בית קברות ולוית המת

קכו. כשחוזרים מן ההלויה שבבית הקברות, צריכים לרחוץ הידים ג' פעמים [לסירוגין]. [באו"ח תולדות הט"ז, חזו"ע אבלות ח"א עמ' שלא]

קכז. הנוגע במת צריך ליטול ידיו. [ש"ע ס"ט] ואפילו המלווה את המת, ולא נכנס לבית הקברות, צריך ליטול את ידיו, אם נכנס לתוך ארבע אמותיו של המת. [עי' מג"א ס"ק כא ופמ"ג שם וכה"ח ס"ק עז]

Cemeteries and Funerals

After visiting a cemetery

126) After attending a funeral [or visiting] a cemetery, one must wash hands alternately three times.[270]

Touching a human corpse

127) After touching a human corpse, one must wash hands. In fact, even people who escort the deceased to the cemetery and walk within four cubits of the body [or those who were in the funeral home while the body was present] must wash hands. This is so even if they do not enter the cemetery. Some *Poskim* ruled more stringently that all those who escort the deceased for a distance of four cubits must wash

270. The *Shulhan Arukh* (4:19) ruled that if someone walks through a cemetery or touches a dead human body, he must wash hands. His source for this is the *Mordekhi* to *Berakhot* (chapter 8, #194). The Mahari"l (responsa #23) commended the custom of people to wash hands after attending a prayer session in a cemetery, explaining that an aura of impurity reposes in every cemetery. Our Sages taught (*Sanhedrin* 65b) that it is forbidden to remain overnight in a cemetery hoping to become endowed with this impure spirit [harnessing it to practice black magic]. By washing hands upon exiting the cemetery, we remove this harmful force from our hands.

The Ramban (*Torat Ha'adam* Unit *He'avel* page 156) offered a different explanation for washing hands upon returning from a cemetery. The *Orhot Hayim* and Rabbenu David Abudarham explained that it is a matter of hygiene. According to them, one rinsing of the hands would be sufficient, but according to the *Mordekhi* it is necessary to wash each hand three times.

Rabbenu Eliezer bar Natan (responsa #11) explained that the reason for washing hands after leaving a cemetery is to demonstrate that the death of a righteous person brings atonement to his survivors just as the mitzvah of *egla arufa* brings atonement to the community who performs that mitzvah. The Torah instructs the elders of that community to wash their hands over the calf's carcass to complete the mitzvah, and therefore we always wash hands after attending the funeral of a righteous person. This practice is mentioned in the Talmud Yerushalmi (*Mo'ed Katan* 3:5).

Rabbenu Bahye (*parashat Hukat*) explained that the water mixed with ashes of a *para aduma* purifies people from the *tum'a* of contact with a human corpse, and therefore the custom is to wash our hands after returning from a funeral to allude to the process of purification using the water and ashes. The act of washing hands also alludes to the prophecy (*Yehezkel* 36:25), "I will throw upon you waters of purity and you will become pure."

According to the last two reasons explained here, we do not wash hands upon exiting a cemetery because of any harmful spiritual force, or even because of hygiene. According to those who give these reasons, it is likely not necessary to wash hands more than once.

The *Halakha Berura* (page 100) cited a number of *Aharonim* (including Harav Hayim Vital, Harav Eliyahu of Vilna and Harav Hayim Hakohen) who agreed with Mahari"l that the purpose of washing hands is to dispel the harmful force that has contaminated one's hands. The *Petah Hadevir* (4:10), the *Ben Ish Hai* (*parashat Toledot* halakha 16) and the *Kaf Hahayim* Sofer (4:61) ruled based on this that one must wash each hand alternately three times, unlike the responsa *Yitzhak Yeranen* who ruled that one time is sufficient. Maran the Rishon Letziyon (*Hazon Ovadya Avelut* Vol. I, page 331) ruled as well that one must wash each hand three times. As the *Kaf Hahayim* Sofer (4:62) explained, whenever it is necessary to wash three times, the hands must be washed alternately.

ויש מחמירים ליטול ידיהם אפילו אם ליווה את המת ד' אמות בשעת הוצאתו מביתו, אף שלא נכנס לתוך ד' אמותיו. [ראה יפ"ל המובא בכה"ח ס"ק עז, ובמשנה הלכות ח"ו סי' רז, ובילקו"י עמ' תיא]. והמחמיר תבא עליו ברכה.

קכח. יש נוהגים שלא לנגב הידים מרחיצה זו, ומי שקשה לו הדבר יכול לנגב את ידיו. [חזו"ע שם]

קכט. הרוחץ את ידיו כשחוזר מבית הקברות, לא ימסור הכלי שרחץ ממנו לאיש אחר, אלא מניחו על גבי קרקע, וחברו נוטלו משם. [חזו"ע שם עמ' שלב בהערה, בשם א"ר ורעק"א, וכ"ה בכה"ח ס"ק עט]

hands even if they remained more than four cubits away from the body at all times. Anyone who observes this stringency will receive a special blessing from Heaven.[271]

Drying hands after washing them

128) The popular custom is that people do not dry their hands after washing them following a funeral. Anyone who finds this difficult may dry his hands [especially in the winter].[272]

Handing a container of water to others

129) When someone washes his hands after returning from a cemetery, he should not hand the container he used to the next person who is waiting to wash hands. Instead, he should put it down and leave it for the next person to pick up.

