sup> Hamadrikh says that those present at the time of death must not engage in idle or frivolous conversation, God forbid, but rather speak of matters of Torah and recite chapters of Psalms (YD 339:4, Chochmas Odom). See Hamadrikh pages 108-109 for his order of verses to be said at this time.

See also Hamadrikh regarding the "Laws Concerning the Removal of the Corpse and the Funeral", pp.123-124.

<sup>81</sup> Totzaos Chayim p.106ff and 110.

<sup>82</sup> Totzaos Chayim lists verses that those present at the death should recite (p.106ff).

<sup>83</sup> Totzaos Chayim, p.108: We say **תשכב בשלום ותישן בשלום** (lie in peace and sleep in peace) to him as it says, "*In peace and in harmony I lie down to sleep*" (Psalms 4:9).

To the deceased we say **בשלום** (in peace) as we learn at the end of Tractate Berochos, "Rabbi Avin Halevi says, 'We do not say to a friend **לך בשלום** (go in peace) but rather **לך לשלום** (go to peace) for when Yisro said **לך לשלום** to Moshe, he went and was successful, whereas when David say **לך בשלום** to Avsholom, he went and was hanged.

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Therefore, we do not say **לך לשלום** to the deceased rather **לך בשלום** for it says, “*For you shall come to your fathers in peace*”.

The Mahari Chaviv clarifies this matter stating that 'Every living Jew must attempt to do our Heavenly Father's Will by studying and doing, and his reward will be in World to Come, as Chazal have said, "Today is for doing, while tomorrow is for receiving your payment". **לך לשלום** would mean that the deceased should continue to try to achieve peace (which he can no longer do). So we say **לך בשלום**, meaning "go accompanied with the peace" which you have toiled for while you were alive. For this reason with the living we say, **לך לשלום**, meaning continue to "add peace" your whole life.

Saying **לך בשלום** to the living would imply that he has achieved all the peace he has already asked for and will not add more to it, Chas V'Sholom'.

<sup>84</sup> After his soul departs, the body must not be touched for about 7 or 8 minutes after which a soft feather is placed under the nostrils. If the feather remains in place with any movement whatsoever, this is a sign that there is no more life here and all present should say **ברוך דיין האמת**.

Next of kin recite Tziduk Hadin and the full blessing of **ברוך אתה ה' אלוקינו מלך העולם. דיין האמת** (YD 339:1, Chochmas Odom). The mourner performs Kriah when says the words **דיין האמת** (YD 339:3).

The windows of the house are opened. Anyone standing by the deceased must rend a bit of his clothing, which may be sewn immediately. They should now recite the verse from Job 1:21 **ה' נתן וה' לקח יהי שם ה' מבורך** followed by Psalm verse 90:17 and Psalm 91 (Hamadrikh based on Derech ha-Chayim).

The deceased's eyes are to be closed [If present, this should be done by one of his sons and, if present, the first-born son (MT HO 4:1, YD 352:4, Chochmas Odom 157:9)] and his jaw tied up.

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## Prayer by Those Present at a Death

### פסוקי היהוד

אם יראו שנפשו יעהטן דיח לייטע, וועלכע ביים דעם קרמנקען זינד, יולאח יעמדו על דמס ער חסן פֿערטייערען חייט, זין סטעלען זיח זיך, תגליהם ויביטו בפניו זין זיגליך, זין פֿקר מיהן זיין, דמס זיח מיהן זיכ' ויאמדו בקול רם: געזיכט יעהטן קאנגען חונד ספרעכען .:

שִׁמְעֵ יִשְׂרָאֵל יְהוָה אֱלֹהֵינוּ

יְהוָה אֶחָד:

בְּרוּךְ שֵׁם כְּבוֹד מַלְכוּתוֹ לְעוֹלָם וָעֶד: (ג' פעמים).

יְיָ הוּא הָאֱלֹהִים: (ז' פעמים<sup>1</sup>).

ואם אמרו ועדיין לא דיטעז פֿערוזע וויעדערהקלע זמן בני דער טטער, נפטר יזנו וישלשו עד בענדע פֿערטייערען חייט חונד ריכטע עז: זין חייט, שתלא נשמתו, ויכוונו דמס זמן ביים דעסען זעטלען זטהעפןלוגע שתלא נשמתו באחד. דמס זיגרט אָחָד ספרעכען.

כל העומדים שם בשעת חייט דער קרמנקע פֿערטייערען, זין יולאח נשמה קורעים בליזה זיך זלזע זנווענענדע זירגענדוון מקום בשלי נגדיהם ואומרים חונטען חסן קליידע חיינע קריעה חונד אלה הפסוקים: זיגען פֿאָגענדע פסוקים.

יְיָ נָתַן וַיִּי לָקַח • יְהִי שֵׁם יְיָ מְבָרָךְ: בְּרוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם, דִּבְרֵי הָאֱמֶת: הַצּוֹר תְּמִיּוֹם פָּעֵלוּ בִּי כְּלִדְרָכָיו מִשְׁבֹּט אֵל אֱמוּנָתוֹ וְאִין עוֹל צְדִיק וַיִּשֶׁר הוּא: וְהִלֵּךְ לְפָנָי צְדִיקָה כְּבוֹד יְיָ יִאֲסֶפֶה: הַשֹּׁכֵב

(<sup>1</sup>) כן סדר השמות בכל הסדורים וכל כ"ג, וכן הענהג ברוח הקהלות. ונמקלת קהלות נוהגין להוסיף עוד חרוז ה' מלך ה' מלך ה' ימלך לעולם ועד:

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The body is then placed on the ground<sup>85,86</sup>, and we check if his garments are clean<sup>87</sup>. If not, we dress him in a clean gown. We do not place anything that is susceptible to impurity under him but, rather, straw or stones. Several verses and songs are then recited (see Totzaos Chayim, page 110)<sup>88</sup>.

## c. GUARDING THE BODY

We protect the body<sup>89</sup> so that pests and insects do not come upon it. The guard is exempt from reciting Krias Shema and performing all other Mitzvahs. However, if two are watching the body, then one can watch while the other recites.

We must not eat in front of the corpse nor learn nor pray<sup>90</sup> there. If there is no other room in the building, we make a partition in front of the body.

<sup>85</sup> Hamadrikh says that we should wait a full hour before placing the corpse on the floor. No bedding or mattress is to be placed under the corpse, but straw or anything which does not contract ritual uncleanness may be placed there.

The corpse is then covered with a blanket or rope with the feet facing the door or exit and a lighted candle placed at the head (Derekh ha-Chayim). Then the following verses are recited:

בית יעקב לנו ונלכה באור ה' וכו'. א-ל אלוקים ה' דבר ויקרא ארץ ממזרח שמש עד מבואו וכו'.  
יבוא שלום ינוחו על משכבותם וכו'. כי עפר אתה ואל עפר תשוב וכו'.

Care must be taken that the corpse is fully covered when moving it from the bed to the floor (Ma'avar Yabok, KSA 194:8).

<sup>86</sup> With the feet facing the door (Hamadrikh p.112).

<sup>87</sup> Baer in Totzaos Chayim (p.110) says that some communities recite the songs **יגדל** and **אדון עולם** after the deceased has been placed on the ground.

<sup>88</sup> We place a lit candle at his head.

All drawn water in the house is poured out as do all the neighbors living up to three houses away on all sides. This is to signal to everyone that there is a corpse in the neighborhood, for it is not proper to mention this explicitly and speak of bad tidings (Kol Bo, Laws of Mourning).

The custom is to pour out any drawn water within the vicinity (lit. neighborhood) of the deceased because the Angel of Death leaves a drop of deadly blood therein (YD 339:5, Shach and Taz). The Rama adds that the Tashbatz wrote that he once saw someone drink from this water, and he died. The Orchos Chaim (455) writes that we do not have to spill out “waters which rested”. The Taz writes that a “neighborhood” is “three houses”.

<sup>89</sup> It must constantly be watched and never left alone (Hamadrikh p.112; also Berochos 18a, MT Hilchos Krias Shema 4:3, YD 346:6, OC 123:3).

<sup>90</sup> Or recite a blessing in the room (Mo'ed Kotton 23b, MT HO 4:6, YD 341:1).

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## d. WHAT TO DO ON SHABBOS

If someone dies on Shabbos, we place a loaf of bread on the body<sup>91</sup> so that we<sup>92</sup> may be allowed to pick him up, whilst the loaf is on him, and move him to the ground. We do not remove the bread until after Shabbos is over.

On Shabbos, we do not close the eyes of the deceased nor tie his jaw. Rather, we enwrap his mouth so that it will not open more. We also do not place a candle next to the body until after Shabbos; however on a Yom Tov we do everything as we would do on a weekday.

Many things are done with the corpse for which there is no reason, and we could not find anything which was written about them; they are merely local customs.

## 3. SELECTED LAWS OF THE ONAN<sup>93,94</sup>

Until internment, all the mourners are “Onanim”<sup>95</sup>.

They are forbidden to eat<sup>96</sup> meat, drink wine or engage in marital relations. They are exempt from reciting Krias Shema, praying, laying Tefillin, saying Birkas Hamozone and other blessings<sup>97</sup>, and all other Mitzvahs<sup>98</sup>, including saying Amen to other people’s blessings<sup>99</sup>. They do not go to synagogue and should not join a Minyan. They may, however, go wherever they have to in order to deal with matters of the deceased and to

<sup>91</sup> A corpse is Muktzeh and may not be moved.

<sup>92</sup> A non-Jew may move the body if the relatives consent to this (OC 311:2 Rama, Be'er Heitev there para. 9).

<sup>93</sup> These Laws are abridged and do not cover other issues such as Onans and holidays. In any event, as in all these cases, a competent rabbi should be consulted for direction in specific circumstances.

<sup>94</sup> Totzaos Chayim p.114.

<sup>95</sup> Be'er Heitev YD 341:1

<sup>96</sup> An Onan may not eat food in the room where the corpse is lying. If the Onan is in a different city, he may not partake in an elaborate meal (Mo'ed Kotton 23b; MT HO 4:6; YD 341:1).

<sup>97</sup> The Onan must ritually wash his hands as usual, three times, before eating bread, as well when arising in the morning, but does not recite the blessing על נטילת ידים (Mo'ed Kotton 23b, MT HO 4:6; YD 341:1 and Pischei Teshuva 4).

<sup>98</sup> Because of the honor due to the dead (Hamadrikh).

<sup>99</sup> Also, an Onan cannot participate in a festive meal nor anoint himself with oil. He is obliged to observe all negative commandments and prohibitions.

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arrange his funeral. They are forbidden to sit on the ground and remove their shoes<sup>100,101</sup>.

An Onan does not make Havdoloh on Motzoei Shabbos until after the internment, and then without the candle and without the spices. If the burial is delayed until (at least) Wednesday (i.e. Tuesday night), he no longer recites Havdoloh.

In those countries where burial is deferred for two or three days, one is an Onan only on the day of the internment. He puts on Tefillin, prays and makes blessings on all the earlier days, but he is prohibited from eating meat, drinking wine and having relations from the time of death until the burial<sup>102</sup>.

If, after the burial, the time for Krias Shema and Prayer has not passed, he should now recite the Shema and pray, but he does not put on Tefillin since it is forbidden for a mourner to put on Tefillin on the first day of his mourning.

There is no status of Onan on Shabbos<sup>103</sup>. He may eat meat, drink wine, go to synagogue and pray. He is obligated to perform all the Mitzvahs, excepting marital relations<sup>104</sup> which is forbidden to him.

