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Dedicated in loving memory of
HaRav Yosef Grossman zt"l

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BODY OF WATER: CAN A CORPSE FOUND IN A LAKE BE RELIABLY IDENTIFIED?

Adapted from the writings of Dayan Yitzhak Grossman

AP News reports:

A body that washed up on the shores of Lake Ontario in 1992 has been identified as a Buffalo man who is believed to have died going over Niagara Falls.

Vincent Stack went missing in Niagara Falls State Park on Dec. 4, 1990. DNA technology helped identify his remains, which drifted 15 miles to the mouth of the St. Lawrence River and then 130 miles across Lake Ontario before washing ashore on April 8, 1992, the Oswego County Sheriff's Office said in a news release.

The remains were badly decomposed

and mostly skeletal when they were discovered, the sheriff's office said. The medical examiner determined that the unidentified person had been dead between six months and five years.

Thirty years later, in 2022, the sheriff's office renewed its efforts to identify the remains and reached out to the Niagara Regional Police Service in Ontario, Canada for help.

Detective Constable Sara Mummery of the Ontario department assisted with obtaining a new DNA sample from the remains that had washed ashore in 1992 for comparison with missing person

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The Bais Hava'ad
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PARSHAS METZORA

BREAKING PROTOCOL

Excerpted and adapted from a shiur
by Rav Moshe Yitzchok Weg

At the Seder, at *Yachatz*, we break a matzah in two. The Smag and Rokeiach say to break the top matzah, because it is closest and *ein ma'avirin al hamitzvos* (one may not bypass a mitzvah opportunity). The Bach says that *Yachatz* is not that much of a mitzvah ("*eino mitzvah kol kach*"), so *ein ma'avirin* is not applicable, and the custom is to break the middle matzah.

We can explain the Bach's view of the mitzvah status of *Yachatz* based on the *Rishonim*, including the Machzor Vitri and Rabeinu Yonah, that say the point of *Yachatz* is to imitate a poor man, who typically only has pieces of bread rather than a whole loaf. So the key is *having* a broken matzah rather than *breaking* matzah. But perhaps the other view holds *Yachatz* is a mitzvah because a poor man divides what bread he has in two in case he's short later.

The Pri Megadim may support the second approach, because he says not to use a knife for *Yachatz* because a poor man wouldn't, which indicates that the *ani* breaks his bread rather than obtaining

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Q&A from the
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Half Baked

Q I frequently find small folds and creases in Pesach matzos. May these be eaten?
A The Rama (O.C. 461:5) forbids eating matzah *kfulah* (folded matzah) on Pesach, because the full intensity of the oven's heat doesn't penetrate the fold, so the dough may rise before the baking is done. An incomplete fold—where the edges of the fold don't touch—is not a problem, because everything is exposed to the full heat (Mishnah Brurah *ibid.* 25).

The *kfulah* issue applies even where the matzah is so thin that even when doubled

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cases in both the United States and Canada, the sheriff's office said.

In February of 2024 the authorities were able to match the DNA sample with genetic material collected from the family of Stack, who was 40 when he disappeared, according to the National Missing and Unidentified Persons System. The sheriff's office notified Stack's family of the identification.¹

Historically, the most reliable method of identifying human remains, in halacha as well as secular law, has been visual identification by someone who knew the person. But a major obstacle to such identification is postmortem decomposition of the body, which can render it unrecognizable. Halacha goes even further and considers visual identification unreliable unless certain components of the face are intact and the identification is made within a certain interval after death.

In this article, we discuss these two conditions, and several weeks hence we shall *iy"H* discuss the identification of human remains via DNA.

FACIAL COMPONENTS

The Mishnah states:

They may not testify to the identity of a dead man (to permit his wife to remarry) except upon seeing the form of the dead man's face with the nose.²

The Gemara elaborates:

The *Rabanan* taught in a *breisa*: If witnesses saw only the forehead without the form of a face, or only the form of a face without the forehead, they may not testify. They may not testify until both are visible, together with the nose.

Abayei, or if you will, Rav Kahana, said: From what *pasuk*? "The recognition of their faces testified about them."^{3,4}

Rabeinu Tam rules that even if these features are absent, an identification is still valid if the entire rest of the body is intact,⁵ but other *Rishonim* disagree.⁶

¹ Authorities identify remains of man who went missing in Niagara Falls in 1990 and drifted 145 miles. AP News, <https://apnews.com/article/niagara-falls-missing-person-remains-identified-dna-b62940e22240b1f67c2e652c99ea3a>.