271. Washing hands upon returning from a funeral

The Rama (gloss to *Y.D.* 376:4) that the custom is to refrain from entering a house [after attending a funeral] until washing one's hands three times. The *Hokhmat Adam* (158:29) specified that this is the rule only for those who went to the cemetery but not for those who only escorted the procession part of the way, and it is certainly not necessary for those who remained at a distance greater than four cubits from the body. Maran the Rishon Letziyon (*Hazon Ovadya Avelut*, footnote on page 332) cited this lenient ruling and it appears that he concurred with it.

Other *Poskim*, however, ruled that anyone who came within four cubits of the deceased must wash hands. The *Kaf Hahayim* Sofer (4:77) cited the *Yafe Lalev* ruling that anyone who escorted the deceased must wash hands. It seems from these words that he meant all those who escorted the deceased even if they remained more than four cubits away from the body. The *Kaf Hahayim*, however, emphasized that the *Peri Megadim* ruled that this applies only to those who were within four cubits of the body, and this is the ruling of the *Halakha Berura* (page 101).

The *Yalkut Yosef* (page 411) states that as long as someone remained more than four cubits away from the body and he did not enter the cemetery, he is not obligated to wash hands, but the *Yalkut Yosef* testified that many people are stringent and wash hands in all cases.

The *Yalkut Yosef* cited the responsa *Mishne Halakhot* (Vol. VI, #207) ruling that anyone escorting the body must wash hands even if he remained more than four cubits away, citing proof from the *Magen Avraham*. For some reason, he chose to ignore all the *Aharonim* who ruled otherwise. It appears, however, that the *Yafe Lalev* concurred with the *Mishne Halakhot*, and this is the ruling of the *Hazon Ish* (*Dinim Vehanhagot* Vol. II, 4:21) as well.

272. The *Kenesset Hagedola* (*Y.D.* 376, gloss 14 to the *Arba'a Turim*) wrote: "Our custom is not to dry our hands after this washing. We allow our hands to dry in the air. I have never heard an explanation for this custom, however." The *Lehem Hapanim* (376) testified that this is the custom in Yerushalayim. The *Ma'avor Yabok* (Unit *Sefatai Ranenot*, chapter 19) explained that the purpose of this custom is to demonstrate that we remain conscious of the tragedy and still remember the concept of mortality.

In contrast, the *Pahad Yitzhak* (entry *Kaveru Hamet*, cited in *Ikare HaDat Y.D.* 35:9) cited the *Kenesset Hagedola* and commented: "But I witnessed my masters, the generation's Torah leaders, Mahar"i Bri'al and Mahar"i Kazis, drying their hands after attending a funeral, and this is my personal practice as well.

The *Bet Oved* (*Dine Hahazara Mibet Hakevarot* #4, page 224a) and the *Ben Ish Hai* (*parashat Toledot* halakha 16) both stated that the reason for this custom is to prolong our memory of the deceased. The *Ben Ish Hai* added that since this is the only reason for this custom, if it is difficult for someone to keep his hands wet in the cold of winter it is permissible to dry them. This is likewise the ruling of the *Yafe Lalev* (Vol. III, *Y.D.* 376:2). The *Me'asef Lekhol Hamahanot* (4:115) testified that the author of *Minhat*

ודע, שאין להרבות לבקר בבית קברות, וכל שכן נשים, מחשש שהחיצוניים ידבקו באדם המבקר שם. וכתב הגאון מוילנא: "ותשמור שלא תלך לבית הקברות כלל וכלל כי שם מתדבקין בקליפות מאד, וכל שכן בנשים, וכל הצרות והעוונות באים מזה". [ילקו"י עמ' תיא]

קל. נהגו להקפיד היכא דאפשר שלא להכנס לבית אחר, ואפילו לביתו, עד שיטול ידיו. ואם אין לו מי שיביא לו מים לחצר, אין צריך להקפיד בזה. [ילקו"י עמ' תיז, ע"פ כה"ח ס"ק פ]

קלא. הנכנס לקברות צדיקים, שלא בתוך בית הקברות, כמו קבר רבי שמעון בר יוחאי במירון, וקבר יונתן בן עוזיאל בעמוקה, וקבר רבי מאיר בעל הנס בטבריה, וקבר שמעון הצדיק, וכדומה, אין צריך ליטול ידיו בצאתו משם.

ואין להתפלל שחרית מנחה וערבית בבית קברות, וגם לא בקברות צדיקים, כגון מרן הבית יוסף וקבר האר"י ז"ל, וכדומה. ומה שאנו מתפללין בקבר הרשב"י ובמערת המכפלה הוא מפני שהקבר עצמו עמוק הרבה, ואינו בסמוך למצבה הנראית.