On Purim, an Onan may go to synagogue to hear the Megillah, but he should not read it<sup>105</sup> nor should he answer Amen. If the internment will take place that day, he must fulfill the Mitzvah of Reading the Megillah after the funeral.

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<sup>100</sup> Hamadrikh (p.116) says that the Onan may not sit on a chair or a bed (couch) or engage in marital relations (YD 341:5).

<sup>101</sup> The Onan also does not make the blessing before eating bread, bathe, anoint himself with oil, participate in joyous celebrations, greet friends, cut his hair, study the Law, and does not engage in any work nor has others do his work for him – even if this results in a loss (YD 341:5, see Hamadrikh).

<sup>102</sup> The reader is referred to an interesting footnote on page 114 of Totzaos Chayim.

<sup>103</sup> If death occurs on a Friday afternoon and it is impossible to bury before Shabbos, the Onan davens Mincha (KSA 196:17).

<sup>104</sup> YD 345:1. He also should not learn Torah.

<sup>105</sup> This may mean that he should not be the Baal Koreh.

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## 4. LAWS OF PURIFYING THE CORPSE AND THE BURIAL<sup>106</sup>

### a. PREPARATIONS

It is prohibited from purifying the corpse until all the burial shrouds have been prepared.<sup>107</sup> From the time the purification process begins, the deceased must be treated with the same respect as he would be were he alive. No one is allowed to talk idle conversation in his presence. They may only speak of matters which are needed for care of the corpse. We are meticulous with regard to the purification and the dressing which must be done compassionately and reverently.

The body must not be moved by one person alone, but by two or three people. The arms and legs must not hang down.

### b. WASHING THE BODY<sup>108</sup>

The body is purified<sup>109</sup> with a minimum quantity of nine Kav<sup>110</sup> lukewarm water, and not with hot water or cold water. The body is covered with a sheet from above the head to the feet. No part of the body which is normally covered when the person was alive must be exposed.

The body<sup>111</sup> is washed<sup>112</sup> while covered with a sheet starting from the head and ending at the feet; all accompanied by special prayers. We place our hand over the mouth so that no water runs into it. Should something be sticking to the body, we need not scrape it off, but we do clean the hands and feet.

<sup>106</sup> Totzaos Chayim p.115ff.

<sup>107</sup> Derech HaChayim.

<sup>108</sup> See also Totzaos Chayim, p.120 for a prayer which all who handle the body should say.

<sup>109</sup> Hamadrikh says that no idle conversation should take place when purifying the body. On page 119 he provides a short prayer to be recited by those attending the deceased before the washing takes place.

<sup>110</sup> About 24 quarts.

<sup>111</sup> The entire body is thoroughly cleansed, included the fingers and toes. The hair is combed (YD 352; Chochmas Odom).

<sup>112</sup> Face up or inclined to one side or another, but not face down as that would be degrading (YD 352:4; KSA 197:20).

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All remaining waters used for purification are poured over the body from head to feet<sup>113</sup>. This is the essential act of the purification process. After this, we dry the entire body very well. The board upon which the body was washed is not to be overturned<sup>114,115</sup>.

## C. THE BURIAL SHROUDS

We now dress the body in the burial shroud. We must not be stingy in its purchase and haggle with the seller to sell it cheaper for this would not be to the honor of the deceased. Neither do we buy particularly expensive or ostentatious<sup>116</sup> shrouds for this would be vulgar and corrupt<sup>117</sup>.

The burial shroud must be made entirely of white linen<sup>118</sup> with no gold or silver embroidery and without designs. No knots are to be used

<sup>113</sup> Sefer HaChayim. The real Taharah (purification) of the body is the pouring of the 9 Kavs of water over the head so that it runs down over the entire body (KSA 197:2). When pouring water over the corpse, the following is recited: **וּזְרַקְתִּי עֲלֵיכֶם מַיִם טְהוֹרִים**, "And I will pour upon you pure water, and you will be cleansed; from all your uncleanness and abominations will I purify you." (Hamadrikh)

<sup>114</sup> As will be done with the stretcher used to carry the body to the grave.

<sup>115</sup> For many further details regarding the Purification process, see Hamadrikh pp. 118-122.

<sup>116</sup> Baer uses the term **חֲשׂוּבִים בְּיוֹתֵר**

<sup>117</sup> Mo'ed Kotton 27b; MT HO 4:1; YD 352:1,2

<sup>118</sup> Totzaos Chayim in his footnote on page 115 explains: We choose linen because we should not spend a lot on funerals, in accordance with the directive of Rabban Gamliel. In his day, funerals became more of a burden on the relatives than the death itself. The wealthy would spend a lot on the burial shrouds, so much so that the poor, who could not do like them, would forgo burying their dead altogether.

(To resolve this problem) Rabban Gamliel ignored his own honor and commanded that he himself should be buried in cheap linen. Everyone followed his example and were buried in linen, too (Mo'ed Kotton 27b).

The earlier generations did not have a special color for their shrouds, as it says in Shabbos 114, "So said Rabbi Yannai to his sons, 'Do not bury me neither in white nor in black clothes, but rather red, etc.'" The custom of using white is because white is the color of purity, and hints at the purity of the heart, as it says, "At all times, your clothing shall be white" (Koheles 9:8).

The Kohen Godol wore white on Yom Kippur, and the angels wear white clothing as we read, "And a man wore linen" (Yechezkeil 9:2) [the Radak says that this 'man' was actually the Angel Gabriel], and "A man was clothed in cloth (linen)" (Daniel 10:5). In the Midrash (Bereishis Rabba 96) it says, "Before Rabbi Yoshia died, he said, 'Bury me in

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when sewing them<sup>119</sup>. They must be clean and not soiled or torn. If they had a tear or stain, the stain must be cleansed, and any holes sewn before dressing the deceased.

These are his dressings: a head-covering, pants, a gown, a cloak called a Sargenes<sup>120</sup>, a sash, and a garment/sheet called a Falter<sup>121</sup>. He is dressed with these like overalls. We cover the feet with socks<sup>122</sup>. Everything is made from linen. Women are dressed like men except for the pants for which a sash is substituted<sup>123</sup>.

None of these garments may be turned inside out. Care must be taken that no part of the shroud goes into the deceased's mouth.

The deceased must not be dressed with less than three articles of clothing, that is, the gown, the Sargenes<sup>124</sup> and the Falter; corresponding to the Spirit (רוח), Life (נפש) and the Soul (נשמה).

A Tallis<sup>125</sup> which has one of its Tzitzis torn is then put on the body. This invalid corner will be placed on the outside of the coffin. Women are not wrapped in a Tallis, but in a different garment called a Rekle<sup>126</sup>.

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white clothes. Why? Since I will not be ashamed of my actions (I am pure) when I meet my Creator". We presume all people to have a pure heart and have good deeds.

Therefore, we bury everyone, men and women, adults and children, poor or rich in one uniform white, linen shroud.

<sup>119</sup> Minhagei Yeshurun 210; Chochmas Odom.

<sup>120</sup> Totzaos Chayim explains that the Sargenes (or Sarconus) was a garment of royalty and was used for the honor and glory of the deceased. The Talmud (Chagigah 16) states that 80 pairs of disciples would wear a Siricon and there was one who wore a Siricon of gold (Kiddushin 31). The word derives from the Greek word Siricon, which means silk (garment). See also Koheles Rabba 84 there referring to a 'Semisricon(?)' or a garment half woven with silk, and a full silk 'Olosricon(?)'. See, too, Rashi in his commentary on Ba Meh Madlikin, p.20.

<sup>121</sup> I am uncertain as to the correct pronunciation and etymology of all these words. The "Falter" was some sort of linen garment covering the shoulders.

<sup>122</sup> Hamadrikh says that the body is dressed in white socks and a white cap (Sefer HaChayim).

<sup>123</sup> Totzaos Chayim lists various verses to be recited when the body is being dressed. See footnote 2 on p.116.

<sup>124</sup> Also called the Kittel.

<sup>125</sup> A Tallis without Tzitzis. This, of course, refers only to males. The custom in Eretz Yisroel is not to bury in the Tallis, and typically without coffins.

<sup>126</sup> A sort of wrap-around skirt or possibly a shoulder-draped over-garment (Semochos 12, YD 352:3, Derech HaChayim).

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A dead Kohen is dressed in two Sargeneses. Some communities dress a married man in two Sargeneses, even if he was not a Kohen.

In those places where they bury in a closed<sup>127</sup> coffin<sup>128</sup>, we dress the deceased in his head-covering, pants, gown and Sargenes. First we place down the Tallis in the coffin, then the Falter, and then the sash. The dressed corpse is then placed in the coffin lying on his back, face up. We then tie his thighs with the sash and enwrap his shoulders with a sheet. We then wrap his head with the Tallis, if this is how he would have worn it during his lifetime when he prayed. However, if he did not wear his Tallis over his head when he was alive, we do not cover his head with it now.

## d. CHILDREN

A young boy who had already had begun to wear the Arba'a Kanfos when he was alive is dressed in it when he dies. We invalidate one of the Tzitzis in one of the corners. If he had not as yet begun wearing the Arba'a Kanfos, we do not put one on him now, either. We do dress him in all the other shrouds as we would an adult. This is as long as he was at least one year old.

A child of less than one year is only dressed in a gown, and we wrap him in the Falter.

A premature baby or any child less than 30 days old who never wore a gown<sup>129</sup> is not dressed up in one. We only wrap him in a sheet. However, if he has already worn a gown when alive, we dress him in a gown and the sheet.

An uncircumcised baby boy is circumcised at the cemetery without a blessing. He is also given a name there.

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<sup>127</sup> Lit. complete or full.

<sup>128</sup> Totzaos Chayim says that the Toldos Yitzchok in Parshas Terumah as well the Lechem Hapanim in the Kuntress Acharone 46 indicate that the earlier Chassidim in France would make their coffins from their tables.

<sup>129</sup> I am uncertain what garment is referred to here - RB.

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## e. GENERAL RULES

Anything which was cut or fell from the deceased, must be buried with the body. However, anything which was cut or fell from him when he was still alive does not have to be put with it.

It is forbidden to purify one who was killed or a woman who died during childbirth. Rather, they are dressed in their clothes and all blood which exuded from the one who was killed or from the birthing-mother must be buried with them. Bed linens or any item<sup>130</sup> which had their blood stuck to it must be buried with them, as well.

The body must be placed in the casket on its back, face up in a “sleeping” position.<sup>131</sup> It must not be placed in any other way. The casket is covered with a cover called a Gollel (lit. burial-stone or lid).

After the corpse has been completely dressed, the people (involved) must ask for forgiveness from the soul of the deceased in the event that they acted improperly and not in his honor.

A Kohen may defile himself for any of his seven close relatives, i.e., his father, mother, son, daughter, wife, brother and sister, as well as a paternal sister, but not a maternal sister. This is as long as his sister was still a virgin. He must not become defiled from a miscarriage or even a child of 30 days old or less for whom we do not mourn.

## f. ESCORTING THE DECEASED TO THE GRAVE

When transporting the body to the grave, the mourners walk behind the bier, but they do not carry it if there are others there who can do so.

It is a Mitzvah incumbent on everyone to escort the deceased to his grave. As such, everyone should try to help in carrying the bier, for a distance of even four Amos. This also applies for an adult carrying the bier of a child. Those carrying the body are to say, ויהי נועם וכי'.

