YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**STUDENT SUMMARIES OF Sichot of the Roshei Yeshiva**

**Parashat vayECHI**

**Sicha of HarAV Yaakov Medan**

**“A Possession of a Burying Place”**

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**Introduction**

One of the commandments that the people of Israel have always held fast to is the commandment of burial. Throughout the ages, the people of Israel have invested great efforts and energy in order to bring every Jew to burial. An example of this is the well-known story about the Maharam of Rothenburg, who was redeemed from captivity only after his death. He died in a fortress, where he was not buried, and the Jewish community invested much effort and huge sums to bring his body to a Jewish burial. In our day as well, unfortunately, we see the great importance of bringing every Jew to burial. The Goldin and Shaul families, whose sons Hadar and Oron fell in Operation Tzuk Eitan, will not rest until their sons are buried in a Jewish grave in Israel, and rightly so.

Yet, it is almost impossible to find a Torah-based source for the *mitzva* to bury a Jew. There is no explicit commandment that every person must be brought to a Jewish grave.[[1]](#footnote-1) We do, however, find several allusions to the importance of burial and the severity of failure to execute this responsibility.

**The Punishment of *Karet***

 Let us begin with the severity of failure to bury the dead, starting with one of the most severe punishments in the Torah – the punishment of *karet*. The Ramban famously explains the punishment of *karet* in three different ways (see his commentary on *Vayikra* 18:29). However, in my opinion, the plain sense of the verses illuminates the punishment of *karet* in a different light.

In my understanding, *karet* refers to burial outside a cemetery, apart from the rest of Israel. When a person dies in Scripture, the account of the event often ends with the words "and he was gathered to his people" (e.g., *Bereishit* 25:17) or "and he slept with his fathers" (e.g., *Melakhim* I 2:10), meaning he was buried in the tombs of his fathers. According to the simple understanding, the opposite is "and he will be cut off from his people" (*Shemot 30:33)*, with the person not receiving a proper burial.

A sharp expression of this punishment and its severity is found in the book of *Melakhim*:

And he cried to the man of God that came from Yehuda, saying: Thus says the Lord: Since you have rebelled against the word of the Lord, and have not kept the commandment which the Lord your God commanded you, but came back, and have eaten bread and drunk water in the place of which He said to you: Eat no bread, and drink no water – your carcass shall not come to the tomb of your fathers. And it came to pass, after he had eaten bread, and after he had drunk, that he saddled for him the donkey, namely, for the prophet whom he had brought back. And when he was gone, a lion met him by the way, and slew him; and his carcass was cast in the way, and the donkey stood by it; the lion also stood by the carcass. And, behold, men passed by, and saw the carcass cast in the way, and the lion standing by the carcass; and they came and told it in the city where the old prophet dwelt.

And when the prophet that brought him back from the way heard of this, he said: It is the man of God, who rebelled against the word of the Lord; therefore, the Lord has delivered him to the lion, which has torn him, and slain him, according to the word of the Lord, which He spoke to him. And he spoke to his sons, saying: Saddle me the donkey. And they saddled it. And he went and found his carcass cast in the way, and the donkey and the lion standing by the carcass; the lion had not eaten the carcass, nor torn the donkey. And the prophet took up the carcass of the man of God, and laid it upon the donkey, and brought it back; and he came to the city of the old prophet, to lament, and to bury him. (*Melakhim* I 13:21-29)

The man of God who rebelled against the word of God suffered one of the harshest punishments: it was decreed that his corpse would not be brought to the tomb of his fathers. Instead, his body remained lying on the road, in plain sight of those who passed by. This is so serious that the prophet from Beit El is unwilling to bear such a reality, and therefore he decides to bring the body to burial. The description of the donkey carrying the carcass well illustrates the great importance of being brought to one's ancestral grave.

**Burial in the Makhpela Cave**

Two other expressions of the importance of burial are found in the book of *Bereishit*, one in *Parashat Vayechi* and the other in *Parashat Chayyei Sara.* In this framework, we will primarily relate to what is stated in our *parasha*:

And the time drew near that Israel must die; and he called his son Yosef, and said to him: If now I have found favor in your sight, put, I pray you, your hand under my thigh, and deal kindly and truly with me; bury me not, I pray you, in Egypt. But when I sleep with my fathers, you shall carry me out of Egypt, and bury me in their burying-place. And he said: I will do as you have said. And he said: Swear to me. And he swore to him. And Israel bowed down upon the bed's head. (*Bereishit* 47:29-31)

In the beginning of the *parasha*, Yaakov adjures Yosef to bury him in the Makhpela Cave together with his ancestors. Yaakov emphasizes the importance of this burial, and even makes Yosef swear to do as he asks. In my opinion, underlying Yaakov's request is the desire to ensure that the people of Israel will return to the Land of Israel: The significance that the people of Israel attribute to the graves of their ancestors will prevent them from settling in Egypt long term.

Later, Yaakov asks his sons once again to ensure he will be buried with his ancestors, and he goes on to describe the importance of burial in an ancestral tomb:

And he charged them, and said to them: I am to be gathered to my people; bury me with my fathers in the cave that is in the field of Efron the Chittite, in the cave that is in the field of Makhpela, which is before Mamre, in the land of Canaan, which Avraham bought with the field from Efron the Chittite for a possession of a burying-place. There they buried Avraham and Sara his wife; there they buried Yitzchak and Rivka his wife; and there I buried Lea. (*Bereishit* 49:29-31)

Yaakov explains to his sons that the tombs of the patriarchs express the continuation of the people of Israel and the patriarchal tradition. When a person is buried with his ancestors, he connects himself to the same long chain that passes on the tradition from generation to generation. Of course, Yaakov's request is directly related to Avraham's efforts to purchase the Makhpela Cave and bury Sara in it: Avraham was able to see the importance of finding a suitable plot of land where future generations could also be buried.

**The Significance of Continuity of the Dynasty**

Yaakov adjures his sons by way of "taking hold of an object" (*nekitat chefetz*) – "Put, I pray you, your hand under my thigh." Another place where we find such an oath is when Avraham sends his servant to find a wife for Yitzchak. Finding a wife for Yitzchak is critical, for it is through him that the dynasty of Avraham will continue. Burial also expresses the continuity of a dynasty: When a person is buried with his ancestors, he continues their path, as he had done during his lifetime.

Scripture offers little information about the world to come and what takes place there. Apart from a handful of verses in *Kohelet*, Scripture does not tell us what happens to a person after he leaves this world. Nevertheless, the Midrash, and in its wake the Gemara, tell us that "Yaakov our father did not die" (*Taanit* 5b). Through a person's burial and the continuation of the family dynasty in future generations, a person continues to exist in this world even after his death.

We encounter another expression of this idea in the early days of the Second Temple:

And I said to the king: If it please the king, and if your servant has found favor in your sight, that you would send me to Yehuda, to the city of my fathers' tombs, that I may build it. (*Nechemya* 2:5)

In requesting permission to return to the Land of Israel, Nechemya describes Jerusalem as "the city of my fathers' tombs." Apart from the practical considerations that motivated him to use this formulation, its seems that Nechemya internalized precisely this point: the people’s resilience, their respect for tradition and their ability to pass it on to future generations, are based in part on burial in ancestral tombs and on bringing all of its individual members to Jewish burial.

[This *sicha* was delivered on Shabbat *Parashat* *Vayechi* 5780.]

1. See *Sanhedrin* 46b for the Gemara's *derasha* regarding burial. [↑](#footnote-ref-1)