

B"H, Tammuz 5761; July 2001

Seminar: Jewish Cemeteries of Mořina & Liteň, The Protestant Theological Faculty Charles University, Prague

Jewish Cemeteries and Tombstones: Laws and Customs

Note:

a. The text is Qaro's unless stated otherwise. b. Text in square brackets: [-] is Isserlish's. c. All what is within round brackets: (-) are my additions, MD. d. Words in *italics* are transliterations of Hebrew words, terms and names. e. The translations of Hebrew and Aramaic texts are mine, MD.

The following is taken from:

1. "Shulkhan-*'Aruch*" (in short: SA) - "The Set (or: Prepared) Table" by Rabbi Yosef Qaro (b. 1488 Toledo, Spain, d. 1575 Safed, Israel) with its "Mappah" (= tablecloth) of Rabbi Mosheh Isserlish (b. Krakow, Poland ~1520, d. Krakow 1572). First print of both as one Treatise, Krakow 1570/1571. The SA consists of four parts: *Orakh-Khayyim* (OK) - "The Path of Life", *Yoreh-De'ah* (YD) - "To Teach Knowledge", *'Even-Ha'Ezer* (EH) - "The Stone of Help" and *Khoshen-Mishpat* (KM) - "The Breastplate of Judgement". (Hebrew and some Aramaic).
2. "Minhagey Yisra'el" (MY = "Israel's Customs") part 6, by (my revered teacher) Prof. Rabbi Daniel Sperber, *Mosad HaRav Kuk*, Jerusalem 1998 (Heb.).
3. "Qitzzur-Shulkhan-*'Aruch*" (QSA = "Shortening of SA") by Rabbi Shlomoh Gantzfried (Hungary 18th-19th Century), S. Frenkl's edition, Beney-Beraq, Israel 1978. (Heb.).
4. "Siddur Derech HaKhayyim" (DH = Order of prayers with laws and customs: "Way of Life") by R. Ya'aqov of Lyssa, (2nd print in author's life, Altona 1831), Sinai, Tel Aviv 1954. (Heb.).

a. Place of cemetery, *tahara*, burial, graves, graves within the cemetery (& more)

1. The graves should be kept in distance of fifty cubits from the town. YD 365:2. (Cubit = 'Amah. One 'Amah = 48cm to 59cm. About 25-30 m).
2. Graves... should be kept in distance of fifty cubits from town. KM 155:23
3. "Met-Mitzvah" (a dead who does not have relatives to engage in his burial and it is "Mitzvah"/commandment imposed on all to do it) that one found and buried him there... (it is not allowed to remove it, for: "Met-Mitzvah - purchases its place". And everyone who finds it should bury it in the place where he has found it... Condition: this (ruling) applies only when found outside the "Tekhum" (= boundary/zone. About 2-3 km out of the last house of town), but if found within the "Tekhum", one (who found it must) bring it to the cemetery. YD 364:3
4. If they found a killed Jew, they should bury him as they found him, without shroud, and they should not even take off his shoes. YD 364:4
5. [And the same is done for a woman-in-confinement that died (in her delivery or within four weeks after it. DH p. 569)... it is customary not to make for them a shroud like to other dead, but to bury them with their garments, and above the shroud a blanket like (to) other dead.] YD 364:4.
6. But the simple and spread custom is to undress her, to wash her (*Taharah* = cleansing/purification), to dress her with another garment and (put on) a shroud over the garments. Nevertheless, the women (who are doing the *Taharah*) should not remove from her any stain of blood, which is a strict prohibition. They should also bury with her all the dirty-with-blood garments. DH p. 569.
7. It is the custom in all our country, and as I became to know also it is in other countries that the first line in a cemetery is specified to bury there women-in-confinement who died few days after delivery... and I did not find this custom in SA and in other books of later authorities... (Quotation from Rabbi S. L. Welder in "Yagdil-Torah"-Monthly, Berlin 1881). MY p. 111.
8. The space between graves must be at least six fingers (14-15cm), but it's better if one can make six handbreadths between each other (54-60cm). QSA 199:3
9. A man or a woman might be buried (only when they are buried at the same time) with their (small) son, daughter, grandson or granddaughter. This is the rule: every minor that sleeps with one in his lifetime is buried with him in death. QSA 199:3
10. One should not put two coffins above each other unless there is a space of six handbreadths of sand between them. QSA 199:5