People who escort the bier should not walk disorderly nor should they engage in idle conversation one with another. Rather, they should walk in an orderly fashion, two by two or three by three, slowly and

<sup>130</sup> This might only be referring to an article of clothing.

<sup>131</sup> YD 362:2.

# TOTZAOS CHAYIM – ISSUES OF LIFE

reverently, and in a manner which shows that they are joining in the sorrow of the mourners.

On the way to cemetery, we stop three times<sup>132</sup> with the body before coming to the grave, except on days when we do not say Tachanun when we do not stop.

Before internment, the body is encircled (alternative translation: we circle the body) and a special prayer recited<sup>133</sup>.

## 5. TZIDUK HADIN – ACCEPTING THE JUDGMENT<sup>134</sup>

This prayer<sup>135</sup> is mentioned in Talmud Avodas Zarah 18, Sifrei Parshas Ha'azeenu, and Bamidbar Rabbah Chapter 8, page 226. It is recited when accompanying the body to the cemetery, except on days when Tachanun is not recited on Tisha B'Av, Erev Shabbos and Erev Yom Tov after noon. Some do not say this prayer at the grave of a child less than one year of age.<sup>136</sup>

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<sup>132</sup> The reason for this custom is unexplained herein.

<sup>133</sup> See Totzaos Chayim, p.130.

<sup>134</sup> Totzaos Chayim p.124ff.

<sup>135</sup> Tziduk Hadin and Kaddish are not recited at night (YD 401:6, Rama) and, in contradiction to Totzaos Chayim here, not said for a deceased infant of less than thirty days old (YD 344:4). See p.136 of Hamadrikh. This prayer can be found in most good Siddurim.

On page 128, Totzaos Chayim records the Sephardic version of Tziduk Hadin.

<sup>136</sup> Hamadrikh writes that we do not recite Tziduk Hadin for a deceased child of less than 30 days old (YD 344:4).

# TOTZAOS CHAYIM – ISSUES OF LIFE

## 6. KRIAH<sup>137</sup> – RENDING THE GARMENT<sup>138</sup> AND MATTERS DEALING WITH THE BURIAL

The mourners must do Kriah (make a tear in their garments) before the coffin is closed<sup>139</sup>. They must do Kriah while standing for if they were sitting and tore they do not fulfill their obligation and must again tear while standing. Minors rend, too, because of the agony<sup>140</sup>.

This is how they tear: The upper edge of the outer garment in the front<sup>141</sup> is first cut with a knife and then the mourner recites the blessing **דַּיִן הָאֵמֶת**. Facing the deceased, he tears his garment for a length of a hands-breadth<sup>142</sup>.

For all relatives he tears on the right side of his garment, except for his father or mother for whom he tears on his left side, near his heart. For a parent, he tears all the garments he is wearing except for his undershirt and shirt<sup>143</sup> which are not torn.

A borrowed garment is not torn unless the owner of the garment gave his permission to do so.

If one is burying multiple deceased relatives at the same time, he tears only once. But, if they die/are buried within seven days of each other, then he only adds an additional hands-breadth to the first tear or he can make a second tear three finger-breadths away from the first one. After seven days for all

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<sup>137</sup> The Laws of Kriah here are abridged. The Halacha also deals with matters not referred to here such as what to do regarding the wearing of the rent garment when a Festival occurs during the first thirty days of mourning, in what instances does one do Kriah for a deceased infant, and when may one do Kriah on Chol HaMo'ed. One does not do Kriah for a suicide.

<sup>138</sup> Totzaos Chayim p.118ff.

<sup>139</sup> Although burial can be done with a wooden box, the actual interment referred to by the Torah is that the body be placed directly into the ground (YD 362:1 and Be'er Heitev para. 1).

<sup>140</sup> Mo'ed Kotton 24a; MT HO 8:1,3; YD 340:1.

<sup>141</sup> At the collar. It should be rend lengthwise and in the cloth itself, and not along seam (Mo'ed Kotton 26b; MT HO 8:1, YD 340:2 and 20).

<sup>142</sup> For a parent, he must rend by hand only, but for other next of kin he may tear either by hand or using an instrument (Mo'ed Kotton 22:2; MT HO 8:3; YD 340:14).

<sup>143</sup> This shirt may be referring to one worn over above an undershirt but under an outer-shirt. An occasionally-worn upper garment, such as an overcoat, need not be torn (Mo'ed Kotton 22:2; MT HO 8:3; YD 340:9, 10).

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other relatives he tears a bit more to the first tear, and for a parent he must make a second tear three finger-breadths away.

We do not do Kriah on Chol Hamo'ed, except for a parent. On Yom Tov, we do not tear for anyone, including a parent.

Someone who is ill does not tear, even for a parent.

After Shiva, for all relatives except a parent, the tear is basted, and may then be re-sewn after 30 days. For a parent, however, it is forbidden to baste it until thirty days have elapsed, and it is never sewn<sup>144</sup>.

For any relative other than a parent, the mourner may change his clothing during Shiva. If this happens during a weekday, he need not rend them. For a parent, however, if he changes clothing during Shiva on a weekday, he must tear them too<sup>145</sup>, and they may never be sewn again. However, if he puts on other weekday clothes on Shabbos, even for a parent, he does not tear them. However, he may not wear Shabbos clothes on Shabbos.

## a. MATTERS DEALING WITH THE GRAVE<sup>146</sup>

It is forbidden to dig a grave for another day. If a grave was dug, and, for whatever reason, the burial did not take place that day, the grave must be filled before nightfall.

The grave must be dug sufficiently deep so that there is a minimum of three hand-breadths between the Gollel (coffin cover) and the ground above it. Graves are dug from North to South<sup>147</sup>. The deceased is not placed inside a grave until he is measured again<sup>148</sup>. After he is placed in the grave, the מטה (stretcher, bed) upon which he was carried is turned over. This is because the word מטה has the same numerology as the word דין – judgment, indicating that his (strict) judgment should be overturned to mercy and mourning to forgiveness, as it says, הפכת מספדי למחול לי.

<sup>144</sup> A woman may baste it together at once because of her honor (Mo'ed Kotton 22b; MT HO 9:1; YD 340:15).

<sup>145</sup> Mo'ed Kotton 24a; MT HO 8:3; YD 340:14

<sup>146</sup> Totzaos Chayim p.119. See Hamadrikh pp.137-139 regarding burying on a festival.

<sup>147</sup> In Israel, at least, the custom is to bury with the feet facing Jerusalem or, in Jerusalem, towards the Temple Mount.

<sup>148</sup> I did not see where he mentions that the body was measured a first time.

# TOTZAOS CHAYIM – ISSUES OF LIFE

Care must be taken that the hoe/rake<sup>149</sup> and pickaxe we used to fill the grave with earth is not handed from one person to another. Rather, we drop it on the ground from where it will be taken up (by the next person). The reason for this is that one should not (symbolically) extend “trouble”, as it were, to his fellow. Also, we must be careful during burial not to pile any soil directly onto the corpse for this would be disgraceful for him. All those who escort the body must stand there during the internment and must not leave until the final bucket of soil is emptied.

Enemies must not be buried side-by-side.

Two coffins may not be buried on top of one another unless there is a six finger-breadth<sup>150</sup> layer of soil between them.

## b. AFTER THE BURIAL<sup>151</sup>

After internment, we step back four Amos from the cemetery<sup>152</sup> and the mourner recites<sup>153</sup> the (special) Kaddish L’ischadsoh (below) and another prayer – תפילה על הנקבר - is said (see below). Those assembled there recite with them until the word ויקרה. On days when Tachanun is not said, neither this Kaddish nor Tziduk Hadin is recited<sup>154</sup>. If we bury at night, we also do not recite neither the Kaddish nor Tziduk Hadin<sup>155</sup>.

<sup>149</sup> Or, commonly today, a shovel. See Chochmas Odom 159:30, KSA 199:7.

<sup>150</sup> Maybe, hands-breadth. The separation should be free-standing (YD 362:4).

<sup>151</sup> Totzaos Chayim pp. 119 and 132ff. See KSA 198:14, 199:9.

<sup>152</sup> Although Baer uses the term בית הקברות – cemetery – I believe this refers to the grave.

<sup>153</sup> Hamadrikh: The mourner begins with Psalm 49 למנצח לבני קורח מזמור. שמעו זאת כל מכתם לדוד. שמרני א-ל, כי ... עמים וכו'.. or, on a day when Tachanun is not recited, Psalm 16 חסיתי בך. וכו'... (KSA 199:9) before the recitation of the Kaddish L’ischadsoh. YD 401:6.

<sup>154</sup> YD 400:6 Rama.

<sup>155</sup> YD 400:6 Rama. El Molai Rachamim is recited here (Hamadrikh quoting Minhagei Yeshurun). I have added it on the following pages.

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## Kaddish L'ischadsoh

יִתְגַּדֵּל וְיִתְקַדֵּשׁ שְׁמֵהּ רַבָּא בְּעֵלְמָא דִּי הוּא עָתִיד  
לְאַתְחַדְתָּא וּלְאַחֲיָא מִתִּיא וּלְאַסְקָא יְתְהוֹן לְחַיֵּי  
עֵלְמָא וּלְמַבְנֵי קְרִתָּא דִּי-יְרוּשָׁלַם וּלְשִׁכְלָלָא  
הִיכְלָה בְּגוּוּה. וּלְמַעְקֵר פְּלַחְנָא נְכֻרָא מִן-אַרְעָא  
וּלְאַתְבָּא פְּלַחְנָא דִּי-שְׁמֵיָא לְאַתְרָה וְיִמְלִיךְ  
קְדֻשָּׁה בְּרִיךְ הוּא בְּמַלְכוּתָהּ וְיִקְרָה, בְּחַיִּיכוֹן  
וּבְיוֹמֵיכוֹן וּבְחַיֵּי דְכָל בֵּית יִשְׂרָאֵל בְּעַגְלָא וּבְזִמְן  
קְרִיב, וְאַמְרוּ אָמֵן.

יְהֵא שְׁמֵהּ רַבָּא מְבָרַךְ לְעָלְמָא וּלְעֵלְמֵי עֵלְמֵיָא:

יְתַבְרַךְ וְיִשְׁתַּבַּח וְיִתְפָּאֵר וְיִתְרוֹמֵם וְיִתְנַשֵּׂא  
וְיִתְהַדָּר וְיִתְעַלֶּה וְיִתְהַלָּל שְׁמֵהּ דְקְדֻשָּׁא. בְּרִיךְ  
הוּא. לְעֵלָא מִן כָּל בְּרַכְתָּא וְשִׁירְתָּא תְּשַׁבְּחָתָא  
וְנַחֲמָתָא דְאַמִּירוֹן בְּעֵלְמָא. וְאַמְרוּ אָמֵן.

יְהֵא שְׁלָמָא רַבָּא מִן שְׁמֵיָא וְחַיִּים עֲלִינוּ וְעַל כָּל  
יִשְׂרָאֵל. וְאַמְרוּ אָמֵן.

עוֹשֶׂה שְׁלוֹם בְּמְרוֹמָיו הוּא יַעֲשֶׂה שְׁלוֹם עֲלִינוּ  
וְעַל כָּל יִשְׂרָאֵל וְאַמְרוּ אָמֵן.

