

CONVERTS MOURNING THE DEATH OF CLOSE RELATIVES

Rabbi Joel E. Rembaum

This paper was approved by the CJLS on June 10, 1998, by a vote of eleven in favor, five opposed, and one abstaining (11-5-1). Voting in favor: Rabbis Kassel Abelson, Ben Zion Bergman, Elliot N. Dorff, Shoshana Gelfand, Arnold M. Goodman, Judah Kogen, Aaron L. Mackler, Mayer Rabinowitz, Joel E. Rembaum, James S. Rosen, and Gerald Zelizer. Voting against: Rabbis Baruch Frydman-Kohl, Lionel E. Moses, Paul Plotkin, Avram Israel Reisner, and Joel Roth. Abstaining: Rabbi Alan B. Lucas.

The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.

שאלה

How should converts to Judaism mourn the death of close relatives who are not Jewish?¹

תשובה

In recent years Jewish communities have welcomed into their midst ever increasing numbers of גרים, converts to Judaism. Given the demographic trends of American Jewry, there is every reason to assume that this process will continue for the foreseeable future.

Among the halakhic issues that arise as a result of the heightened rate of conversion to Judaism are questions that touch on the relationship between a Jew-by-choice and his or her natural, non-Jewish family. In earlier centuries this matter was at best marginal. The Jewish community was separated physically, emotionally and spiritually from the non-Jewish world. From the third century C.E., conversion to Judaism was an insignificant phenomenon, and when such a conversion did take place a radical separation between the גר, convert to Judaism, and his or her natural family ensued. In many instances in pre-modern times גרים had to flee their original areas of settlement for fear of retribution on the part of the local non-Jewish religious authorities.²

¹ Many thanks to Rabbi David Golinkin for his source references and, especially, for calling my attention to the paper by Rabbi Etan Shikli, cited in n. 3, below.

² See *Encyclopaedia Judaica* (Jerusalem: Keter, 1972), 13:1187-1191.

Relations Between גרים and Their Non-Jewish Relatives

As uncommon as they were, relationships between גרים and their non-Jewish families have been discussed in the halakhic sources for many centuries.³ From one halakhic point of view גרים ought not to have any legal ties or obligations to their non-Jewish parents because, according to Talmudic tradition, גר שנתגייר כקטן שנולד דמי, “a proselyte who converted is like a new-born infant.”⁴ This means it is as if גרים are created anew upon conversion, and all links to their natural parents have been severed. The Talmud’s discussions in which the principle of גר שנתגייר, a proselyte who converted, is cited revolve around the following questions: May a גר marry close non-Jewish relatives without violating the prohibition against incest? May גרים testify in cases involving their non-Jewish relatives? Does a גר fulfill the obligation of “be fruitful and multiply” through children born to him prior to his conversion? With respect to the laws of primogeniture, does the first Jewish son born to a גר after conversion displace a true first-born son born to the גר prior to conversion? May freed and converted slaves who are brothers marry each other’s wives from prior to their conversion?

As Rabbi Etan Shikli has noted,⁵ the strong tendency in these cases is to set aside the principle of גר שנתגייר in the face of mitigating circumstances which demand other ethical or rational considerations. Thus, for example, regarding the possibility of permitting what otherwise would be considered incestuous relations between גרים and their non-Jewish relatives, Rav Nahman rules against permitting such relations, שלא יאמר, באין מקדושה חמורה לקדושה קלה, “that it should not be said of the proselytes that they come from a higher degree of sanctity to a lesser degree of sanctity.” That is, it should not be said that as non-Jews they would have been forbidden to engage in such unions, while as Jews they would have been permitted.⁶

In the matters of procreation and primogeniture, Resh Lakish applies the principle of גר שנתגייר and concludes that a גר with children from before conversion has not fulfilled the commandment to procreate and the first son born to a גר after conversion can inherit. Rabbi Yohanan disagrees, arguing, דהא הוּו [הוּו] ליה, “indeed, he had them (him),” meaning that the existential reality is that the גר did have children and does have a first-born son.⁷ The law is according to Rabbi Yohanan.⁸

In yet another Talmudic discussion⁹ the sages allow a גר to inherit from his non-Jewish father, שמא יחזור לסורו, “lest he return to his waywardness [pagan practices].” The notion of גר שנתגייר is not even raised in this case, and a rational explanation is given to allow the relationship between the גר and his natural father to remain intact.¹⁰ In sum, it is clear that in certain cases the Rabbis were able to set aside the principle

³ For a review of various halakhic opinions on the matter of the relationship between a convert to Judaism and his or her non-Jewish family see the unpublished paper by Rabbi Etan Shikli in response to the question: “From the perspective of halakhah may a devout Jewish woman ask her husband-to-be who is a convert to Judaism to sever all ties with his gentile family, or is he still obliged to honor his parents and is this obligation contrary to halakhah?” (Hebrew), submitted to Rabbi David Golinkin in Jerusalem, 1 Adar, 5751.

