

Rabbi Avraham Steinberg

The “Preferred Taharah”: Pouring or Mikvah?

It is a great obligation upon the heads of the chevros kadisha to oversee meticulously...and not to stray even a little bit [from the accepted customs], for even if a custom is “little” in our eyes, it is “big” in Heaven, and it may be very important for the merit of the deceased...

(Chochmas Adam, Hanhagas Chevra Kadisha, Introduction)

The Question

After the initial washing of the nifter, the Chevra Kadisha performs what the Poskim refer to as the “main taharah” – the primary cleansing, or, more precisely, “purification.” As many involved in Chevra Kadisha are aware, there are two common ways in which this taharah is performed. Some pour water over the nifter/es, while others immerse the nifter/es in a mikvah. Some do both. Which is preferred? What is the Halachic and historic background behind the divergence of practices?

Tishah Kavin (nine “kav”)

At the outset we should state unequivocally that the age-old custom, as it is recorded in our most authoritative and classic sources[1], is to do the taharah by POURING a measure of nine kav of water over the nifter. (Regarding measurements: It is generally accepted to follow the opinion that nine kav is 24 quarts of water[2].)

Deep Reasons

As with many of the other pre-burial rituals, Poskim point out that the function of this procedure is ultimately elusive. After all, a deceased body is ritually impure and cannot be purified by washing [3]. However, a classic source does offer an esoteric explanation: to cleanse the body from a form of impurity that overcomes it as a result of the fear of the posthumous judgment [4].

Procedural Difficulty

The original custom for the pouring of the nine kav of water, as delineated by the classic seforim, was to have the members of the Chevra Kadisha stand the nifter/es up and pour the water over his/her head, down over the body. With the passage of time, however, apparently numerous Chevros Kadisha found this very difficult [5], and have therefore improvised by doing the pouring while the nifter/es is lying flat. (In this method, the nifter/es should be elevated from the table by placing slats of wood underneath him/her, so the underside of the nifter/es is washed, as well). This practice was opposed by some Poskim [6], but remains the practice in many chevros, as the risk of not handling the nifter/es properly in the standing procedure is deemed too great [7].

The Source of Using a Mikva

Considering the difficulty in the “pouring method,” might the use of a mikvah be a fair substitute?

While there is a great emphasis in all Chevra Kadisha matters not to stray from our age-old customs [8], there is nevertheless actually a valid tradition of the use of a mikvah for the taharah process. Classic

sources record an old custom, particularly in the holy cities of Safed and Tiberias that the nifter/es was immersed in a mikvah [9].

Many Poskim, though, were strongly opposed to introducing this practice as the standard for all niftarim/os. Among their reasons [9a]: 1) this was traditionally reserved for the exceedingly pious (or, at least only for those who were meticulous about regular immersion during their lifetimes[9b]); 2) it adds needless cost to the burial preparations if the funeral home charges more because they offer a mikvah; and 3) if the mikvah will be used for some and not others, we'll have undermined the concept of uniformity which was so central to our Sages' institutions in these matters.

In Place of or In Addition to?

Although, it is clear from the aforementioned that the use of a the mikvah was not intended to be the standard form of taharah, many chevros have indeed standardized the use of the mikvah because of the difficulties in properly executing a taharah by the pouring method, as well as the proliferation of chapels that have built mikvaos in recent times [9c].

Although some hold that the mikvah should be used in addition to the pouring of nine kavin [9d], it is generally accepted that where the mikvah is used, there is no need to pour the tisha kavin, as well [10].

Conclusion

As with all matters of halachah and minhag, Chevros Kadisha are, of course, encouraged to follow and maintain their established minhagim regarding how the taharah is performed. For those founding new Chevros Kadisha, it should be emphasized that Rabbinic guidance, as well as practical instruction is essential in determining which method of taharah should be utilized, when, and how[11].

[1] The classic mystical work, Maavor Yabok (R. Aharon Berachia of Modina, 17th century) refers several times to pouring nine kav. The practice is also cited by the Poskim to Shulchan Aruch Yoreh Deah 352:4.

[2] Kitzur Shulchan Aruch 197:3, Kol Bo chapter 6, footnote 8. It should be noted however, that there is an opinion that 14 quarts would suffice (see Yesodei Semachos – chapter 4, section 2:10a).

It is worthwhile to be aware of this more lenient opinion, as it may have relevance in a “bedieved” (suboptimal) situation, i.e., where the pouring was unintentionally interrupted. If at least 14 quarts were poured before the interruption, many would hold the taharah need not be repeated.

[3] See Igros Moshe Yoreah Deah 3:136

[4] See Tashbatz, cited by Shiyarei Knesses Hagedolah, Yoreh Deah 352. He refers to a tumas keris caused by the fear of judgement. (The reason for taharah of women would have to be otherwise explained.)

[5] See Gesher HaChaim 9:4:2. It should be noted that many chevros, including the Men's Chevra of the Vaad Harabonim of Queens, do follow the “standing” method, when possible. (Bodily wounds on the niftar, and other physical factors, sometimes make this impossible, though.)

[6] Chochmas Adam - Matzeves Moshe, 7 and Gesher HaChaim, ibid. The Chochmas Adam indicates that his primary objection is because the water is either poured directly onto the face of the nifter/es, which is undignified, or it is poured gradually down his body, rather than in one blast, -- a procedural departure from the standard taharah. In a standard taharah, all the water originates from the head, and subsequently flows over the body. In the “walking down method,” the water that washes the body does not originate at the head.

To address this, many chevros, when doing a taharah in the lying position, stand at the head and “throw” the water forcefully in unison, rather than “walking it down” and pouring gradually. Alternatively, some communities have built taharah tables that actually swivel to bring the nifter/es to a standing position. This helps greatly to perform the taharah according to the preferred method while not risking improper handling of the nifter/es.

[7] Tehuvos V’hanahgos (Rav Moshe Shternbuch) vol. 1, 718. The argument in favor of mikvah due to the difficulty in the nine-kav method was also told to NASCK Director, Rabbi Zohn, by Rav Dovid Feinstein.

[8] See, inter alia, Minchas Yitzchak 5:11 who rejects the use of a hose for a taharah on the basis that we cannot extrapolate principles in these matters since they are entirely esoteric.

[9] See Yaskil Avdi 4:24 and Gesher HaChaim 9:4:5-6

[9a] See Igros Moshe Yoreh Deah 3:136-7

[9b] Yaskil Avdi 4:24

[9c] Rav Moshe Feinstein was very opposed to introducing mikvah use as the taharah standard, as the cost of mikvah construction would cause increased financial burden on the community (Igros Moshe Yoreh Deah 3:137). In communities where chapels have already built mikvahs, and have no additional charge for its use, however, this point is moot.

[9d] Teshuvos V’hanhagos (Rav M. Shternbuch) 1: 718

[10] Although a careful reading of Igros Moshe YD3:135-7 would seem to indicate that Rav Moshe held that mikvah use cannot replace the custom of pouring nine kav, his close disciple, Rav Aharon Felder, author of Yesodei Semachos states emphatically (She’ilas Aharon 1: 61, and in personal communication with this author) that Rav Moshe consistently held that there is no need to do both. Rav Moshe’s “mikvah-opposition” was merely to the growing assumption that the mikvah use was ritually “preferred” to tishah kavin. But where the mikvah was, in fact, used, he did not require tishah kavin, as well.

[11] It is noteworthy that Rav Yechiel Michel Tukachinsky himself, in his will (see Gesher HaChaim pg. 19) did not request immersion in a mikvah, but did insist that the taharah be done standing.