*His Exalted Name will be great and sanctified in the world which is to be created anew when He will resurrect the dead and elevate them to eternal life, when He will rebuild the city of Jerusalem and complete the Temple therein. He will uproot foreign worship from the land and restore worship of Heaven in its place. The Holy One, blessed be He, will reign in His sovereignty and His glory in your lifetime and in the lifetime of all of the House of Israel speedily and without delay. Say: Amen, etc.*

## Prayer to be Recited after the Burial

### תפלה על הנקבר •

אחרי קבורת המת מתפללים געבעטן, פֿיר דען פֿערטטמארבעטן נאָך  
עליו תפלה זו: דעסטן בעערדיגונג לֹ טפרעכטן:

יְהִי רָצוֹן לְפָנֶיךָ יְיָ אֱלֹהֵי הַנְּשָׁמוֹת  
שֶׁתְּקַבֵּל נִשְׁמַת (פלוני או פלוניה) לְפָנֶיךָ בְּאַהֲבָה  
וּבְחֶמְדָּה, וְתִשְׁלַח־לוֹ (לָהּ) מִלְּאֲכִיךָ הַטּוֹבִים  
לְחֹלֶיךָ נִשְׁמָתוֹ (נִשְׁמָתָהּ) לְגַן עֵדֶן, בְּאִשֶּׁר  
שְׁלַחְתָּ מִלְּאֲכִים לַיַּעֲקֹב יֶזְבִּינֵנוּ, כְּמוֹ  
שֶׁבְתוֹכַי וַיַּעֲקֹב הָלַךְ לְדַרְכּוֹ וַיִּפְגְּעוּבּוֹ מִלְּאֲכֵי  
אֱלֹהִים, וַיֹּאמֶר יַעֲקֹב בְּאִשֶּׁר רָאִם  
מִמֵּנָה אֱלֹהִים זֶה וַיִּקְרָא שֵׁם־הַמָּקוֹם  
הַזֶּה מַחְנֵים: וְתִקְוֶם־בּוֹ (בָּהּ) מִקְרָא  
זֶה וְקוּי יְיָ יִחְלִיפוּ כַּח יַעֲלוּ אֶפְרַיִם בְּנֵי־שָׂרִים,  
יִרְצוּ וְלֹא יִגְעוּ יִלְכוּ וְלֹא יִיעֲפוּ: וְתִנְהַג  
עִמּוֹ (עִמָּהּ) בְּחַסְדֶּיךָ הַמְרַבִּים • וְתִתְעַנֶּג  
מִדָּשֶׁן נִפְשׁוֹ (נִפְשָׁהּ) וּמֵרֶב טוֹב רַחֲצוֹן  
לְצַדִּיקִים • וְתִהְיֶה נִשְׁמָתוֹ (נִשְׁמָתָהּ) צְרוּרָה  
בְּצִרוֹר חַתִּיִּים עִם־כָּל־שְׂכֵנֵי עֵפְרַיִם  
הַשּׂוֹכְנִים פֶּה עִם־כָּל־צַדִּיקִים וְצַדִּיקִיּוֹת  
שְׂבָגֵן עֵדֶן אָמֵן:

# TOTZAOS CHAYIM – ISSUES OF LIFE

## El Molei Rachamim

אֵל מֵלֵא רַחֲמִים שׁוֹכֵן בְּמְרוֹמִים, הַמְצִיא מְנוּחָה  
נְכוֹנָה עַל פְּנֵי הַשְּׂכִינָה בְּמַעְלוֹת קְדוּשִׁים  
וּטְהוּרִים כְּזוֹהַר הַרְקִיעַ מְזַהְרִים אֶת נְשֵׁמַת  
פְּלוּנֵי בֶן פְּלוּנֵי שֶׁהֵלֵךְ לְעוֹלָמוֹ, בְּעִבּוֹר שְׁנֵדָבוֹ  
צְדָקָה בְּעַד הַזְכָּרַת נְשֵׁמָתוֹ, לְכֵן בְּעַל הַרְחֲמִים  
יִסְתִּירָהוּ בְּסִתְרֵי כְּנָפָיו לְעוֹלָמִים, וַיִּצְרַר בְּצָרוֹר  
הַחַיִּים אֶת נְשֵׁמָתוֹ, ה' הוּא נִחְלָתוֹ, וַיִּנּוּחַ  
בְּשָׁלוֹם עַל מִשְׁכְּבוֹ, וְנֹאמַר אָמֵן:

Alternative Nusach:

לנפטר

אֵל מֵלֵא רַחֲמִים, שׁוֹכֵן בְּמְרוֹמִים, הַמְצִיא מְנוּחָה נְכוֹנָה, תַּחַת  
כְּנָפֵי הַשְּׂכִינָה, בְּמַעְלוֹת קְדוּשִׁים וּטְהוּרִים, כְּזוֹהַר הַרְקִיעַ  
מְזַהְרִים, אֶת נְשֵׁמַת פְּלוּנֵי בֶן פְּלוּנֵי שֶׁהֵלֵךְ לְעוֹלָמוֹ, בְּעִבּוֹר נִדְבָב  
צְדָקָה בְּעַד הַזְכָּרַת נְשֵׁמָתוֹ, בְּגֵן עֵדֶן תִּהְיֶה מְנוּחָתוֹ לְכֵן בְּעַל  
הַרְחֲמִים יִסְתִּירָהוּ בְּסִתְרֵי כְּנָפָיו לְעוֹלָמִים, וַיִּצְרַר בְּצָרוֹר הַחַיִּים  
אֶת נְשֵׁמָתוֹ. ה' הוּא נִחְלָתוֹ, וַיִּנּוּחַ בְּשָׁלוֹם עַל מִשְׁכְּבוֹ, וְנֹאמַר  
אָמֵן.

לנפטרת

אֵל מֵלֵא רַחֲמִים, שׁוֹכֵן בְּמְרוֹמִים, הַמְצִיא מְנוּחָה נְכוֹנָה, עַל כְּנָפֵי  
הַשְּׂכִינָה, בְּמַעְלוֹת קְדוּשִׁים וּטְהוּרִים, כְּזוֹהַר הַרְקִיעַ מְזַהְרִים,  
אֶת נְשֵׁמַת פְּלוּנֵי בֶת פְּלוּנֵי שֶׁהֵלְכָה לְעוֹלָמָהּ, בְּעִבּוֹר שְׁנֵדָבוֹ  
צְדָקָה בְּעַד הַזְכָּרַת נְשֵׁמָתָהּ, לְכֵן בְּעַל הַרְחֲמִים יִסְתִּירָהּ בְּסִתְרֵי  
כְּנָפָיו לְעוֹלָמִים, וַיִּצְרַר בְּצָרוֹר הַחַיִּים אֶת נְשֵׁמָתָהּ. ה' הוּא  
נִחְלָתָהּ, וְתִנּוּחַ בְּשָׁלוֹם עַל מִשְׁכְּבָהּ, וְנֹאמַר אָמֵן.

# TOTZAOS CHAYIM – ISSUES OF LIFE

We now form two (parallel) rows, facing each other, comfort the mourner and accompany him home.

As the mourner passes between them they say:

המקום ינחם אותך (לרבים: אתכם) בתוך שאר אבלי ציון  
וירושלים:

*May God comfort you among the mourners of Zion and Jerusalem.*

## d. UPON LEAVING A CEMETERY<sup>157</sup>

When leaving the cemetery, we pluck some grass and toss it behind our backs while saying (Psalms 72:16):

ויצו מעיר כעשב הארץ:

*May they blossom like the grass of the earth.*

We do not pluck the grass on a day when Tachanun is not said.

In the winter when no grass is found, we take a clod of earth and throw it saying:

זכור כי עפר אנחנו

*Remember, we are but dust.*

The reason for tearing out the grass is brought in Sefer Shevet Yehuda 41. Grass is an allusion to the Resurrection, as it says, “Awake and sing, you that dwell in the dust...” (Isaiah 26:19<sup>158</sup>) and “and may they blossom out of the city like grass of the earth” (Psalms 72:16). This is also done to awaken our hearts and break down our haughtiness.

<sup>156</sup> Totzaos Chayim pp.119 and 138.

<sup>157</sup> Totzaos Chayim p.138.

<sup>158</sup> The verse actually begins, “The dead shall live, my dead bodies shall arise”

# TOTZAOS CHAYIM – ISSUES OF LIFE

One should also pick up some soil as it says, “*You are of dust, and to dust shall you return*”. Grass is also an allusion to man, as our predecessors (Eruvin 54) have said, “Man is compared to the grass in the field. Just as those have a life, but ultimately wilt”, so with these. The Kol Bo writes that we rip out the grass with its clump of earth to demonstrate sorrow, as we found with Job’s friends who “*Threw earth toward Heaven over their heads*” (Job 2:12). See also Be’er HaGolah, Yoreh Deyoh 376:4.

After leaving the cemetery we wash our hands<sup>159</sup> and say:

בלע המות לנצח, ומחה אדני-י ה' (קר' אלוקים) דמעה מעל  
כל פנים, וחרפת עמו יסיר מעל כל הארץ, כי ה' דבר:

*He shall make death vanish forever. God shall wipe away the tears from all the faces and remove the rebuke of His people from the entire earth. For so has God spoken.*

Stop and sit three times<sup>160</sup> and recite Psalm 90:17 ויהי נועם וכו' and Psalm 91 יושב בסתר עליון וכו' each time.

The custom is to be careful that a person not enter his home until he washes his hands<sup>161</sup>, sits three times, and recites ויהי נועם three times. The custom of our fathers is Torah.

## e. ACCOMPANYING THE MOURNER HOME<sup>162</sup>

The mourner must not be allowed to return home alone. Rather, we escort him home and comfort him, as it says, “*Better to go to a mourner’s house than to the house of celebration; for this is the end of all men,*” and the living should take heed of this.<sup>163</sup>

<sup>159</sup> YD 376:4, Be'er Heitev para. 4. A vessel must be used for this washing (KSA 199:10). One should not pass the vessel directly to another person. Rather, it should be placed down first. Neither a towel or any other cloth is to be used to dry the hands (KSA 199:10).

<sup>160</sup> Totzaos Chayim p.138ff

<sup>161</sup> YD 376:4 Hagahah.

<sup>162</sup> Totzaos Chayim p.140.

<sup>163</sup> See Totzaos Chayim, p.142 for a song of consolation attributed to Rabbeinu Meshulam.

# TOTZAOS CHAYIM – ISSUES OF LIFE

## 7. LAWS OF MOURNING<sup>164</sup>

### a. WHEN DOES MOURNING BEGIN?

The mourning period begins immediately after burial<sup>165</sup>. Mourning applies to one's father, mother, son, daughter, brother and sister - whether from the same father or mother - and spouse<sup>166,167</sup>.

We do not mourn for a miscarriage nor if the baby was born prematurely or lived less than a full 30 days<sup>168</sup>. We do not tear (do Kriah) our garments for this child.

### b. SITTING ON A CHAIR

It is forbidden for the mourner to sit on a chair or stool<sup>169</sup>. Rather, he must sit on the ground<sup>170</sup>.

### c. WEARING TEFILLIN

A mourner does not don Tefillin on the first day of mourning<sup>171</sup>, but he does pray without Tefillin. (He does not wear Rabbeinu Tam Tefillin all seven days.) However, if the burial took place during Chol Hamo'ed<sup>172</sup>, then he dons Tefillin both on Chol Hamo'ed and after the Holiday. If the internment takes place on the second day of Yom Tov, he dons Tefillin on the day after the Holiday.

<sup>164</sup> Totzaos Chayim p.144ff.

<sup>165</sup> I.e. the grave has been filled with earth (Mo'ed Kotton 27a, MT HO 1:2, YD 375:1).