11. One should not bury a righteous man (*Tzaddiq*) by a villain/wicked man (*Rasha*) as it is written "gather not my soul with sinners nor my life with bloody men" (Psalms 26:9) ... Two who have been hating each other (while living), one should not bury them by each other for also in their death they do not have rest together. QSA 199:6

12. See also d. 1., 2.

b. Marking the graves

1. The needs of the public are permitted (to be done) on the intermediate-days (*Khol-HamMo'ed* of Passover and Tabernacles), like... marking the graves in order that the *Kohanim* (Priests, descendants of *'Aharon*) will be careful of them (not to become *Tamé* = impure). OK 544:1

2. There are places (communities) that are accustomed not to erect a gravestone till after twelve months for it looks like pride, and within the twelve months one has sorrow/grief/pain/sadness. Moreover, the reason for a tombstone is that (the deceased) should not be forgotten from the heart, and the dead is not being forgotten till after twelve months. (But) there are places that are not particular about that. QSA 199:17

c. Removal or use of the gravestone, the corpse and the bones

1. One is not allowed to remove the dead and the bones, not from an honoured grave to an honoured grave, nor from a despised grave to a despised grave, neither from a despised grave to an honoured grave, needless to say from an honoured to a despised... In order to bury in the Land of Israel it is permitted. If (the deceased) is not (properly) preserved in this grave, for there is a fear that non-Jews will take him out, or that water will enter it... it is a commandment (then) to remove it. [There are those who have the custom to put from Land-of-Israel's sand in the grave. And this custom has what to lean on.] YD 363:1

2. One should not transfer/move a dead from a town that has a cemetery, for it is a disgrace to swing/hurl it from a place to place, unless (it is done) from abroad to the Land-of-Israel, or that they move him to the place of his forefathers' graves. Also if he declared his will to move him from place to place, it is permitted. QSA 199:11

3. A grave, which has a building on it (i.e. tombstone), (the grave and its stone) is forbidden to use for anything (of *Hana'ah* = benefit, pleasure)... [There are those (authorities), who forbid from sitting on the stone that is put on the grave as a memorial. (But) there are those, who disagree and permit it]... if (the deceased) was put in it (the grave) with the intention (to remain there) for ever, then it (the grave and its stone) is forbidden from any use (*Hana'ah*) even after removing the deceased. YD 364:1

d. Directions of graves

1. It is a custom in all Diaspora of Israel that (they) bury lines (by) lines. But the opinions differed regarding the direction of the burial of the dead. There were those who placed it: head to west and legs to east and there were those who placed it from north to south. Also the *MaHaRY"l* (*Morenu HaRav Rabbi Ya'aqov {ben Mosheh} haLevi {Moellin}*, Worms, Germany, d. 1427) ordered to change the order and to bury **him** from north to south.

2. The explanation of "*KhaTa"m Sofer*" to this custom is interesting (*Khiddushey-Torat-Mosheh Sofer*. = Rabbi Moshe Schreiber, b. Frankfurt a. Main 1762, became Rabbi of Pressburg-Bratislava 1806). (He says in his Responsa on YD, Responsum No. 332:) It is used to be said that people are burying the legs (of the deceased) toward the opening of the gate of entrance-and-exit, to allude the belief in the revival of the dead. That he (or she i.e. the deceased) is destined to stand from his grave and to go out through the gate. ...And behold, when we want to travel to the Holy-Land from our countries, while we are spread in Europe, we have two ways. Or travelling from north to south till the Mediterranean Sea and from there turning one's face eastward to the Land of Israel, or travelling from west to east to Constandina (= Istanbul) and from there turning one's face southward and arrive in the Land of Israel. MY pp. 112-114.