² Mishnah Yevamos 16:3.

³ Yeshayah 3:9.

⁴ Yevamos 120a. For an encyclopedic discussion of these rules, see Otzar Haposkim E.H. kerech 5 pp. 19a-36c.

⁵ Tosfos *ibid.* s.v. *Ein me'idi*.

⁶ See Nimukei Yosef *ibid.* 45a in Rif pagination. Cf. Bais Yosef and Shulchan Aruch *ibid.* se'if 25; Otzar Haposkim *ibid.* pp. 169d-181d.

TIME SINCE DEATH

Later in the above Mishnah, we have the following:

They may not testify to a dead man's identity unless they saw the body within three days of death. R' Yehuda ben Bava says: Not all men nor all places nor all times are alike.

The Gemara asserts, however, that in certain circumstances an identification is valid even later. It cites a precedential ruling allowing the wife of a man who had drowned in the Tigris River to remarry, though the body had been identified five days after death. The Gemara explains:

Water is different, for cold water contracts the body (making recognition possible even after three days).

But you said that water agitates a wound (i.e., so water can cause swelling and distortion of the features)!

That applies where there is a wound, but where there is no wound, water contracts the body (preventing bloating and distortion).

And this rule applies only if when the body was brought ashore, it was seen by witnesses within the hour. But if it was left waiting, it has surely become bloated (and unrecognizable).⁷

Poskim debate whether the extension for water is only until five days from death or indefinite.⁸ They also debate the precise meaning of the Gemara's condition that the identification be made "at that time": Some understand this to mean that it must be made immediately ("without any delay at all") upon retrieving the body, while others construe it to mean within either an hour or two hours of the retrieval, as long as bloating has not yet occurred.⁹

Some authorities maintain that if the face (and according to some, the body as well) is intact, an identification of a body found on land is valid even beyond three days,¹⁰ and some extend this even to one found in water. Others disagree with this latter extension,¹¹ and some reject the validity of an identification after three days even in the case of a body found on land.¹²

⁷ Yevamos 121a.

⁸ See Bais Yosef *ibid.* (se'if 26); Otzar Haposkim E.H. kerech 6 pp. 15b-16b.

⁹ See Bais Yosef *ibid.*; Otzar Haposkim *ibid.* pp. 20b-23d.

¹⁰ See Bais Yosef *ibid.* and Shulchan Aruch *ibid.* se'if 28; Otzar Haposkim *ibid.* pp. 68a-83c.

¹¹ See Bais Yosef and Rama to Shulchan Aruch *ibid.*; Otzar Haposkim *ibid.* pp. 83c-86d.

¹² See Bais Yosef and Shulchan Aruch *ibid.*; Otzar Haposkim *ibid.* pp. 87a-121a.

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over it is only as thick as a standard matzah, because the space inside a fold is more resistant to heat penetration than the center of a thicker dough (Aruch Hashulchan *ibid.* 11).



RAV ARYEH FINKEL

When a *kfulah* is found, *kedei netilah* (the fold plus about an inch around it) must be removed, because the taste of chametz spreads (Rama *ibid.*); the rest of the matzah is permitted. In the uncommon case that the matzah was baked on Pesach itself, the entire matzah must be discarded (Mishnah Brurah *ibid.* 24). If the folded area is very small—less than 1/60 of a square inch—only the fold itself need be removed (Knei Vosem 1:23).

Sometimes the two halves of the fold are fused together, and the *poskim* discuss whether that's a *kfulah* or it is deemed as one thick piece of dough and permitted. In practice one should be stringent, unless there is another lenient factor to combine (Bior Halacha *ibid.* s.v. *Zu*). If the folding occurred during the rolling process and the fold is subsequently flattened by the rolling pin, it is considered thick dough and permitted (Sheivet Halevi 8:116).

A matzah *kfulah* doesn't require burning, because it is only a stringency to consider it chametz. But it is commendable to burn it (Shulchan Aruch Harav *ibid.* 21). A *kfulah* may be eaten after Pesach, because it is not considered chametz *she'avar alav haPesach* (Mishnah Brurah *ibid.* 32).

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only pieces in the first place. This may also be supported by the Shulchan Aruch, which

says to give someone one of the pieces after *Yachatz* to safeguard it for the afikoman, which might be because *Yachatz* requires demonstrating

that we, like an *ani*, are saving some of our bread for later.

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