<sup>166</sup> Mo'ed Kotton 20b, MT HO 2:1.

<sup>167</sup> We do not mourn for someone who committed suicide (Semochos 2, MT HO 1:11, YD 345:1).

<sup>168</sup> Shabbos 135b, MT HO 1:6, YD 374:8.

<sup>169</sup> During all of Shiva.

<sup>170</sup> Nowadays, on a low stool or bench. He is not obligated to actually "sit" but may walk about or sit (KSA 211:1).

<sup>171</sup> Whether this is the day of death and burial, or only the day of internment. If burial took place at night, he does not wear Tefillin the following day (Mo'ed Kotton 15a, 21a, MT HO 4:9, YD 388:1).

<sup>172</sup> In those communities where donning Tefillin during Chol HaMo'ed is the custom.

# TOTZAOS CHAYIM – ISSUES OF LIFE

## d. THE FIRST MEAL – THE MEAL OF CONDOLENCE<sup>173</sup>

The mourner does not eat his first meal<sup>174</sup> (after burial) of his own food. Rather, others<sup>175</sup> prepare this meal for him. It is the custom to send eggs symbolizing that death goes around<sup>176</sup>. Afterwards, he is allowed meat and wine.

## e. WEARING LEATHER SHOES

The mourner is not allowed to wear leather shoes all seven days<sup>177</sup>.

## f. MARITAL RELATIONS

The mourner may not engage in marital relations<sup>178</sup>

## g. DOING WORK

The mourner may not do any productive/constructive work<sup>179</sup>. He may only do urgent work which would incur a loss if it would not be done, and then only in the privacy of his home<sup>180,181</sup>. A poor man can do work after the first three days, but also only in private<sup>182</sup>.

<sup>173</sup> See Hamadrikh pp. 140-141 for additional regulations regarding the Seudas Havra'oh.

<sup>174</sup> The Seudas Havra'oh, the Meal of Recovery (Mo'ed Kotton 27b, Semochos 5:23, MT HO 4:9, YD 378:1, KSA 205:1).

<sup>175</sup> It is a Mitzvah for his neighbors to prepare this meal.

<sup>176</sup> Meaning, either we all will be mourners for someone eventually or, in the end, we will all suffer this same fate, too.

<sup>177</sup> YD 382:1, Kesef Mishneh on MT HO 5:6.

<sup>178</sup> Mo'ed Kotton 21a, MT HO 5:1, YD 380:1.

<sup>179</sup> Even if he is a poor man sustained by charity. Hamadrikh adds: Our Sages have said, "May poverty overtake his neighbors who compelled him to work" for it is their duty to provide for the poor, especially during the period of mourning (Mo'ed Kotton 15b, MT HO 5:8, YD 380:2).

<sup>180</sup> Necessary housework is not included in this prohibition. Thus, a woman may bake and cook, and attend to her domestic duties (Semochos II, YD 380:22).

<sup>181</sup> If the work is urgent and he might sustain a loss by not doing it, a rabbi should be consulted (YD 380:5, KSA 208:3).

<sup>182</sup> A mourner may accept work for himself to be performed after his days of mourning provided that he does not weigh or measure now (YD 380:17, Rama).

# TOTZAOS CHAYIM – ISSUES OF LIFE

## **h. LEARNING TORAH**

The mourner is forbidden to learn Torah except for mournful matters such as the Book of Job, the dreadful parts of Jeremiah and the Tractate Semochos (which deals with the Laws of mourning)<sup>183</sup>.

## **i. BLESSING THE MOON**

The mourner may not bless the Moon during his Shiva unless he is afraid that he will miss the time for saying the blessing, in which case he can recite the blessing.

## **j. TRAVELING OUTSIDE OF THE HOME**

The mourner may not leave his home for all of the seven days to go on a journey, neither for pleasure or business. However, he may travel if ordered to do so by a governmental official<sup>184</sup> or if there is a matter which involves a loss<sup>185</sup>. He may go to the synagogue to attend his son's Bris Milah. A Mohel in mourning can leave to perform a circumcision in the synagogue if he is the only Mohel in town. Similarly, a mourner can leave to perform any Mitzvah which cannot be performed by anyone else, but he must, upon completion of the Mitzvah, return immediately to his mourning<sup>186</sup>.

## **k. EXTENDING GREETINGS**

The mourner is prohibited from saying Shalom (i.e. inquire into the welfare of someone else or extend greetings) to anyone during Shiva nor do others say Shalom to him. If they are unaware of the fact that he is a mourner, during his first three days he should not respond except to inform them that he is a mourner. After the third day, he may answer with Shalom<sup>187</sup>.

**The mourner should not speak much.**

<sup>183</sup> Mo'ed Kotton 21A, MT HO 5:16, YD 384:1,4.

<sup>184</sup> Baer uses the term מוטל which is more like a ruler.

<sup>185</sup> Alternatively, a circumstance which will never come up again.

<sup>186</sup> He is permitted to leave if his absence would entail a great loss or if he has to attend to a matter of great importance. In all cases, he should put some dirt in his shoes (when he goes out) (YD 393:1,2, KSA 214:1).

<sup>187</sup> But not to greet others (Mo'ed Kotton 16A, MT HO 5:20, YD 385:1).

# TOTZAOS CHAYIM – ISSUES OF LIFE

A baby should not be placed in his arms to play with for this will bring him to laughter<sup>188</sup>.

## I. LIGHTING A CANDLE, THE NER TOMID

It is the custom to light a candle (the Ner Tomid) in the house<sup>189</sup> of the deceased for all seven days since it says that 'the Light of God is the soul of man' (see Shevet Yehuda 41 for another explanation). There are those who have the custom of lighting for all thirty days, and for the entire year for a mother or father.

There<sup>190</sup> is also a custom to make the deceased's bed, and no one should sleep in it during the Shiva, if possible. The source of all these matters is in the Will of Rabbeinu Hakodesh: "A candle is lit in his place; his table is set; and his bed made" [Kesubos 103a]. However, the practice of placing a bowl of water near the candle and hanging a hand-towel near it for all Shiva is a practice which should be abolished, for these are the ways of the Amorites<sup>191</sup>.

## m. CLOTHING

During Shiva, the mourner wears neither a white<sup>192</sup> or a new garment<sup>193</sup>

## n. MINORS

Minors do not mourn.<sup>194</sup>

<sup>188</sup> Hamadrikh adds: During the seven days of mourning, laughter and any kind of rejoicing, is forbidden (MK 26b, MT HO 5:20, YD 391:1).

<sup>189</sup> Lit. the place (Be'er Heitev to OC 580:1).

<sup>190</sup> This paragraph was relegated to a footnote on page 145 of Totzaos Chayim.

<sup>191</sup> i.e. It is superstitious with no basis in Torah. See Lechem Haponim Kuntress Acharone 376 and Chochmas Odom, end of Hilchos Aveilus.

<sup>192</sup> Maybe, laundered.

<sup>193</sup> Nor even a washed garment or shirt, even for the honor of Shabbos (Mo'ed Kotton 17b, MT HO 5:3, YD 389:1).

<sup>194</sup> A child under Bar/Bas Mitzvah is not obliged to mourn (Be'er Heitev YD 340:28).

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## o. MOURNING ON SHABBOS

There is no mourning on Shabbos, except for those things done in private, i.e. having marital relations and bathing which are still forbidden.<sup>195,196</sup>

## p. WHEN IS MOURNING OVER?

One hour into the seventh day is sufficient after which he may get up and leave to attend his business. If the seventh day is Shabbos, he does not have to sit on Saturday night since Shiva concluded at Shacharis (i.e. that morning).

## q. THE MINYAN AND PRAYERS IN THE MOURNER'S HOUSE

During all seven days, a Minyan is arranged at the home of the deceased so that we may pray there, so the soul will be comforted, and so that the mourners may be able to recite Kaddish for him. Even if there are no mourners, nevertheless, we make a Minyan in the home of the deceased, and other orphans say Kaddish. The mourner can be counted as part of the Minyan.<sup>197</sup>

We do not say **למנצח יענך ה' nor תחנון, והוא רחום הגדול, א-ל ארך אפים**. We omit the verse **ואני זאת בריתי** as we do on Tisha B'Av. We do not say **בתקבל** during the repetition of the Amidah. We do not say **צלותהו** in Kaddish nor do we say **שיר המעלות** at Ma'ariv; rather we begin with **והוא רחום**. On Rosh Chodesh and Chanukah we omit **הלל**<sup>198</sup> and on

<sup>195</sup> Shabbos is counted as one of the seven days of Shiva (YD 400:2).

<sup>196</sup> If called to the Torah on Shabbos, the mourner goes up. If he is the only Kohen present, he can go up, but it is best that he leave the synagogue before the Torah is removed from the Ark. If his son is having a Bris that Shabbos, he should not be called up [even if the custom is to call up the father on that day] as these cases would involve public mourning. The mourner should leave the synagogue before the reading of the Torah (YD 400:1, Piskei Teshuva 400:4,5).

<sup>197</sup> The mourner during Shiva should not be the Shaliach Tzibur unless no one else is capable of acting as such, although the custom (for mourner a) for parent is to allow him to lead the Service even if another capable person is present. The custom is for a mourner not to lead the Services on Shabbos and Festivals during the entire year unless he has been accustomed to be a Shaliach Tzibur before he became a mourner, in which case he can continue (KSA 210:5).

<sup>198</sup> Hamadrisk: No Hallel is recited during Shiva in the house of the deceased if the mourner is present. If they pray in the house of the deceased and there is no mourner present or if they Daven in the home of the deceased but death did not occur there, Hallel should be recited, even on Rosh Chodesh, but the mourner himself should not

# TOTZAOS CHAYIM – ISSUES OF LIFE

Saturday night we do not say **ויהי נועם ואתה קדוש**. The principle is that the prayer service in a mourner's house is similar to that of Tisha B'Av. After the Tefillah, we do not say **שיר מזמור לאסף**. We do say Psalm 16, **לדוד מכתם** both after Shacharis and Ma'ariv.<sup>199</sup>

If we Daven Ma'ariv in the mourner's home on Friday night, we omit **מגן אבות** and **במה מדליקין**. We do say **ויכולו** after the Amidah and then Kaddish. During the Ten Days of Repentance we recite **אבינו מלכנו**.

It is the custom to learn homiletic teachings<sup>200</sup> in the mourner's home in the morning and evening after which the mourner recites Kaddish D'Rabbanan. Some have the custom of praying and learning in the deceased's home for the entire Shloshim.

The mourner is not called up to the Torah during Shiva.<sup>201</sup>

A mourner-Kohen does not bless the people<sup>202</sup>. Rather, he should go out when the Chazan reaches Modim.

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recite it. If Rosh Chodesh falls on Shabbos, Hallel is recited with congregation, even in the home of the mourner, for on Shabbos no public mourning is observed (YD 376, Be'er Heitev 2, Piskei Teshuva 2).

<sup>199</sup> The reason **לדוד מכתם** Psalm 16 is recited after the Tefillah (morning and evening) in the mourner's house is because this chapter alludes to the unity of God, the righteousness of His judgment, the loftiness of righteous men after their deaths with their good reward in Gan Eden, the comfort of their souls in the grave, and their resurrection.

Some places recite **לדוד מכתם** only when no **תחנון** is said, however during days when **תחנון** is recited, **למנצח לבני קורח** (Psalm 49) is substituted. In accordance with the Sephardic custom, this Psalm is always recited, and never Psalm 16.