⁴ B. Yevamot 22a, 48b, 62a, 97b; Bekhorot 47a.

⁵ Shikli, pp. 5-10.

⁶ B. Yevamot 22a.

⁷ B. Yevamot 62a.

⁸ S.A. Even HaEzer, 1:7; Hoshen Mishpat, 277:9.

⁹ B. Kiddushin 17b.

¹⁰ Shikli, p. 9.

of *גר שנתגייר* and look upon the relationships of *גרים* with non-Jewish family members as if they still were intact.¹¹

Similarly, it can be demonstrated that, while a *גר* is not obligated to fulfill the commandment to honor parents, the overwhelming majority of halakhic authorities who deal with this issue expect *גרים* to show respect for their non-Jewish parents and desist from demeaning them. Such acts of respect would include visiting them when they are ill. According to certain authorities the reason for this is *הכרת טובה*, “recognition of goodness” the parents generated for their children.¹² Others simply recognize that common sense dictates that respect be shown by *גרים* to their non-Jewish parents.¹³ Again, the *גר*-parent relationship is viewed as continuing to be viable.

גרים and Mourning Non-Jewish Relatives

The foregoing analysis serves as a foundation for the primary question to which this paper responds: How should *גרים* mourn the death of close relatives who are not Jewish? Halakhic opinions on *גרים* mourning the death of their non-Jewish parents have evolved over time. The Talmud does not address the issue. Based on a Talmudic discussion in B. Yevamot 97b regarding *חליצה*, removing the sandal, and *יבום*, levirate marriage, in a case of a woman who converted along with her two sons, the Shulhan Arukh decrees: *הגר שנתגייר הוא ובניו... אין מתאבלין זה על זה*, “when one converts along with his children. . . they do not mourn for each other.”¹⁴ As the *Encyclopedia Talmudit*¹⁵ indicates, the reason is *גר שנתגייר* for a non-Jewish parent. Rabbi Moses Isserles, however, concludes in a subsequent discussion¹⁶ regarding mourners: *מי שרוצה להחמיר על עצמו להתאבל על מי שאינו צריך... אין מוחין בידו*, “should a person be stringent upon himself and mourn someone whom he is not obligated to mourn. . . we do not deter him.”¹⁷ Were we to follow this approach we would urge the *גר* not to follow the traditional Jewish mourning procedures, but we might approve of such procedures if the *גר* were adamant and insisted upon following them.

Approaching the matter from a different perspective, other authorities have been more accepting of a *גר* grieving for a non-Jewish parent in a traditional Jewish way. Rabbi Aharon Walkin determined that lest *גרים* say: *באנו מקדושה חמורה לקדושה קלה*, “we have come from a higher degree of sanctity to a lower degree of sanctity,” they are obliged to honor their parents, and, lest they be viewed as demeaning their parents after their death, it may be that they are obligated to say kaddish.¹⁸ As Rabbi Jack Simcha Cohen has noted, Rabbi Walkin also discusses reasons why a *גר* should not recite kaddish: it is a uniquely Jewish

¹¹ See also David Novak, *Law and Theology in Judaism* (New York: Ktav, 1974), pp. 75-76; *Encyclopedia Talmudit* (Jerusalem: Encyclopedia Talmudit, 1965), 6:259-260 (Hebrew).

¹² Shikli, pp. 10-14.

¹³ Shikli, pp. 15-16.

¹⁴ S.A. Yoreh De'ah, 374:5; and see Be'ur Ha-gr'a, ad loc., no. 6.

¹⁵ 6:261.

¹⁶ S.A. Yoreh De'ah, 374:6.

¹⁷ See Hayyim Binyamin Goldberg, *P'nei Barukh – Aveilut Ba-halakhah* (Jerusalem: n. p., 1986), pp. 102, 105; also, *Encyclopedia Talmudit*, 6:261.

