

## Questions of Disinterment

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**“Why have you agitated me to raise me?”**

[departed soul of the Prophet Shmuel, to King Shaul, who had him raised by a necromancer (Shmuel I, 28:15)]

In times of old, any attempt to have a body interred or reinterred in a distant location involved great difficulties [1] and would necessarily only follow careful deliberation. With modern advances (air travel, enhanced excavation means, etc.), expectations have grown for more immediate action. Additionally, in modern times, people move their domiciles much more readily, and often want to have family gravesites near their new places of residence. An unfortunate byproduct of all this is that people sometimes choose to exhume a loved one without careful Halachic deliberation and counsel.

**All questions regarding whether to exhume a Jewish body should be addressed by a highly competent Halachic authority**[2], as this is a very serious and sensitive matter in Jewish tradition [3]. We will, nevertheless, present some of the basic considerations to make inquiries and decisions more informed. [4]

### **Reasons for the prohibition to disinter**

Violation of the body's sanctity (*nivul hames*)

Causing “fear” to the soul that it is being judged (*cherdas hadin*)

Causing the relatives to have to mourn

Disgrace (*bizayon*) to the body (if it is not yet fully decomposed)

Insult to the others who remain interred in the vacated area

### **Circumstances under which there MAY BE permission to disinter**

Selection of original gravesite was against deceased's wishes

Original grave does not belong to deceased (burial was in error)

Original grave is not secure (e.g., from vandalism, water penetration)

Original grave is among Gentile graves

Original burial was done conditionally

To relocate to the Land of Israel

To reinter in a family plot (circumstances and their Halachah vary)

### **Halachic practices of a disinterment (General guidelines)**

The immediate relatives [5] observe the laws of mourning (as if they were

“sitting *shiva*”) from when the exhumation process [6] begins until the evening.

Some words of praise of the deceased (not a true eulogy) should be delivered and

Psalms and a “*Malei*” prayer should be recited.

## Practical Guidance

Identifying and gathering remains from a grave is a very complicated process, and requires great expertise. Among the variables that can affect how the exhumation should be implemented are: age of deceased, type of casket used, time elapsed since interment, and earth quality (dry or wet, sandy or clay-like, level of acidity, etc.). There also are numerous practical and Halachic subtleties that must be observed. Certainly cemetery operators and/or funeral directors cannot be expected to be knowledgeable or expert in all of them. **It is therefore of utmost importance that a Rabbi or Chevra Kadisha member who is experienced in this area be present for the exhumation process.** (Questions about disinterment can be directed to the office of the National Association of Chevra Kadisha: [info@nasck.org](mailto:info@nasck.org) ).

## A Historic Wonder

In the year 1906, some hooligans infiltrated the cemetery in Chevron and had begun to dig up the body of Rabbi Chaim Chizkiyahu Medini (author of the great work "*Sdei Chemed*"), but something they discovered apparently frightened them away and they left the body unharmed: the saintly Rabbi's body and shrouds were in pristine condition...a year and a half after his burial! [7]

[1] See Kol Bo (R. Greenwald) p. 227.

[2] See Shearim Metzuyanim BaHalacha 199:12, and footnote 18; he cites great Poskim who were hesitant to rule in this area of Jewish law.

[3] Kol Bo (p. 241) cites a practice that the city folk should fast on the day of a disinterment.

[4] Rather than cite the myriad sources for these laws, we suggest that the interested reader see Shulchan Aruch Yoreh Deah 363 and the following Seforim:

- Kol Bo (R. Greenwald) chapter 6 – he cites many Responsa addressing numerous different situations

wherein disinterment is/is not permissible.

- Gesher HaChaim vol. 1, chapter 26.

- Sefer Yesodei Semachos (R. Aaron Felder) chapter 5, section 8 - for interesting contemporary applications, and the rulings of Rabbi Moshe Feinstein.

[5] If the deceased's spouse has remarried, he/she does not observe mourning (see last Pischei Teshuva in Yoreh Deah, citing Chasam Sofer). Rabbi Moshe Feinstein held that even if the spouse has not remarried, he/she does not mourn for an exhumation (Yesodei Semachos, 5:9:6).

[6] A very relevant question, which is the subject of debate among Halachic authorities: Must the relatives mourn even if the deceased remains in the casket throughout disinterment and re-interment? (See Sefer Zichron Meir, p. 490, for a list of sources on this question).

[7] Gedolei HaDoros, p. 872. Similar legends about other great personages abound.

Famous among them is the account that the Gaon of Vilna's body remained intact in contrast to those of the others who were moved with him – more than a century after the original burial.