<sup>200</sup> There is no reference in Totzaos Chayim to the custom of learning Mishnayos in the house of the mourner. Rather, Totzaos Chayim presents multiple pages of homiletic teachings which are to be learned there.

<sup>201</sup> Even if he is the only Kohen present in the synagogue, he may not get an Aliya on a weekday (YD 384:2).

<sup>202</sup> Toras Chayim says that this is "for all the days of his mourning".

# TOTZAOS CHAYIM – ISSUES OF LIFE

## r. BATHING

The mourner<sup>203</sup> is prohibited from bathing his entire body even with cold water. However, he may wash his face, hands and feet in cold water<sup>204</sup>. From the seventh through thirtieth day he can wash his whole body in cold water, but not in hot water. If he needs to wash for health reasons<sup>205</sup> and not for pleasure, he may bathe even during Shiva and even in hot water. He may not anoint his body<sup>206</sup>, cut his hair nor trim his nails until the end of Shloshim.

## s. SHLOSHIM

One hour after exiting the synagogue on the thirtieth day ends<sup>207</sup> all the prohibitions of Shloshim (Yoreh Deah 394).

If Shloshim concludes on a Shabbos Erev Pesach, he can get a haircut on the 29<sup>th</sup> day, Friday after noon. However, for a father or mother, he does not get a haircut even after Shloshim unless he needs to, such as if he was going to meet an important minister for whom it would be improper to appear before with long hair or if his hair bothers him or if his hair was disheveled and his friends commented negatively about it. Then he is permitted to get a haircut.

## t. WHEN MOURNING IS CANCELLED

Should there be an outbreak of some epidemic in the city, Heaven forbid, then there is no mourning at all, even for a parent.

If the city is under siege and it is impossible to leave to the outlying cemetery, then mourning begins immediately when the casket is shut and brought to its designated place.

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<sup>203</sup> During Shiva.

<sup>204</sup> Mo'ed Kotton, 15b, MT HO 5:4, YD 381:1.

<sup>205</sup> Or for hygienic reasons (Mo'ed Kotton, 15b, MT HO 5:4, YD 381:1).

<sup>206</sup> Except for hygienic or medicinal purposes, but not for the sake of pleasure (MT HO 5:4, YD 381:2).

<sup>207</sup> Lit. cancels.

# TOTZAOS CHAYIM – ISSUES OF LIFE

## U. THE SHLOSHIM, OTHER MATTERS OF SHIVA, AND THE HOLIDAYS

The mourner changes his regular seat in synagogue during Shloshim, and for twelve months for a parent<sup>208</sup>.

If Shiva concludes on Erev Yom Tov, then there is no law of Shloshim for him and he is permitted, Erev Yom Tov after noon, all that he would have been forbidden during Shloshim. If Shiva concludes Erev Pesach, the mourner can have his hair cut before noon.

If Purim falls out in the middle of his Shiva, his mourning is deferred in deference to Purim. There is no mourning neither on Purim nor Shushan Purim, except for those matters performed in private. At the

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<sup>208</sup> During the first 30 days of Mourning [Shloshim] the mourner is forbidden to:

1. Wear his Shabbos clothes, even on Shabbos.
2. Put on new clothes. For a parent, this extends for an entire year.
3. If the mourner is in need of new clothing, he should let someone else wear them first for two or three days.
4. Cut the hair on his head or beard. For a parent, he must abstain from cutting his hair until he is rebuked by his friends. The custom is now to cut his hair if it is a burden for him or, if living among the Gentiles, it is looked upon with disdain. This is only after Shloshim.
5. Join a celebration such as a Bris, Pidyon Haben or wedding. For a parent, this applies for twelve months. If a religious feast (excepting a wedding) is celebrated in the mourner's house, he may participate.
6. Extend an invitation to others or be invited by others.
7. Send or receive gifts. This applies for 12 months for a parent. Local custom determines Shabbos practice in these matters.
8. Enter the house where a wedding feast is being celebrated (12 months for a parent) even for purposes of listening to the blessings. After the 30 days, he can act as a groom's Best Man escorting him to the Chuppah, put on Shabbos clothes and partake in the feast.
9. He may not act as a waiter at a wedding feast or eat whatever is sent to him at home from the feast.
10. The custom is for the mourner to change places in the synagogue during the whole year. His new place should be removed four cubits from his accustomed seat, and further away from the Aron Kodesh.

Part of the 30<sup>th</sup> day is considered a whole day, and his mourning ends then. If the 30<sup>th</sup> day occurs on Shabbos, he can bathe in warm water on Friday in honor of Shabbos, put on his Shabbos clothes, and resume his original seat in synagogue, but he may not get his hair cut.

The principle of "part of a day is considered a whole day" does not apply to the 12 months of mourning for a parent since that day is the Yahrzeit and all laws of mourning apply to that day as well (YD 385, 389, 390, 391, 393, 395, et al).

# TOTZAOS CHAYIM – ISSUES OF LIFE

end of Shushan Purim he again sits on the ground. Purim is counted as one of the days of Shiva.

The mourner Davens Ma'ariv at home on Purim night and then goes to the synagogue to hear the Megilla. However, for Shacharis he is permitted to pray in the synagogue as he would for Shabbos, since there is no mourning on Purim.

The mourner is forbidden to go to synagogue on Tisha B'Av<sup>209</sup> except to hear Megillas Eicha and to recite the Kinnos.

On Erev Rosh Hashanah and Erev Yom Kippur the mourner is permitted to recite Selichos in the synagogue, however, he must return home before daybreak.

If he buried his dead on Erev Yom Tov and he has even a little time to mourn before the holiday commences, then all the laws of Shiva are cancelled for him, but not all the laws of Shloshim.

If he sat for even one hour prior to Yom Tov, then all of Shiva is cancelled and he subtracts seven days from his thirty of Shloshim. If, for instance, it was Erev Pesach, then that is considered seven days, Pesach is eight<sup>210</sup> days (totaling fifteen) and he must only complete another fifteen days.

One hour before Shavuos is seven, Shavuos is counted as eight days (totaling fifteen) and, again, he must count fifteen to complete the thirty.

One hour before Rosh Hashanah cancels the Shiva and Yom Kippur cancels Shloshim.

One hour before Yom Kippur cancels the Shiva, and Succos cancels Shloshim.

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<sup>209</sup> See the Mishna Brura who brings that since everyone is a mourner on Tisha B'Av, someone in Shiva can attend synagogue for all Prayers.

<sup>210</sup> Outside of Israel. In Israel it is obviously only counted as 7 days and he must count 16 after the holiday.

# TOTZAOS CHAYIM – ISSUES OF LIFE

One hour before Succos cancels Shiva, Succos constitutes seven (totaling fourteen) and Shemini Atzeres is considered another seven days (totaling twenty-one), the second day of Shemini Atzeres is twenty-two<sup>211</sup> requiring only another eight to complete the thirty.

If someone died on him during Chol Hamo'ed, he is an Onan<sup>212</sup>, and not a "mourner", and he does not begin his period of mourning until after the Holiday. He sits on the ground for one hour after the Yom Tov and that is considered one day of the Shiva. He then sits for another six days after that. Nevertheless, Shloshim is calculated from the day of internment.

## V. SHMUA KROVA (TIMELY TIDINGS) AND SHMUA RECHOKA (DELAYED TIDINGS)<sup>213</sup>

“Shmua Krova” refers to a situation where someone hears of the death of a close relative, of the type he is required to mourn for, within thirty days from the hour<sup>214</sup> of death. “Shmua Rechoka” refers to a case where he heard of the death only after thirty days.

Shmua Krova requires him to observe all the Laws of Mourning including rending the garments, counting Shiva (7 days) and Shloshim (30 days) all calculated from the day he heard of the death. The principle here is that the day of Shmua Krova is (for him) like the day of burial, even if he heard on the thirtieth day.

If someone Davened Ma'ariv while it was still daylight, and then heard of the death, then he does not count that day as the first day, but rather the next one as Day One. However, if he himself did not pray as yet, but the (local) congregation has Davened Ma'ariv even though it is still day-time, then that day counts as Day One for him. If he heard on the thirtieth day after Davening Ma'ariv and it is still day-time, then he must count seven and thirty, and that day counts as Day One.

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<sup>211</sup> Outside of Israel.

<sup>212</sup> According to Rabbi Zephaniah Drori of Kiryas Shemona, he is an Onan only as long as he is personally taking an active part in making preparations for the funeral or burial.

<sup>213</sup> Totzaos Chayim p.147ff. See also Hamadrikh p.152ff.

<sup>214</sup> Alternatively, the moment of death.

# TOTZAOS CHAYIM – ISSUES OF LIFE

“Shmua Rechoka”, after thirty days, requires no sitting other than for one hour, even for a father or mother<sup>215</sup>. However, for a parent he must tear his clothing (do Kriah), but not for other relatives<sup>216,217</sup>.

## w. KADDISH

Kaddish is recited for eleven months for a parent as counted from the day of death, while mourning is practiced for twelve months. During a leap year, the first Adar is calculated for the eleven months of Kaddish and twelve months of mourning. However, the Yahrzeit is in the month of death.

The mourner should be meticulous not to miss even one Kaddish for it is through the saying of the Kaddish that a son merits the father<sup>218</sup>.

The custom is actually to conclude reciting Kaddish one day before the end of the eleven months<sup>219</sup>. For instance, if his father died on the 15<sup>th</sup> of the Cheshvan, he ceases saying Kaddish on the first day of Succos<sup>220</sup>.

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<sup>215</sup> The usual mourning for a parent must be observed, even for a Shmua Rechoka, calculated from the date of death. In the event of a Shmua Rechoka after twelve months, he only observes one hour of mourning, even for those things observed during the twelve months (MK 20b, MT HO 7:1, YD 402:1).

<sup>216</sup> He should remove his shoes or if he hears the news when he is not wearing his shoes, he should do something to show he is a mourner, such as sit on the ground for an hour (YD 402:2).

<sup>217</sup> A Shmua Rechoka arriving on Shabbos or Yom Tov requires him to sit for hour on Motzoei Shabbos or Yom Tov (YD 402:6).

<sup>218</sup> Many stories are related in the Midrashim telling of a son's saving his father or mother from judgment by reciting the Kaddish. Therefore, the custom prevails for a mourner to say Kaddish (Rama YD 376:4).

Yet, although the saying of the Kaddish and the recitation of prayers are helpful to the parents, it is not the main thing. The principal thing is for the children to walk in the proper path, for thereby they obtain Divine grace for their parents (Zohar, end of Bechukosai). See Hamadrikh p.154.

<sup>219</sup> So as not to make one's father or mother appear as evil-doers, for the punishment of the wicked is meted out to them during the first twelve months (Ediyos 2:19, Rosh Hashanna 17a, YD 376:4 Rama, KSA 26:27). See Hamadrikh p.154.

<sup>220</sup> That is, he does not say Kaddish that day.

# TOTZAOS CHAYIM – ISSUES OF LIFE

## X. THE YAHRZEIT<sup>221</sup>

The anniversary of the passing of a father or mother is called the Yahrzeit and is calculated from the day of death, and not burial<sup>222</sup>, whether or not the mourner was present at the death.

One who would normally fast<sup>223</sup> on the Yahrzeit (as per Sefer Chasidim 231) does not do so if that day falls out on a day when Tachanun is not said. He also does not fast on the day of his son's Bris Milah nor would he if he was the Sandek or Mohel.

If his parent died in a non-leap year (when there is only one Adar) during Adar, and the next year was a leap year, then he fasts in the First Adar.

