

# HALOCHOSCOPE

Congregation Shaaray Tefilah, Pittsburgh, PA

This week's question:

A Kohen has had his gall-bladder removed. Should he ask the surgeon to give it to him for burial? Is he allowed to handle it himself? If a tooth is extracted, do the same laws apply?

What could the problems be?

- (A) *Tum'as Mes*, ritual impurity imparted by a corpse, and its application to a Kohen.
- (B) The *Tum'ah* of *Ever Min Hachai*, a limb taken from a living person.
- (C) The *Mitzvah* of *Kevurah*, burial, and its application to *Ever Min Hachai*.

(A) *Tum'as Mes* for a Kohen

A dead body has *Tum'ah*, ritual impurity. This means that in the times that the *Bais Hamikdosh* stood, and the *Terumah* and *Maaser* tithes and the *Korbonos* were eaten, one who was *Tamei* could not partake of them. The corpse imparts its *Tum'ah* through contact and by way of *Ohel*, literally, a tent. This means that anything or anyone under the same roof as a dead body becomes *Tamei*, even if the dead body did not touch them. [See *Parshas Chukas* 19.]

A Kohen is commanded not to become *Tamei* through a dead body even if he does not intend to eat *Terumah*. This means that he may not touch a dead body or go into a building where there is a dead body. There are a few exceptions to this rule. He may contaminate himself by contact with the bodies of his close relatives and with a *Mes Mitzvah*, one who has no relatives to take care of his burial. In these cases, he has a *Mitzvah* to bury them even if it involves becoming *Tamei*. [See *Parshas Emor* 21]

Once a person has become *Tamei Mes*, he does not leave this state until he goes through the purifying process, including *Mikvah* immersion and *Hazoas Mei Chattas*, being sprinkled with a mixture of water and the ashes of the *Para Aduma*, the Red Heifer. Today this is not possible. It is therefore assumed that everyone is *Tamei* today. [See *Parshas Chukas* 19.]

Although *Kohanim* are therefore *Tamei* today, they are still commanded not to be in contact with *Tum'ah* of a *Mes*. This is called *Tosafos Tum'ah*, additional *Tum'ah*. This means that in an unavoidable situation, such as when a person dies in the room they are in, they should leave the room.

This does not always apply if they are in the same house, but in a different room, and a Rav should be consulted in these situations. Even a Kohen is allowed to become Tamei, for example, when his father dies, it is only if the corpse is intact. If an external organ was removed after death, he is not allowed to become Tamei. If an internal organ was removed, he should consult a Rav. [See Nazir 42b, 43a-b. Shulchan Aruch Yoreh De'ah 373:9. 369, Aruch Hashulchan 2-9. Igros Moshe Y.D. Vol 1 No 251. Tzitz Eliezer 9:48.]

#### (B) Ever Min Hachai

Just as a corpse is Tamei, so is an organ or limb that is removed from a corpse. Furthermore, an *Ever*, a limb removed from a living person is also Tamei. There is no minimum size for a limb. However, it is not always MeTamei in an Ohel. If the whole limb is intact, it is MeTamei in an Ohel. If some of it has been removed, it is still MeTamei by direct contact, but cannot make everything in its Ohel Tamei.

In order to be considered Ever Min Hachai, it must have flesh, bone and sinews. Therefore, in our case, the gallbladder is not considered a Ever and is not MeTamei.

Even if only the bone of an Ever is removed from the body, it is still Tamei. Thus if a Kohen had a limb amputated, even his little finger, he should not touch it. Even though he may become Tamei for his close relatives, which should therefore include himself, it has already been mentioned that he may only do so when the corpse is intact. A single limb is not an intact corpse. He should even avoid being in the same Ohel as the Ever if it has enough flesh to survive had it still been attached. [See Mishna Ahalos 1:7-8. 2:1. Commentaries. Chulin 102a-b 129b, etc. Nazir 43b. Sh. Ar. Y.D. 369. Pischei Teshuva 3. Aruch Hashulchan 10-11.]

Teeth or hair that are detached from the body are not MeTamei. The Talmud excludes anything that can grow back or that was not part of the body at birth. [See Mishna Ahalos 3:3. Niddah 55a.]

#### (C) Kevurah and its application to Ever Min Hachai

The Mitzvah of Kevurah, to bury the dead, is Scriptural in origin. The Torah commands us to bury those executed by Bais Din on the same day, and we learn from there that the law is the same for all corpses. This means that cremation or any other form of disposal of a body is in violation of this positive commandment.

The Talmud discusses the meaning of this Mitzvah, giving two possible explanations: (1) *Kapara*, it is an atonement for the soul to have his body laid to rest in the ground, (2) *Bizayon*, it is because of human dignity; it is undignified for the body to be left unburied. The difference given by the Talmud between these reasons is a case where the deceased left instructions not to be buried. As far as Kapara is concerned, he has a right to say he does not want it,

whereas Bizayon affects his survivors as well, and he may not cause them the shame. It appears that the Poskim conclude that the reason is Bizayon.