¹⁸ Aharon Walkin, *Zekan Aharon, Mahadurah T'nina* (New York: Gilead, 1951), Yoreh De'ah, no. 87; and see n. 6 above.

expression of grief, to be said by Jews for Jews; also, it is intended to elevate the soul of the deceased out of pain to a higher level of bliss, and it can be asked if a non-Jewish soul warrants such a blessing. Rabbi Walkin raises the possibility that the recitation of Psalms by the גר on behalf of the non-Jewish parent would be more appropriate. Rabbi Cohen concludes that while Rabbi Walkin may not consider it mandatory, it is clear that he would hold that the גר definitely may recite kaddish on behalf of his non-Jewish parent.¹⁹ Rabbi Ovadiah Yosef is of the same opinion and notes that it is appropriate to view the kaddish as elevating the soul of the deceased non-Jewish parent to a higher level of bliss.²⁰ Rabbi Isaac Klein has ruled in a similar fashion, noting that some authorities hold the גר to be obligated to say kaddish. He concludes: "Today, when the bonds of love for family are not severed, there certainly can be no objection."²¹

Rabbi Maurice Lamm has discussed the broader issue of גרים incorporating the full spectrum of Jewish mourning practices when grieving over the loss of non-Jewish parents. In evaluating Rabbi Lamm's opinion, one can see a change in emphasis in his more recent writing where he becomes more supportive of a גר observing the full bereavement ritual. In an earlier work, *The Jewish Way in Death and Mourning*, Rabbi Lamm notes that there is no obligation on גרים to mourn non-Jewish parents in the "prescribed Jewish manner." While גרים are expected to show respect for their parents, they are religiously removed from them. He holds that grief should be expressed in a "Jewish way." While allowing for the possibility that a גר may say kaddish, echoing Rabbi Walkin, he suggests that the recitation of a psalm or the study of a portion of Torah in honor of the non-Jewish parent would be preferable. "The decision to do either rests with the bereaved." In this book Rabbi Lamm believes that a distinction should be made between a Jew and a non-Jew. Likewise, shivah procedures preferably should not be observed fully, as with a Jewish parent. Some may conclude that the parent was indeed a Jew. "The converted Jew should not feel that his emotions of grief must be restrained because of the religious difference. It is only the religious observance which is at issue. Indeed, those mourners who are converts should be shown special kindness during this period."²²

A decided shift in emphasis can be seen in these selections from Rabbi Lamm's more recent work, *Becoming a Jew*:

It must be emphasized that the mourning practices should be Jewish observances and decidedly not those of the convert's former religion. Not only respect for parents is important, but also self-respect to express feelings in a way most appropriate to the mourner's life and philosophy. The convert may perform all those mourning observances as do born Jews for their parents. They may serve as pallbearers, bury the dead at their cemetery, fill in their graves, and observe the seven-day (*shivah*) and thirty-day (*sheloshim*) mourning periods. Some authorities, however, say that the full observance of *shivah* and *sheloshim* and the full twelve-month period of mourning is not appropriate.

¹⁹ J. Simcha Cohen, *Timely Jewish Questions, Timeless Rabbinic Answers* (Northvale, New Jersey: Jason Aronson, 1991), pp. 5-8.

²⁰ Ovadiah Yosef, *Sefer Sh'eilot U-t'shuvot Yehaveh Da'at* (Jerusalem, 1983), no. 60, pp. 301-307.

²¹ Isaac Klein, *Responsa and Halakhic Studies* (New York: Ktav, 1975), p. 122; *A Guide to Jewish Religious Practice* (New York: Jewish Theological Seminary, 1979), p. 448.

²² Maurice Lamm, *The Jewish Way in Death and Mourning* (New York: Jonathan David, 1969), pp. 82-83.

As to the question of whether a Jewish mourner should recite the kaddish prayer for gentile parents, former Sephardic Chief Rabbi Ovadiah Yosef urges converts to do so. Whether, in fact, every other rabbi would rule in the same manner is questionable. But there is no doubt that, if the convert mourner wishes to recite the kaddish, he should be encouraged to do so. . . .

