

THE BAIS HAVAAD

HALACHA JOURNAL

Family, Business, and Jewish Life through the Prism of Halacha

VOLUME 5784 · ISSUE XXXIX · PARSHAS CHUKAS



A ROBE OF RIGHTEOUSNESS:¹ IN WHAT CLOTHES IS A PERSON WHO WAS KILLED BURIED?

Adapted from the writings of Dayan Yitzhak Grossman

VINnews reports:

Bereaved mother Tzipi Yudkin, mother of war hero Captain Yisrael Yudkin, who fell in the Gaza Strip more than a month ago, was a guest in the Channel 14 studio. She spoke with pain and emotion about the suffering the family is going through because the IDF refuses to allow the Hebrew abbreviation ה"י, meaning "May G-d avenge his blood," to be engraved on his tombstone, which is currently without any inscription. (MK Julia Malinowski of Yisrael Beitenu submitted a Knesset bill Sunday to allow parents to add personal requests on IDF tombstones)...

Tzipi Yudkin spoke in tears about the possibility that due to the dispute, the family might be forced to move their son's grave to another cemetery. "This is a feasible option and it is hard to even say this, but it would be a real tragedy for the country if we had to remove him from Mount Herzl and take him to another holy

place where we can engrave "May G-d avenge his blood" on his tombstone. That would be the end of the State of Israel... To take this *tzadik* (righteous person) out of his grave, to have another funeral, to sit the required shiva period again, tell me, does that make sense to you? I'm not in Europe, or the US. I am living in the Jewish state, in the Land of Israel. I gave my most precious possession, and I can't even think about it. It will put an end to my life, and if that's what the state wants, so let it be," she concluded in tears.

A panelist added that the soldiers are anyway buried in their clothes in accordance with Jewish tradition, which states that in order to promote Divine vengeance, those who are murdered because they are Jews should be buried in their clothes. Yet despite this, the IDF refuses to write "May G-d avenge his blood."²

In this article, we discuss the custom of burying
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¹ See Yeshayah 61:0.
² Yehuda Dov, Tzipi Yudkin, Mother Of Slain Soldier: 'To Take This Tzadik Out Of His Grave, It's The End Of Israel!' VINnews. <https://vinnews.com/2024/06/26/tzipi-yudkin-mother-of-slain-soldier-to-take-this-tzadik-out-of-his-grave-its-the-end-of-israel/>

A PUBLICATION OF THE
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PARSHAS CHUKAS

IT'S FRAUD BECAUSE IT'S FLAWED

Excerpted and adapted from a shiur
by Dayan Ari Marburger

Speak to the Bnei Yisrael, and they shall
take to you a perfectly red cow, which has no
blemish, upon which a yoke has not come.

Bemidbar 19:2

The Shulchan Aruch (C.M. 228) rules that knowingly selling a product with a blemish or defect without informing the buyer violates the *issur of gneivas da'as* ("stealing the mind"). There is a presumption that an item offered for sale is in perfect condition, unless the seller stipulates that it's faulty. So if it turns out to be defective, the buyer can void the sale, even if the offering price is low enough that it reflects the item's actual value. For example, if a car dealer tampered with the odometer of a used car to make it appear less used, but he priced it lower, at its true value given its real mileage, he has still violated *gneivas da'as*, and the buyer may return the car if he wishes.

The Shulchan Aruch rules that a defect here is any flaw that most people would consider significant enough to warrant returning a product, not a minor tear in a sefer or scratch on a used car.

One may return a defective product even if a long time has passed since the purchase, with

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Q&A from the
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The Write Stuff

Q What writing instrument may be used to fix a broken letter in a sefer Torah?

A The Rama (Y.D. 271:7) cites a ruling of the Mordechai (Gittin 321) that a get or sefer Torah is to be written with a hollow reed, not a feather quill. The Taz (ibid. 8) says this is because ideally, ink should be applied to the parchment without otherwise affecting it. Reed is slightly elastic and releases ink freely, whereas a sharpened feather etches the parchment while writing. For this reason, he says not to use a metal instrument.

The Gra cites a symbolic reason for using a reed: The Gemara (Ta'anis 20a) says that the reed's softness
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killed Jews in their clothes, and the practice of the IDF in this regard.

The Hagahos Maimoniyos writes:

There was an incident in the days of Rabeinu Ephraim ben R' Nossan of Rottenberg, who was a leader in Mainz, that they brought someone who was killed, *bar minan*, and his relatives sought to remove his shoes. He objected and told them not to do anything to him but bury him as he was found, without shrouds (*tachrichin*).

And I subsequently saw that R' Yitzchok of Dura ordered that a certain person who was killed be dressed in shrouds over his clothing, and I sent the matter to my master R' Yedidiah, and he responded to me as follows: I have never in my life seen them dress someone who was killed in shrouds.

And I saw, when I poured water on the hands of Rabeinu Yechiel of Paris, that they buried one hundred thirty-nine murder victims, whom the shepherds killed (i.e., during the Shepherds' Crusade of 1251), may Hashem avenge their blood, and many of them were respected men and extraordinarily wealthy men, and they did not change their clothes at all. I found this in a certain collection.³

This passage does not provide any explanation for the special treatment of murder victims. A related ruling attributed to R' Shalom of Neustadt, however, is rooted in a concern for the preservation of the blood of the deceased for burial:

Regarding a certain woman who fell from a roof and died, *bar minan*, for our many sins: Maharash (R' Shalom of Neustadt) ruled that if a *revi'is* of blood left her, then we do not purify her ("*ein letaharah*"), for then the blood will be removed; but she should be buried as she is, in her clothes.⁴

A gloss to R' Shalom's ruling notes that it only applies to someone who was killed, i.e., where there was bleeding, but not to someone who drowned, whose clothes are to be removed and the normal purification ritual (*taharah*) performed. On the other hand, R' Shalom's ruling would seem to apply to anyone who bled, even the victim of an accident, and is not limited to murder victims.