Regarding Ever Min Hachai, Kapara does not apply since he is not dead and his limb being placed in the ground does not atone for him. Bizayon, however, is present to a degree; there is a certain shame or lack of dignity if it is left unburied. However, if this is true, the Talmud could have used Ever Min Hachai as the example of the difference between these two reasons. One could argue that the example chosen was just as good; however, there is still a question whether the level of Bizayon to Ever Min Hachai would warrant burial. [See Parshas Ki Seitzei 21:23. Sanhedrin 46b-47a Chinuch Mitzvah 537.]

The Talmud relates that people with a disease that made their limbs fall off would bury them. The simple interpretation of this passage is that there is an obligation to bury them. Even so, the Mitzvah would not obligate a Kohen to let himself become Tamei while burying them. We do find reference in the Midrash to Yirmiyahu Hanavi, who was a Kohen, burying his fingers which has been cruelly cut off, but this is considered a question rather than a proof of its permissibility. In any event, the Mitzvah exists and one would therefore be obligated to bury a limb that has been amputated. An organ such as the gall-bladder in question would not require burial since it appears that the Mitzvah only applies to those parts that are MeTamei. Since there are no bones in this organ, it is not MeTamei.

There is, however, another interpretation of that Talmud passage: that the diseased people buried each Ever to prevent Kohanim from coming in contact with them, but not because there is a specific obligation to bury them. According to this interpretation, there is no Mitzvah to bury Ever Min Hachai. If one who underwent an amputation wishes to prevent the Ever from being MeTamei Kohanim, but, for whatever reason, does not want to bury it, he must put it where it will not be in the same Ohel that Kohanim will frequent. A Rav should be consulted as to how to arrange this. Of course, in most cases, the hospital will dispose of the Ever.

Other opinions, however, prove from elsewhere in the Talmud that Ever Min Hachai requires burial. We know that a Kohen may only let himself become Tamei when it is necessary for the burial of his closest relatives. The Talmud derives a prohibition against a Kohen becoming Tamei for the Ever Min Hachai of a relative. If there is no Mitzvah to bury it, how could he become Tamei anyway, so why does the Torah need to teach us this restriction? It must be because he could, strictly speaking, become Tamei in order to bury these limbs. It is implied that there is a Mitzvah.

Even if it is not a Mitzvah, there is a measure of *Kavod*, decency, that would require the burial of these parts. This could also apply to other organs that are not MeTamei. However, there is no need to ask the hospital for them to fulfill this burial.

It is customary to bury the Orlah, foreskin removed at a Bris Milah. There also appears to be an old Minhag to bury teeth, although there are Talmudic refer-

ences that indicate that there is no need at all to bury teeth. [See Berachos 5b.]

In conclusion: A Kohen does not become Tamei when touching an organ that was removed from a living person if there are no bones in it. The organ does not require burial unless the Kohen has easy access to it and is able to bury it without difficulty, in which case he should do so out of decency. Teeth need not be buried either, but there is a custom to bury them. [See Kesubos 20b Nazir 43b. Medrash Rabba Chayei Sara 60:3. Eicha Rabasi, Psicha 34. Sh. Ar. Y.D. 362. Pischei Teshuva 1. Noda Biyehuda Vol 2 Y.D. and No 209. Mishmeres Shalom Y.D. part Chaim Uvracha 5-6 quoting Yosef Ometz 30. Igros Moshe Y.D. Vol 1 Nos 231-232, Vol 3 No 141. Tzitz Eliezer Vol 9 No 48, Vol 10 No 25 Ch. 8.]

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## ANNOUNCEMENTS

### SCHEDULE:

SHABBOS SHACHARIS	9:00 am	<u>SHIURIM:</u>
SHABBOS MINCHA	4:40 pm	GEMORO Makos-
SHACHARIS SUNDAY	8:00 am	SUNDAY 7:15 am
SHACHARIS MON - FRI	7:00 am	HALACHA B'Iyun-
MINCHA SUN - THURS	4:50 pm	MONDAY 8:30 pm
CANDLE-LIGHTING VAYISHLACH		HILCHOS Shabbos
	4:38 pm	SHABBOS 8:15 am
MINCHA EREV SHABBOS	4:45 pm	

-Kiddush is being given by Drs. Elliot and Jill Wachman in celebration of the birth of their daughter, Devorah Yenta. - Mazel Tov.

-There will be a youth Minyan for boys grades 1-5 on the third floor beginning at 9:15. Kiddush and refreshments will follow.

-There will be a playgroup with refreshments for preschoolers on the 2nd floor.

-There will be a Melave Malka at 8:00 sponsored by Dr. Dennis Wayne. Guest speaker: Rabbi Benzion Zev Kahana.

This issue of HALOCHOSCOPE has been sponsored by Dr. Hersh Sachs in memory of his father, Eliezer Zalman ben Sholom whose Yortzite was on the 3rd of Kislev.

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Comments and suggestions are welcome and can be addressed to :

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