

Rest in Peace: The Laws of Kevura

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Parshas Chayei Sara

Highlights of a shiur by Rav Yosef Jacobowitz

גַּר וְתוֹשֵׁב אֲנִי עִמָּכֶם תִּנּוּ לִי אֶחָזֶת קֶבֶר עִמָּכֶם וְאֶקְבְּרָה מִתִּי מִלִּפְנֵי

I am a stranger and a resident among you; give me a grave property among you, that I might bury my dead from before me.

Beraishis 23:4

Avraham's burial of Sara is the Torah's first mention of *kevura*.

We have a mitzva to bury the dead. But what if, *chas v'shalom*, the full body isn't present?

Tosfos Yom Tov (Shabbos 10:5) maintains that a *kezayis*-sized piece of tissue is certainly subject to the mitzva, and a smaller part might be as well.

The Mishneh Lamelech and the Tiferes Yisrael (ibid.) challenge this from a Yerushalmi (Nazir 7:1) that says that although a *nazir* and a kohen must become *tamei* to bury a *mes mitzva*, that only applies if *roshe v'rube* of the *mes mitzva* is present.

The Minchas Chinuch and other *acharonim* answer simply that this minimum applies only to the *heter* of *mes mitzva* to a kohen and a *nazir*, not to the mitzva of *kevura* per se.

The Noda Bihuda (Kama Y.D. 90) says that *sevara* dictates that a part smaller than *roshe v'rube* is subject to *bizayon hameis*, so the mitzva of *kevura* applies. R' Moshe (Y.D. 2:150) rules accordingly.

Rav Tokachinsky in Geshet Hachayim (16:2) states that even those who argue with the Tosfos Yom Tov would agree that if *roshe v'rube* are present, all of it must be buried, not just enough that what remains is below the *roshe v'rube* threshold.