If his parent died in a leap year during the First Adar, then he would fast in the First Adar, as well.

If his parent died in the Second Adar, then he fasts in the Second Adar since he must always fast in the month when the person died.

If he died on the first day of Rosh Chodesh Kislev (i.e. the 30<sup>th</sup> of Marcheshvan) and a subsequent year was "lacking" (חסרה) leaving Marcheshvan with only twenty-nine days, the Yahrzeit would be commemorated on the twenty-ninth of Marcheshvan, since we always go according to the month<sup>224</sup>.

<sup>221</sup> Totzaos Chayim pp.148, 288ff and 332 for special supplications recited at the grave for parents, siblings, wife or husband, a young child, grandparents, rabbis and teachers, and others. Totzaos Chayim also adds a special prayer for sustenance (p.316), a general supplication for raising children (p.318), and a request asking for forgiveness from the deceased if his honor was marred (p.328).

<sup>222</sup> Except for the first year only in the event that burial took place three or more days since the day of death when, in such a case, the Yahrzeit is commemorated on the date of internment (SA OH 568:8, YD 402:12 Rama, Be'er Heiteiv there, para. 12, KSA 221:2).

<sup>223</sup> It is a Mitzvah to fast on the Yahrzeit of a father or mother (YD 402:12, Rama quoting the Kol Bo) in order that he be impelled to do repentance, investigate and improve his conduct and, in this way, obtain Divine grace for his father and mother who will be elevated in Paradise. See Hamadrikh p. 154.

<sup>224</sup> That is, a "Marcheshvan" Yahrzeit cannot take place in Kislev.

# TOTZAOS CHAYIM – ISSUES OF LIFE

One who does know the date of death of a father or mother may designate a particular date on which to fast and say Kaddish<sup>225,226</sup>.

## 8. RULES OF THE MOURNER'S KADDISH<sup>227</sup>

An adult (post-Bar Mitzvah) mourner within Shiva says all the Kaddishes<sup>228</sup> in synagogue, even if a mourner in Shloshim or a Yahrzeit is present. Even a pre-Bar Mitzvah mourner recites all the Kaddishes excepting one which is reserved for the Yahrzeit. If there are more Yahrzeits than Kaddishes, the minor is completely pushed aside.

A non-resident Shiva mourner is considered to be like a resident mourner.

Two mourners of equal status, such as if both were mourners in Shiva or both were mourners in Shloshim, should divide the Kaddishes between them. Lots should be drawn to determine who should say the first Kaddish.

If present are an adult Shiva mourner, a minor Shiva mourner and a Yahrzeit, and there are only three Kaddishes to recite, then the adult Shiva mourner recites two, the minor recites one and the Yahrzeit does not say any.

If a Shloshim mourner and a Yahrzeit are present, the Yahrzeit receives only one Kaddish. If the number of Yahrzeits equals the number of Kaddishes, the Shloshim mourner gets pushed aside entirely.

<sup>225</sup> It is the custom to light a candle which burns for 24 hours on the Yahrzeit, as it says, "A light of God is the Soul of Man" (Ps. 20:27 – Magen Avraham OH 261:6).

<sup>226</sup> For matters dealing with dedicating a tombstone, see Hamadrikh Chapter 31, pp.156-163. For the ceremony to consecrate a new cemetery, see Hamadrikh, Chapter 32, pp.164-177. For matters concerning a memorial service, הזכרת נשמות, see Hamadrikh Chapter 33, pp.178-184.

<sup>227</sup> Totzaos Chayim p.149.

<sup>228</sup> What is referred to here is the earlier Ashkenazi custom where only one person recited Kaddish at a time. He would stand next to the Shaliach Tzibur and recite Kaddish. In the course of time, there were more mourners in the synagogue than Kaddishes to be recited and the Sephardic custom of having all mourners recite Kaddish in unison was adopted by most congregations.

# TOTZAOS CHAYIM – ISSUES OF LIFE

If a mourner after Shloshim and a Yahrzeit are present, then the Yahrzeit recites all the Kaddishes except for the one Kaddish [after] Shir Shel Yom which is reserved for the mourner.

If a resident Yahrzeit and a non-resident Shloshim mourner are present, the non-resident Shloshim mourner recites one Kaddish only. If a resident Shloshim mourner and a non-resident Yahrzeit are present, the non-resident recites one Kaddish only even if there is another resident Yahrzeit present.

If a resident Yahrzeit and a non-resident Yahrzeit are present, then the non-resident does not recite any Kaddish at all.

The Kaddish recited after Kabbolas Shabbos is reserved always for a Yahrzeit whether the day of the Yahrzeit is on Shabbos or Friday. If there are two Yahrzeits present one of whom is on Friday and the second on Shabbos, the Shabbos Yahrzeit recites this Kaddish.

A mourner at the end of his eleven months who is concluding his Kaddishes recites all the Kaddishes. If another Yahrzeit or a Shloshim mourner are present then they each recite one Kaddish.

The one who has a higher priority for Kaddish also has a higher priority to Daven before the Amud<sup>229</sup>. If one does not know how to Daven before the congregation, he should not do so except for **אשרי וּבֵא לְצִיּוֹן וְגֵאֵל**.

The custom has already spread to most places that the mourners and the Yahrzeits all recite the Kaddish in unison, and in truth, by so doing many disputes have been quieted regarding the order of precedence for Kaddish. However, those who have this custom must take care that no one call out his Kaddish noisily or quickly since “two voices are not heard”. Rather, one of the mourners should lead and recite the Kaddish loudly and at a comfortable pace while the others say their Kaddishes along with him quietly, word for word.

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<sup>229</sup> That is, to be the Shaliach Tzibur.

# TOTZAOS CHAYIM – ISSUES OF LIFE

## 9. LEARNING IN THE HOUSE OF THE MOURNER<sup>230</sup>

It is a good custom to learn matters of ethics and homiletics in the house of the mourner during the Shiva both in the morning and evening during the Prayer Service as it says, “*God’s Torah is perfect and restores the soul*” - both for the living and deceased. The mourner should pay attention to these words of Torah.

At the conclusion of the learning session, a short prayer<sup>231</sup> is offered and Kaddish D’Rabbonon<sup>232</sup> recited by the mourner.

## 10. RECITATION OF PSALM 16 (מכתם לדוד) AFTER THE MORNING AND EVENING SERVICES IN THE MOURNER'S HOME<sup>233</sup>

We do not recite Psalm 83 – שיר מזמור לאסף – after Shacharis, but substitute Psalm 16 – מכתם לדוד. It is also said after the Evening Service.

This Psalm alludes to the unity of God, the righteousness of His judgment, the ascent of the righteous after their deaths, with their good and suitable reward in Gan Eden, the comfort of their souls in the grave, and their resurrection.

Some places recite מכתם לדוד (Psalm 16) only when no Tachanun is said, however, during days when Tachanun is said Psalm 49 – למנצח לבני קורח מזמור – is substituted. The custom of the Sephardim is to always recite this Psalm and never Psalm 16.

The Kaddish Yosom (Orphan's Kaddish) is now recited.

<sup>230</sup> Totzaos Chayim pp. 150-236.

<sup>231</sup> See Totzaos Chayim, p.238.

<sup>232</sup> See Totzaos Chayim p.242.

<sup>233</sup> Totzaos Chayim pp.246-248

# TOTZAOS CHAYIM – ISSUES OF LIFE

## 11. TICHINAS HAHASHKAVA – תחנת ההשכבה<sup>234</sup>

Many communities, particularly those which follow the Sephardic tradition, have a custom to recite a prayer called Hashkava<sup>235</sup> at the grave of the deceased for all thirty days from internment. It is also said when the tombstone is erected.

## 12. VISITING AND COMFORTING THE MOURNER<sup>236</sup>

It a Mitzvah for every Jew to go to comfort the mourner. We do not allow him to sit alone and idle, and be bored all day. The visitor does not greet him with Shalom nor initiate a conversation until the mourner begins first. The visitor should not talk of useless matters with him and, needless to say, tell humorous stories. Neither should the visitor say to him, "What can we do?" for this is no comfort at all but, in fact, is blasphemous as we learn from Baba Kamma 38<sup>237</sup>.

Rather, the visitor should speak to his heart and talk of meaningful matters, and that which will revive the mourner's depressed soul, as it were. He should tell him parables and allegories<sup>238</sup>, and say that all that God does is for the benefit of Man, that a person should put his trust in God, and that he should not despair regarding His salvation, and similar (ideas), in order that the mourner will be able to rationalize the Judgment, and be receptive to consolation.

<sup>234</sup> Totzaos Chayim pp.250-252.

<sup>235</sup> See Totzaos Chayim pp.250-252.

<sup>236</sup> Totzaos Chayim p.252.

<sup>237</sup> Baba Kamma 38a (Totzaos Chayim incorrectly references BK 35). "When R. Samuel b. Judah lost a daughter, the Rabbis said to Ulla: 'Let us go in and console him.' But he answered them: 'What have I to do with the consolation of the Babylonians (rabbis) which is [almost tantamount to] blasphemy? For they say "What could have been done?" which implies that were it possible to do anything, they would have done it.' He therefore went alone to the mourner and said to him: Scripture says, 'And the Lord spake unto me, Distress not the Moabites, neither contend with them in battle' (Deut. 2:9) [i.e. accept your fate, for all is from God - RB].

<sup>238</sup> Baer uses the term משלים which may mean here 'examples'.

# TOTZAOS CHAYIM – ISSUES OF LIFE

Upon leaving, the visitor does not say Shalom but, on a weekday, says:

המקום ינחם אותך (אם הם רבים: אתכם) בתוך שאר אבלי  
ציון וירושלים:

*May the Almighty comfort you among the mourners of Zion and  
Jerusalem.*

On Shabbos one says:

שבת היא מלנחם ונחמה קרובה לבוא ושבתו בשלום:

*(Although) today is the Sabbath (Festival), and we are  
forbidden to cry out, (know that) a cure is near because His  
mercy is abundant; so rest peacefully.*

## 13. BIRKAS HAMOZONE FOR MOURNERS<sup>239</sup>

It was the custom, at one time, to add a special consolation paragraph<sup>240</sup> within the Birkas Hamozone in the home of a mourner, as brought down by Totzaos Chayim. However, this custom has been all but abandoned since it now unusual for mourners to eat in groups.

## 14. PRAYERS AND SUPPLICATIONS AT THE CEMETERY<sup>241</sup>

One who has not been to the cemetery within the last thirty days recites the following blessing when he reaches four Amos (about 6 feet or 2 meters) from the graves:

<sup>239</sup> Totzaos Chayim p.254ff.

<sup>240</sup> See Hamadrikh, p.141.

<sup>241</sup> Totzaos Chayim p.122 and 266ff. See Berochos 58b, OC 224:11.

# TOTZAOS CHAYIM – ISSUES OF LIFE

## ברכה על בית חיים •

מי שחל לבית עלמין ולא היה שם תוך שלשים יום יחמר ברכה זו כנולדו שמה קרונו ד' אמות לקברים.  
 וזער חין 30 טעגטן ניכט חוץ דעם בית חיים וזמר, וזגט ביי'ס חיינטריטט דיעזע ברכה.