However, understandably, the halakhah could not require the convert to respect his parents and formally practice mourning rites. Only the relationship could determine the obligation. Psychological insights available today incline us to encourage the convert to express his mourning. It is a way of living and growing through a situation which, if not handled well, might be postponed for half a lifetime and affect virtually every experience of separation that may occur in the future.²³

As we have seen, even in earlier periods when relationships between גרים and their natural parents usually were severed, rabbinic authorities did set aside the principle of גר שנתגייר when warranted by special circumstances. Today, when the norm is for גרים to maintain ties to their non-Jewish parents, how much more so should this principle be set aside as we deal with the matter of how גרים are to mourn the loss of their non-Jewish relatives. Today, when a parent or close relative of a גר dies the pain of the grief often is unaffected by the fact that a conversion to Judaism has taken place. The child loves and respects the parent much as he or she did prior to the conversion. Rabbi Yohanan's notion, ריהא הוו ליה, "indeed, he had them,"²⁴ applies here with regard to the existential reality of these feelings. As a consequence, the גר will need a method for managing his or her grief. Inasmuch as the גר is now a Jew, he or she ought to be directed to the full scope of the traditional Jewish way of grieving. To do less would be to deprive the גר of a powerful tool for coping with loss and might suggest that alternate forms of bereavement may be acceptable, including the mourning practices of the religion of the deceased. Hence, the concern שמא יחזור לסורו, "lest he return to his waywardness,"²⁵ would enter into the picture. All of this would confuse a person whose Jewish identity was still developing and would diminish the significance of Judaism as a meaningfully helpful tradition in the eyes of the גר and his or her Jewish family.

Regarding this last point, consider the words of a גר who lost her non-Jewish father while she was a rabbinical student:

Now [the time of her father's death] was the time for the halakhah to do what my Episcopalian faith had not been able to do. But it's not there for you as a convert! I felt betrayed – it's all *reshut*, and that's no help. I had to create my own ritual. I wasn't *obligated* to mourn, so I couldn't ask people who didn't really want to do it, to help me. The community doesn't respond to your obligation because you don't have one. And you don't feel you have the right to ask for this on the basis of *reshut*. I didn't get much support from the rabbi of my Shul or from my classmates and faculty either. It was hard to find a minyan to say kaddish. . . . This is the

²³ Maurice Lamm, *Becoming a Jew* (Middle Village, NY: Jonathan David, 1991), pp. 249-250.

²⁴ See n. 7 above.

²⁵ See n. 9 above.

time when you tend to revert to old motifs and rituals. I needed help in dealing with that. The rabbis and the community weren't aware of this problem, but it's a normal reaction for a mourner. People should expect it, and be aware of it. The community needs to help the convert especially work through this.²⁶

At a moment of personal crisis of the magnitude of the death of a loved one, Judaism in the fullness of its capacity to afford comfort, structure and affirmation must be present in the life of a גר. We must keep in mind what Rabbi Isaac Klein has noted with respect to how Judaism manages death and bereavement. He reminds us that two considerations are paramount: יקרא דשכיבא, "the honor due the deceased," and יקרא דחיי, "the honor (concern) due the living," that is, the bereaved.²⁷ In approaching the needs of the grieving גר we must ensure that he or she is able to express יקרא דשכיבא in mourning the loss of his or her non-Jewish loved ones and is able to benefit from the Jewish expressions of דחיי יקרא generated by family, friends and community. For all these reasons גרים should be considered obligated to mourn their non-Jewish relatives in the same way that born Jews are.

A Case in Point

A member of my congregation who converted to Judaism twenty years ago recently ended her year of mourning for her Catholic father, with whom she remained very close. Upon his death she called me and asked: what do I do? I told her: you are a Jew; you have to mourn your father in the prescribed Jewish way. I was adamant. I did not offer her a choice. I told her that I would make sure that there was a minyan for shivah services at home and would ensure that all her needs as a mourner would be met. She took my counsel seriously. At the funeral, held in a Catholic cemetery, she saw to it that the casket was lowered and earth was placed on it. This was not offensive to her Catholic family, but it did deviate from the norm at Catholic funerals. She sat shivah, a service was held in her home each evening and she came to synagogue regularly throughout the year to recite kaddish. It was clear to her that as a Jew she had to manage her grief in a Jewish way. On the last morning of shivah, as we took the traditional walk, she thanked me for urging her to follow the tradition. She said that it had done its job; she felt comforted. Her Jewish identity was affirmed.

The fact that I strongly believe in the value of the traditional Jewish way of grieving and in the obligation of every Jew, born or converted, to follow this tradition gave me the moral strength to push her and myself to "go the full nine yards." She and I both felt the force of the דחיב, the obligation, as did the community. Were this an option for her, for me and for the community, I doubt if the results would have been the same.

