

Rambam derives the laws regarding the 30 day mourning period, Shloshim, from the verse in Parshat Ki Teitze.

(הלכות אבלות ו א )

מדברי סופרים שיהיה האבל נוהג במקצת דברי אבלות כל שלשים יום. ומנין סמכו חכמים לשלשים יום. שנאמר (דברים כא ג) "ובכתה את אביה ואת אמה ירח ימים". מכלל שהאבל מצטער כל שלשים יום

The יפת תואר, female captive who refuses to convert to Judaism immediately upon her capture, must undergo the 30 day process. Others, notably the Raavad (ibid) derive the 30 day mourning period from other places in the Torah that discuss personal grooming laws such as Nazir. There are other places in the Torah that mention a 30 day mourning period, for example the Torah records that both Aaron (במדהר כא כט) and Moses (דברים לד ח) were mourned for 30 days. Why was it preferable, according to Rambam, to derive the laws of Shloshim from the יפת תואר?

In Judaism's view, the mourning period provides the framework for the individual suffering the loss of one of his seven relatives to adjust to the new reality, to resume life as best he can. The mourning period structure allows (or requires) the individual to focus on his loss. The Onen is completely consumed with the burial, to the point he is absolved of all positive commandments. His singular focus is to arrange for and expedite the burial. After the burial, the period of mourning known as Shiva sets in, consisting of Torah and Rabbinic based obligations and restrictions regarding dress, grooming, marital relations, bathing and work. Upon the conclusion of Shiva, the mourner completes the next 23 days according to the rules of Shloshim which ease certain restrictions while maintaining others for the duration. A child continues the mourning period for the next 11 months, while those mourning for a sibling, child or spouse conclude their official mourning with the end of Shloshim.

Clearly, the mourning period for a parent is significantly more intense and restrictive than for other relatives. Why is that the case? The Gemara says (קידושין לא:ב):

במותו כיצד היה אומר דבר שמועה מפיו לא יאמר כך אמר אבא אלא כך אמר אבא מרי הריני כפרת משכבו והני מילי תוך שנים עשר חדש מכאן ואילך אומר זכרונו לברכה לחיי העולם הבא

Upon the passing of his father one who quotes his father should say that so said my father may I be an atonement for his resting place. After the passing of 12 months, when he quotes his father he adds "may his memory be a blessing for eternal life". Why do we conclude statements in the name of a parent differently during the year of mourning as opposed to after the conclusion of the year?

The Torah records in the period of creation (בראשית א יד):

וַיֹּאמֶר אֱלֹהִים יְהִי מְאֹרֶת בְּרָקִיעַ הַשָּׁמַיִם לְהַבְדִּיל בֵּין הַיָּם וּבֵין הַלְּאִלָּה וְהָיוּ לַאֲתֹת וּלְמוֹעֲדִים וְלַיָּמִים וּשְׁנָיִם:

The Torah records three distinct time periods, days, fixed events or festivals and years. These periods are important in the life cycle of the Jew. The first important group is days. The Jewish week is comprised of seven days with the Sabbath being the climax of the week. Each day is a unique milestone along the way to reaching the holy Sabbath, the day Gd Himself sanctified and gave us as His day of rest. Every morning we preface the song of the day, שִׁיר שֶׁל יוֹם, by saying today is the first, second third, etc, day of the week. We use the word שַׁבָּת to indicate week because we are counting towards that ultimate day of the week. The Sabbath day provides the glue that binds the days of the week into a sequence of events and commandments we follow in celebrating the regular week and Gd's creation of the world.

The cycle includes מועדים, designated times, which usually refer to the five festivals, Passover Shavuot, Rosh HaShana, Yom Kippur and Sukkot. However the Gemara, in several places, has an interesting take on the word מועד:

(שבועות י א):

והא ר"ח לאו מועד הוא איברא ר"ח נמי איקרי מועד כדאמר אביי דאמר אביי תמוז דההיא שתא מלויי מליוהו דכתיב (איכה א, טו) קרא עלי מועד לשבור בחורי

The Gemara refers to ראש חדש, the new moon, as מועד, an appointed time. The month of Tammuz had two days Rosh Chodesh in the year Moses sent the spies in order to guarantee they would return after their 40 day trip on the eighth of Av. The people cried without cause on the night of the ninth of Av, and Gd swore that the night of Tisha B'Av would forever be designated, as a מועד, a night of true mourning for the destruction of both Temples that occurred on Tish B'Av.