בפס"ט חומרים בנוקחא זו.  
 ברוך אתה יי אלהינו מלך העולם אשר יצר בדין וזן וכלכל אתכם בדין והמית אתכם בדין ויודע מספר כלכם (בדין) ועתיד להחזיר ולהחיות אתכם בדין • ברוך אתה יי מחיה המתים:

אתה גבור לעולם אדני מחיה מתים אתה רב להושיע • מכלכל חיים בחסד מחיה מתים ברחמים רבים סומך נופלים ורופא חולים ומחיר אסורים ומקים יאמורו לי ישיני עפר • מי כמוך בעל גבורות ומי דומה לך מלך ממית ומחיה ומצמיח ישועה • ונאמן אתה להחיות מתים:

ויש שאין חומרים אתה גבור עד אחר הקבורה.

1) אפה קשי הלשון בנוכחת ברכה זו כבר העיר עליו ר"ח בסידור שפה ברורה שלו דף רכ"א, ולפי מה שהביא גם בסוף פלפולו בס"ס רש"ץ יהיה לכתוב פה את כלל ה"א ויהיה לא מלת הכינוי חלל תואר להקב"ה, כלומר הראשון (כמו א) וגם האחרון (כמו ח). אכן גם סברה זו דחוקה נראה לעינים ודאי שאין כן מדעת מסדרי התפלה לכתוב רמז נוטריקון כזה. וא"כ עודנה הקושיה במקומה עומדת.

*Blessed are you God, our God, King of the universe Who has fashioned you justly, and fed and sustained you justly, and brought death to you justly, and knows the number of all of you (justly) and will, in the future, resurrect you justly. Blessed are you God, Who revives the dead.*

# TOTZAOS CHAYIM – ISSUES OF LIFE

Some add the following only after an internment has been completed:

אתה גבור לעולם אדני-י מחיה מתים אתה רב להושיע.  
מכלכל חיים בחסד מחיה מתים ברחמים רבים סומך  
נופלים ורופא חולים ומתיר אסורים ומקים אמונתו  
לישני עפר. מי כמוך בעל גבורות ומי דומה לך מלך ממית  
ומחיה ומצמיח ישועה. ונאמן אתה להחיות מתים:

The souls of the deceased are consoled when the living come to their graves and pray there (Sefer Chassidim 450).

It is a very ancient custom to go to the cemetery during times of trouble and on fast days to pray there (Ta'anis 16). We have found that Calev ben Yefuna prostrated himself at the graves of the Patriarchs (Sotah 34) as did Rabbi Mani Bar Yonah at his father's grave (Ta'anis 23b). So was the custom on Tisha B'Av, Erev Rosh Hashanah<sup>242</sup>, and Erev Yom Kippur to offer many supplications at the cemetery (Rama, Orech Chayim 559, 581 and 605).

Also, on a Yahrzeit, it is the custom to go offer prayers at the grave of one's father and mother (see Rashi, Yevomos 122). A prayer offered there is more readily accepted inasmuch as the merit of the righteous souls is beneficial to us as we find in Shemos Rabbah 44: *גפן ממצרים תסיע – As a living vine rests on dead trees, so does Israel live and exist by leaning on the deceased.*

Also, when a person stands at a grave he gives thought to his own demise, and he will pray with a shattered and lowly heart. There, God will hear his prayer for God will not discredit the prayer of anyone who has a broken and depressed heart.

**However, one must not intend to pray to the dead to help him – Heaven Forbid!**

Rather, he must direct his prayers to the Holy One, Blessed be He, so that they be accepted, for himself and for the deceased, and that He should accept the prayers of the dead who pray for the living, and that their merits should support their descendants, as it says, *“And He shall do kindness for two thousand (generations), etc!”*

<sup>242</sup> See Totzaos Chayim, pp.324 and 326.

# TOTZAOS CHAYIM – ISSUES OF LIFE

We have found in the name of the Arizal that the ideal time to go to the graves of the righteous is Erev Rosh Chodosh and on the 15<sup>th</sup> of the month.

We have a tradition in the names of Rabbi Yehuda HaChossid and of the Ari that one should not go to the same grave twice in one day.

One should also give alms before reciting supplications.

However, one should not go to the cemetery when there is no need.

A special blessing is made if one has not visited the cemetery in thirty days makes the blessing (as above) as well as special prayers at the graves of relatives and rabbis, and when encircling the grave<sup>243</sup>. Those who go around do so seven times, but must stand still when reciting their prayers in order that they have proper intent. It is also customary to offer prayers for sustenance<sup>244</sup>, raising children, and forgiveness<sup>245</sup> from the deceased at the cemetery<sup>246</sup>.

Prior to leaving the cemetery, one should recite a final prayer<sup>247</sup>.

THE END.

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<sup>243</sup> See Totzaos Chayim, p.266ff.

<sup>244</sup> See Totzaos Chayim p.316.

<sup>245</sup> See Totzaos Chayim p.328. Totzaos Chayim says: The soul has three names: **נפש**, **רוח**, **ונשמה**. There are many definitions of these terms, however I shall present here something Saadiah Gaon wrote in Sefer Emunos V'Deyos 6. "When life connects with the body, three forces emerge: consciousness, anger and desire or what we call **נפש**, **רוח**, **ונשמה**." Scripture uses **נפש** when referring to lust, desire or will and **רוח** when referring to anger or jealousy.

<sup>246</sup> See Totzaos Chayim p.332 for another short prayer to be recited at the grave site.

<sup>247</sup> See Totzaos Chayim p.334.

# TOTZAOS CHAYIM – ISSUES OF LIFE

## APPENDIX

### From Our Sages

**R' Channa ben R' Chanina** says: “From where do we see that G-d visits the ill? From Abraham. For it says, **וירא אליו ה' באלוני ממרא**, “And G-d appeared to him at Alonei Mamrei”<sup>248</sup>.

It is written, **והדעת להם את הדרך ילכו בה ואת המעשה אשר יעשו** “And you shall make known to them the way they are to go and the deeds that they should do”<sup>249</sup>:

“The way” - Means performing acts of lovingkindness

“They are to go” - Means visiting the ill, for visiting the ill is a Mitzvah in “going”. One has to get up and go to visit to fulfill the Mitzvah<sup>250</sup>.

**From six things** a person benefits of the principle in this world, but the interest is saved for him in the World to Come. One of them is the Mitzvah of Visiting the Sick<sup>251</sup>.

**R' Nosson ben Yosef** says, “Comforting mourners, visiting the sick and acts of lovingkindness bring goodness to the world”<sup>252</sup>.

**Every visitor** is a cause for him to live since he asks for mercy that he live when he prays and removes a portion of the illness by helping the sick person. Besides, now might be the **Eis Rotzon**, the time when G-d is most receptive to accepting prayer, and it is now his prayers will be heard. Failure to visit now would be cause for his death.

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<sup>248</sup> Genesis 18:, Sotah 14a

<sup>249</sup> Exodus 18:20

<sup>250</sup> Preshoh, YD 335:3

<sup>251</sup> Shabbos 127a

<sup>252</sup> Avos D'Rebbe Nosson 30:1

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Those who visit the sick are rewarded in this world as it says, ה' ישמרהו ויחייהו ואושר בארץ ואל תתנהו בנפש אויביו "G-d will preserve him and keep him alive; there will be happiness on Earth. He will not deliver him unto his foes"<sup>253</sup>

ישמרהו	-	God will save him from his evil inclination
ויחייהו	-	and from his afflictions;
ואושר בארץ	-	and all will be honored through him.
ואל תתנהו	-	His friends will come and heal him as with
בנפש אויביו	-	Na'aman, and not like Rechovom, whose kingdom was divided.

And this is a מדה כנגד מדה – a measure for a measure. How so?

Saved from his evil inclination –	For he caused the ill to repent.
Saved from afflictions–	For he helped him alleviate himself from his afflictions.
Honor -	That even a great man visits a lesser person (or an adult visits a child)
Friends -	For the essence of Visiting the Sick is when one's loved ones and friends come to visit <sup>254</sup> .

And he will be rewarded in the Next World and saved from Gehinom as it says, אשרי משכיל אל דל , Happy is the wise when with the weak.

For the “weak” referred to here are the ill<sup>255</sup>.

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<sup>253</sup> Psalms 41:3

<sup>254</sup> See Rav, Nedarim 40a

<sup>255</sup> For other sources, see also Berochos 34b, Kesubos 67, Avos D'Rebbe Nosson 41a, Shloh on Pesochim, Bikur Cholim, Ahavas Chesed by the Chofetz Chaim, Sefer HaTzadik R' Yosef Zundel of Salant, pages 26 and 27, Peninay Yam at the end of Sefer Afikei Yam Part 2,6, Pinkas HaGri Sarna in Kovetz Achar HaAssaf.

# TOTZAOS CHAYIM – ISSUES OF LIFE

## A Few Brief Laws for the Physician<sup>256</sup>

**YD 336:1** The Torah has given permission to a physician to heal<sup>257</sup>. This (Mitzvah) is included in the Commandment of Saving Lives. If he desists (from providing medical treatment) he is spilling blood, and even if there is someone else there who can heal (the patient). For the ability (lit. merit) to heal was not given to everyone.

Similarly, one should not engage in practicing medicine unless he is well-trained (lit. an expert) and there is no one greater than he (there). If he does, he is spilling blood<sup>258</sup>.

If one practices without the Beis Din's authorization, he is liable to pay (damages) even if he is an expert. Now, if he has authorization of the Beis Din and makes a mistake and causes injury, he is exempt by the Laws of Man, but is obligated by the Laws of Heaven<sup>259</sup>. If he causes a death, and he learns that he erred, he is exiled.

**YD 336:2** A doctor cannot charge for his wisdom or education, but only for his efforts and time.

**YD 336:3** One who is in possession of some medication, and his fellow is ill and is in need of those drugs, must not over-charge for them. One need not pay more than the fair value of those drugs even if he agreed to pay an exorbitant price if he was under pressure at the time.

However, he must pay the physician whatever fee they agreed upon for he sold him his wisdom for which there is not set price.

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<sup>256</sup> As translated directly from the Shulchon Aruch, Yoreh De'oh 336.

<sup>257</sup> So that a person should not come and say, "What do I need this for? Maybe I'll make a mistake and I'll kill him by accident (Shach).

<sup>258</sup> If he causes injury intentionally, even if the Beis Din gave him permission, he is liable (for damages) in the human court (Shach).

<sup>259</sup> Nevertheless, he should not desist from practicing medicine for fear of making a mistake, since practicing medicine is a Mitzvah (Shach).

# TOTZAOS CHAYIM – ISSUES OF LIFE

## Epilogue

Sefer Yikoroh d'Chayei adds a final note. He says that it is incorrect to assume that hospital patients merely require cursory visits for one to fulfill his Mitzvah of Bikur Cholim. Far from it! This is a mistake in both the reality of the situation and the proper manner for fulfilling the Halacha.

Despite the routine care a patient should be receiving in a hospital, the visitor can:

- Make sure that the hospital staff is aware that people are taking interest in and are concerned about this particular patient by inquiring about him, his condition and care. This may help to perk up and motivate the hospital's personnel regarding this patient.
- The heavy work load of the staff may make it impossible for them to attend to all their patients with the frequency and attention that they require. The patient may need help with his feeding and other basic needs of comfort.
- Visitors can check that the patient is being properly fed and his diet is sufficient. They can check matters like the Kashrus of the food, whether Shabbos and Yom Tov are properly observed, and so forth.
- Visitors, family and friends, can arrange for expert, second opinions to come and assist, and consult with the attending physicians.
- Visitors, by their mere presence, boost the patient's spirits and morale. This is of great value unto itself.
- Visitors can make sure that the hospital does not perform an autopsy on this patient and violate the sanctity of the dead.