Visiting cemeteries

One should not visit cemeteries very often. This is especially true for women. Harmful spiritual forces cleave unto people who spend time in cemeteries. Harav Eliyahu of Vilna wrote to his wife, "Take care never to go to a cemetery, for very harmful forces abound there. They especially target women. All our problems and sins come from this practice [of people visiting cemeteries]."

Wash hands before entering a building

130) The custom is to avoid entering a building, even one's home, after attending a funeral until one washes hands. If there is no one who can bring water outside, however, the person may enter the building before he washes his hands.

Tomb of a tzaddik

131) When someone visits the gravesite of a great tzaddik that is not situated in a cemetery, it is not necessary to wash hands afterward.[273] This includes such sites as the tombs of Ribbi Shim'on bar Yoḥai in Meron, Ribbi Yonatan ben Uzi'el in Amuka, Ribbi Meir Ba'al Haness in Tiberias and Shim'on Hatzaddik [in the Sheikh Jarrah neighborhood of Yerushalayim].

Praying in a cemetery

It is forbidden to recite the *shaḥarit*, *minḥa* or *arvit* prayers inside a cemetery or even at a tzaddik's tomb such as the gravesite of Maran Harav Yosef Karo or the Arizal. We do permit reciting the prayers at the tomb of Ribbi Shim'on bar Yoḥai and at Me'arat Hamakhpela since the location of the actual graves is some distance from where the prayers are recited.

Elazar often dried his hands after funerals. All this can be found in the *Ḥazon Ovadya Avelut* (footnote on page 332).

273. The *Yalkut Yosef* (page 413) cited the *Ashkavta deRibbi* (#62) explaining that although the halakha is that all dead bodies, even those of great tzaddikim, radiate *tum'a*, that does not mean that they harbor harmful spiritual forces. No harmful forces repose in the vicinity of a great tzaddik's tomb. Therefore, the custom in many communities is not to necessitate hand washing after visiting the graves of outstanding tzaddikim.

וראוי לפרסם כי לימוד תורה עדיף על נסיעה לקברות צדיקים, שאין לך דבר גדול מלימוד תורה. [ילקו"י עמ' תיב]

קלב. אף הנכנס לבית קברות של גויים, כשיוצא צריך ליטול ידיו. [שם בשם שו"ת יד הלוי]

קלג. יש אומרים שהיוצא מביקור בבתי חולים, צריך נטילת ידים, אחר שיש שם איברים של מתים, אך לא נהגו להקפיד בזה, שיש לומר דלא חייבו ליטול ידים אלא כשמתעסק עם המת ובא לצורכו, וידוע ודאי שיש שם מת, שאז הוי דומיא דבית קברות, אבל באופן הנזכר שאין ידוע בודאי שיש שם מת, ולא בא לצורך כך, לא חייבוהו נטילה. [שם]

קלד. החוזר מהלוויה אין לו ליטול ידיו מברז השייך לאחרים, מחשש לאיסור גזל. [ילקו"י עמ' תיח]

קלה. יש נוהגים ליטול הידים קודם כניסתם לבית הקברות. [מג"א ומשנ"ב ס"ק מג, וילקו"י עמ' תיא]. וכן יש נוהגים לשטוף הפנים, מלבד הידים בצאתם מבית הקברות. [הלכה ברורה עמ' קב]

קלו. מותר לעשן סיגריות קודם שנטל ידיו מבית הקברות, ואין לחוש למי שמחמיר בזה. ואף על פי שמותר לעשן בבית הקברות, וכן מעיקר הדין אין רוח רעה שורה על האוכלים הנמצאים בבית

This is the place to make an important point clear: Spending time in Torah study is much more valuable than going on trips to visit the tombs of tzaddikim. No mitzvah equals the value of Torah study.

Day 77

Non-Jewish cemetery

132) One must wash hands after being in a non-Jewish cemetery as well.

Visiting a hospital

133) Some *Poskim* claimed that it is necessary to wash hands after visiting a hospital since the medical staff keeps a collection of preserved organs taken from deceased patients. Most people do not observe this stringency, since logic dictates that our Sages necessitated hand washing only after dealing with someone who has deceased, and only when it is certain that dead bodies are located where one is visiting. Only then is the situation similar to visiting a cemetery, but if someone visits a hospital for other reasons and he is unaware of any human remains being present, it is not necessary to wash hands.

Avoid stealing

134) After attending a funeral, one must not take water from someone's private water line to wash hands without the owner's permission. If he does, he is likely guilty of stealing.

Before entering a cemetery

135) Some people have the custom of washing hands *before* they enter a cemetery. Also, some people have the custom of washing their hands *and face* after visiting a cemetery.

Smoking cigarettes

136) While in a cemetery or after exiting it, it is permissible to smoke cigarettes even before washing one's hands. It is not necessary to follow the stringent opinion regarding this. We may assume that no harmful spiritual forces