The months are the units of time that regulate the festival cycle in the Jewish calendar. The months are the indicators or harbingers of the approaching festivals. The months and festivals are clearly interconnected, as the Mishna records (ראש השנה יח א):

על ששה חדשים השלוחין יוצאין על ניסן מפני הפסח על אב מפני התענית על אלול מפני ראש השנה על תשרי מפני תקנת המועדות על כסליו מפני חנוכה ועל אדר מפני הפורים וכשהיה בית המקדש קיים יוצאין אף על אייר מפני פסח קטן

Emissaries were sent to the surrounding communities to inform them when the new moon was sanctified in order to ensure the proper observance of the festival that occurred in a particular month. Tisha B'Av itself is also referred to as a מועד, which makes its inclusion in the above Mishna with the other מועדים most appropriate. Rambam says (קדוש החדש א ז):

מצות עשה מן התורה על בית דין שיחשבו וידעו אם יראה היום או לא יראה. ושידרשו את העדים עד שיקדשו את החדש. וישלחו ויודיעו שאר העם באי זה יום הוא ראש חדש כדי שידעו באי זה יום הן המועדות. שנגמר (ויקרא כג ב) "אשר תקראו אתם מקראי קדש" ונאמר (שמות יג) "ושמרת את החקקה הזאת למועדה"

The final time period mentioned is that of שנים, years. Judaism is concerned not only with days and months, but also years as critical units of time that play a role in the religious life cycle. The Sabbatical and Jubilee years are determined by the seventh and fiftieth year of their cycles. The laws of ערלה, the fruits of trees for the first three years, as well as the four different times of the year referred to as ראש השנה, the new year (see the beginning of השנה מסכת ראש השנה) all refer to the quantum of time measured in years. In summary, all three time periods, days, months and years, play a critical role in the Jewish life cycle.

The Jewish family is at the core of Jewish life. Parents, in particular, play a central role in guiding the child through the obligations of Jewish life, be it a day of the week or the Sabbath. The parent also focuses on the מועדים, i.e. the months and the festivals that are central to our relationship with Gd and the land. We rejoice before Gd, ושמחתם לפני ד' אלקיכם, as a family during the festivals as it says, אתה ובנך ובתך. The father is obligated to rejoice with his children and pass on the feelings of joy and gratitude for being redeemed from Egypt and being given the bountiful land promised to our patriarchs.

In addition to the individual festivals associated with the months, the festivals comprise a unit governed by the annual cycle, as opposed to a specific month. There is the concept of שלש רגלים, the 3 festivals that are interconnected. We track the years as units in order to calculate the Sabbatical and Jubilee

years. We bring the first fruits, בכורים, to the Temple once a year.

Upon the loss of a relative, the daily routine of the mourner is thrown into disarray. He begins to focus on the first time period he now must face without his close relative. How will he get through the days ahead without his newly departed loved one. It is interesting to note that while a festival interrupts the Shiva, the Sabbath does not. The reason given is that a festival is called a day of rejoicing, שמחה, while the Sabbath is not. Rejoicing and mourning are contradictory emotions and the national joy of the festival overrides the individual mourner's need to grieve. Since the Sabbath is connected with the days of the week, not the months which are indicative of מועדים, and there must be at least one Sabbath in the 7 day mourning period, the Sabbath does not cancel Shiva. The mourner must come to grips with each day of the week that comprises the Shiva, to feel the loss and deal with it.

At the end of the Shiva period, the mourner must figure out how to make it through the next period of time, the months and their relationship to a specific festival. He must cope with the loss of the individual that was always there to celebrate the joy of the festival with him, who used to rejoice with him before Gd, לפני השם.

And finally the mourner must cope with the last of the three critical time periods, the year. He thinks about the relationship with his parent who is no longer there to teach and guide him. The loss is still fresh and the memories are raw. He recalls how his father conducted the Passover Seder, how he shook the Lulav and Etrog on Sukkot, how he prayed with great fervor on Rosh HaShana and Yom Kippur. Whenever the child thinks of his parent during the first year, it is through the lens of pain. His mind is focused on how much he misses him, הריני כפרת משכבו. The child says, I am doing the best I can to act as my father did, as he tried to teach me, but I am a poor substitute for him. After the year is over, and the child has gone through a complete cycle of days, months and a year without his parent, his perspective changes. The pain diminishes to some degree while the appreciation of what his parent gave him increases. The child now sees his parent as a blessing and is thankful for all he gave him. He now looks at him respectfully, lovingly as אבא מרי זכרונו לברכה.

The Rambam quoted the verse related to months regarding Shloshim because the Shloshim period represents the focus on the מועדים, the months, as they relate to the Jewish cycle. It is more than simply a collection of 30 separate days. There are other verses in the Torah that speak about an extended mourning period of 30 days. However, the Halacha is interested in the various segments that together comprise the cycle of mourning. Rambam is emphasizing the importance of the months as distinct units with an integral role implanted by Gd in the very creation of the world, that must be accounted for as part of mourning. They are not simply a collection of 30 days.

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