

## **Rabbi Elchonon Zohn**

### **A Strong Obligation**

The Mitzvah to bury the dead is rather unique. The Talmud teaches (Moed Katan 27b) that "מת בעיר כל בני העיר אסורין בעשיית מלאכה..." – "the responsibility for the burial of any Jew is shared by the entire community."

In a story quoted in the Talmud, it becomes clear that this is taken quite literally. Rav Hamnuna observed a situation in the south of Israel where a death was announced and people continued working and he demanded their excommunication. It was only when he was assured of the existence of a Chevra Kadisha, which assumed the burden and removed the obligation from the rest of the community, that he was mollified.

This unique responsibility might be best understood if we look at the source of the Mitzvah.

### **The Reason**

The Torah teaches the law of burial in Deuteronomy 21:22-3, "וכי יהי באיש חטא..." – "When a man is legally sentenced to death and executed you must hang him on a gallows. However, you may not allow his body to remain on the gallows overnight, but you must bury him on the same day." The Torah then provides the rationale as "כי קללת אלקים תלוי..." – "since a person who has been hanged is a curse (shameful) to G-d." Allowing a person, created in the image of Hashem, to remain in a state of disrespect is a desecration of G-d Himself. (See commentary of Rashi).

### **The Extend of the Obligation**

The service of the Kohen Gadol – High Priest – on Yom Kippur impacted the future of the entire Jewish Nation and was of such paramount importance that every possible precaution was taken to ensure he not become impure and thus unfit for such service. Indeed, the Kohen Gadol could never attend a funeral of even his closest family, for that would render him unfit to serve. Yet, if a Jew was without anyone to care for his burial – a Mes Mitzvah, the Kohen Gadol was obligated to become defiled and bury that Jew. Such is the extent of the Mes Mitzvah obligation

### **Our Challenge**

At a presentation from the Chofetz Chaim Heritage Foundation a few years ago, Rabbi Paysach Krohn related this powerful משל – parable. A man had 2 sons. The older one did very well in business and became a tycoon. The younger son couldn't find work and went to his older brother to ask for a job. The older brother, then living in a distant town, acted as though he had no idea who his younger brother was and refused even to acknowledge any recognition of him. Years went by, their father

became ill and both brothers came to his bedside. The father only spoke to the younger brother and ignored the older, wealthier one. After the older son protested and mentioned how devoted a son he was and how much he had done for the family, the father turned to him and said, "I have two sons. If you are not his brother, how can you possibly be my son?"

In our world, a **Mes Mitzvah need not be some indigent pauper who cannot afford burial. He might very well be a doctor, a lawyer or businessman** who is a member of that successful 1% we hear so much about. In fact, any Jew who will not be buried, even if by his/her choice, is considered a Mes Mitzvah. With a cremation rate in the US that has just reached 50% and close to 40% among Jews, the Mes Mitzvah is likely someone on our block or in our own extended family.

Today's Mes Mitzvah is alive and well. If we were to wait until he or she dies, we would likely be unable to affect a burial, because the family would have been informed that they chose not to be buried or in fact created a will to that effect. We need to act while these Jews are alive and can be convinced to choose burial.

**A point to ponder: Since these Jews have no Chevra Kadisha, does this not place the responsibility for their burial on the shoulders of each and every one of us?**