Special Circumstances

There can be no question that situations will arise with regard to a גר mourning the loss of a non-Jewish relative that a born Jew would not encounter with the death of a Jewish relative. In such cases the rabbi of the גר, as מרא דאתרא, will have to evaluate the situation and rule accordingly. Adjustments in the traditional bereavement practices may have to be made, but always within the context of a mandatory structure of mourning. Jewish

²⁶ Quoted in Marion Shulevitz, "Straining the Seams: The Impact of Death and Mourning on Converts, Intermarried Couples and Their Children," *Conservative Judaism* 43 (summer 1991): 58-59.

²⁷ Isaac Klein, *A Guide to Jewish Religious Practice*, p. 270, citing B. Sanhedrin 46b.

tradition already has built in such adjustments. For example: if a person of modest means will suffer financial loss as a result of sitting shivah for the full seven day period, he or she may go to work on the third day.²⁸ In this case a pressing need is taken into consideration and a modification in what otherwise is an obligation (sitting shivah for the full seven days) is allowed. Likewise, during the year of formal bereavement following the death of a parent, a mourner may attend a wedding dinner as long as he or she has a responsibility at that dinner that requires his or her presence.²⁹ Similarly, the rabbi should evaluate the situation of the גר and allow for adjustments in the mourning rituals when necessary.

Here are some examples of the more common questions that can arise regarding special circumstances and some recommended adjustments in the traditional practices that rabbis can make:

(א) What does a גר do regarding preparation for and participation in a non-Jewish funeral? If there are other non-Jewish family members who are assuming responsibility for the funeral arrangements, the גר need not be involved. If appropriate, the גר can ask that the funeral not be delayed too long. The גר may attend the funeral and may give a eulogy or read an appropriate reading (a psalm, for example). The גר may not read any liturgy or text that is taken from the sacred literature of another faith (“The Lord’s Prayer,” for example) or that expresses the beliefs of another faith or answer “Amen” to any non-Jewish prayers. Similarly, he or she may not participate in a personal way in any non-Jewish ritual (taking communion, for example). If the גר is responsible for the disposition of the remains of a relative, he or she should see to it that the relative is buried in a manner that befits the relative’s religious affiliation. The גר may serve as a casket bearer for his or her relative. As in the case study noted above, if the גר can get the family’s approval to lower and bury the casket, this should be done. If the family feels strongly that this ought not to be done, however, the גר should not press the issue.

(ב) How should a גר observe shivah if he or she is staying with non-Jewish relatives? The גר should return to his or her own home as soon as possible after the funeral to begin traditional shivah observance. If the גר feels obligated to stay with relatives for a period of time after the funeral (to be with a grieving parent, for example), he or she should stay at home and observe all the personal aspects of shivah (not bathing, not wearing leather shoes, not watching television, etc.). If there is a Jewish community nearby and if the family members are not offended, the גר should try to arrange for a minyan at the home. If this is not feasible, the גר should attend services at a synagogue so kaddish can be recited.

Summary

We have seen that the principle, גר שנתגייר כקטן שנולד דמי, was often set aside in Talmudic discussions of the relationship of גרים to their non-Jewish relatives. We have also seen that there are halakhic authorities who would consider the recitation of the kaddish appropriate or even mandatory for a גר who is mourning the death of a non-Jewish parent. Considering these points and Rabbi Maurice Lamm’s most recent opinions regarding גרים mourning non-Jewish relatives, the answer to the question, “How should converts to Judaism mourn the death of close relatives who are not Jewish?” should be: Converts to Judaism are required to follow regular Jewish bereavement practices when mourning the death of non-Jewish parents and close relatives, just as born Jews would

²⁸ Klein, *Guide*, pp. 288-289.

²⁹ Lamm, *Death and Mourning*, p. 182.

for Jewish family members. To do less would be to deny גרים the full benefit of the structured Jewish mourning procedures and would leave converts with the sense that Judaism establishes a double standard in evaluating people's feelings of grief. To do less would encourage גרים to supplement their mourning rituals with customs derived from other religious traditions. Seeing גרים observing modified mourning rituals would reinforce the tendency in born Jews to do less than what is required in grieving over the death of Jewish relatives and the inclination in certain Jews to view גרים as being not fully Jewish. גרים are fully Jewish, and as Jews they should express and manage grief in a full, complete Jewish way, regardless of the religious beliefs of the deceased. In this way גרים will know that Judaism has provided them with the means of showing honor to loved ones and has provided them with the vehicle for finding comfort and reinforcement from community, friends, family and God.

Conclusion

Converts to Judaism are required to follow the prescribed traditional Jewish bereavement practices when mourning the death of non-Jewish parents and close relatives. Should special circumstances arise, a rabbi should be consulted so that appropriate adjustments of these practices can be made.