A third ruling, by the Maharil (R' Yaakov Moelin, a *talmid* of R' Shalom), provides an entirely different reason for burying murder victims in their clothes. He cites R' Shalom's ruling but then adds:

It is a widespread custom to bury all those killed by bandits and plunderers as they are found, with all their clothes, so that it might stir up Hashem's wrath to take vengeance.⁵ ... (The Maharil explains that this does not apply to a woman who dies in childbirth, and then concludes:) But those who are killed by

non-Jews, even though this is sometimes due to the principle that the four types of court-imposed capital punishment have not ceased to be applicable,⁶ nevertheless, those who killed them will in the future be held accountable, and this requires no further elaboration.⁷

Note that contrary to the formulation in the article cited above that "in order to promote Divine vengeance, those who are murdered *because they are Jews* should be buried in their clothes," there is no mention of the murderer's motivation in the Maharil's discussion, and no indication that his ruling is limited to those who are murdered because they are Jews. On the contrary, the reference to bandits suggests that his ruling applies equally to those who are murdered in the course of ordinary, financially motivated banditry.

In contrast to the rationale of his teacher R' Shalom, on the one hand, the Maharil's rationale for burying murder victims in their clothes would seem to apply to all murder victims, regardless of whether their deaths involved bleeding. But on the other hand, it would seem to be limited to murder victims, and it would not extend to accident victims. The Rama (R' Moshe Isserles), however, apparently understands that the special treatment of murder victims does indeed extend to accident victims; commenting on the Shulchan Aruch's codification of the view presented in the Hagahos Maimoniyos that a murder victim is buried as they found him, without *tachrichin*, the Rama writes (apparently citing the Maharil) that:

And so do we do to a woman who died in childbirth and to someone who fell and died.⁸

Even if the Rama is referring to deaths involving bleeding, as per the ruling of R' Shalom, he implies that like murder victims, those who die in childbirth or in a fall are not clothed in *tachrichin*, even over the clothing in which they died. This is not evident from the actual *teshuvah* of the Maharil, and the reason for not dressing them in *tachrichin* is unclear. Additionally, the Rama continues as follows:

And they are accustomed to not make them shrouds like other deceased persons, but they bury them in their clothes, and above them a sheet like other deceased persons.

Once again, it is unclear why those who die in childbirth or by falling are not clothed in ordinary *tachrichin*, at least over the clothing in which they died. R' Eliezer Yehudah Waldenberg (the Tzitz Eliezer) suggests that the rationale for the custom of special treatment of accident victims may be the desire to inspire people to *teshuvah*—because all such misfortunes are decreed by Hashem due to *aveiros*, either personal or communal—and to prayer for the *neshamos* of the victims, who have been subjected to Divine punishment.⁹

6 Sanhedrin 57b.
7 Shu"t Maharil siman 65.
8 Shulchan Aruch ibid. se'if 4.
9 Shu"t Tzitz Eliezer cheilek 11 siman 70 osios 2-3. Cf. Bach ibid.; Taz ibid. s.k. 3; Shach ibid. s.k. 11; Chochmas Adam klal 157 se'ipim 10-12; Cesher Hachaim cheilek 1 perek 11; and the rest of the *teshuvah*

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symbolizes humility, a trait required of a *talmid* chacham; and the reed's pliability, which allows it to withstand buffeting winds, symbolizes a Jew's need for resilience to withstand the onslaught of harmful influences.



RAV ARVEH
FINKEL

The Shach (ibid. 13) and several of his contemporaries write that the minhag does not follow the Mordechai, and a feather may be used for writing gittin and *sta"m*. Later *Acharonim* debate whether the Shach meant to exclude metal instruments. The Kessess Hasofer (3 note 5) allows them, but the Chasam Sofer (glosses to Kessess Hasofer ibid.) disapproves, saying that a feather should be used, and from a kosher bird.

The Aruch Hashulehan (ibid. 38) offers a reason to avoid metal in writing a sefer Torah: Writing words of Torah with materials used in weaponry would be paradoxical, because weapons shorten lives, while Torah lengthens them. (This is similar to the reason that metal tools are prohibited in the construction of the *mizbeich*: see Rashi to Shmos 20:22).

The Sheivet Halevi (2:136) says that a gold or silver pen may be used, because those metals are not used for weaponry, and they don't etch the parchment. A plastic quill also suffices. Ideally, he says, follow the minhag to use a feather.

Although the traditional custom of burying murder victims in their clothes is apparently still practiced today, R' Yaakov Danieli has reported (in an article published in 2002) that IDF soldiers are never buried in their clothes. This is because before reaching the *chevra kadisha*, their bodies first undergo an external forensic examination (not an autopsy) at the Abu Kabir Forensic Institute to determine the cause of death, in the course of which their clothes are torn off, so they cannot be buried in their clothes and so are buried in *tachrichin*. He records the single exception of a soldier named Gadi Ezra, a childhood friend of his, who had explicitly requested, a mere four days prior to his death in the Battle of Jenin (2002), that he be buried in his clothes should he fall in battle.¹⁰ (This writer does not know if this is still standard IDF practice today.)

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two conditions: First, he may not use the product after discovering the defect and deciding to return

it, as the sale is now void and the product isn't his. Second, the defect must be one that is not easily detectable upon inspection of the item. If the buyer could

have inspected the item before purchasing it and easily found the defect, some *poskim* hold that he waived his right to void the sale.

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