

Rabbinical Commission Guidelines for the Preservation of Jewish Cemeteries

Status of the cemeteries in Jewish law and tradition

A Jewish burial is mentioned for the first time in the *Book of Genesis*, when after the death of his wife Sarah, Avraham bought a piece of land to bury her in it. (Genesis 23:2-20) In the Jewish tradition, the cemetery is created at the moment of purchase of a lot of land for the burial purposes – the land obtains its special status even before the first burial.

In Judaism both – the spirituals and physical – are holy. The soul is the source of the holiness, while the body is a vessel that carries it. According to the Jewish tradition and law, human body is holy even after death and remains so till the Judgment Day. Therefore the bones of the departed remain holy and inviolable. Tradition says that the soul and body are connected even after death; therefore if the bones are violated here on Earth, the peace of the soul in Heaven is also violated.

Because the bones are sacred they need to be treated with the utmost respect. The bodies of the departed must be buried in the ground (this excludes both cremation and leaving them above ground) and remain untouched. This is the reason why in Judaism the exhumation is strictly forbidden, except special and extraordinary cases.

Commission Activities in Poland

The Commission was established to supervise all the works taking place at the Jewish cemeteries in Poland. The focus of the Commission is the preservation of the cemeteries in their historical borders (pre-war borders). From the point of view of the Jewish law, within which the Commission operates, the key issue is the preservation of the human remains buried at the cemetery, regardless whether said remains are placed in the anatomical order or are mixed with the soil. In other words, according to the Jewish tradition the cemetery is where the human remains are, regardless whether the external signs of the cemetery were destroyed, its boundaries were blurred or the cemetery was built-up. In this regard the Commission's task is to prevent the building up of the cemeteries, as well as expanding the facilities already existing that were constructed during the World War II, Polish People's Republic or after 1989. The fact that the necropolis was built-up and human remains desecrated in the result of past earthworks does not mean that Jews no longer consider this area a cemetery – a holy place.

Methodology of the Commission's work: performing works at the cemeteries

Judaism prohibits any interference in the earth structures at the Jewish cemeteries due to the danger of moving the bones. Therefore, only noninvasive research methods are allowed. In order to recreate the historical borders of the cemetery or recognize the burial zone, the following tools are available: synchronization of the pre-war maps, synchronization of the aerial photos from the World War II, GPR surveys and LIDAR (light detection and ranging). The basic tool is an on-site verification – checking the area for the remains of the pre-war fence or other cemetery objects.

The archeological excavations are allowed only in special cases, under consultation with the Commission and under the rabbinical supervision of the delegated Commission employee.

Tombstones

According to the Jewish tradition matzevot belong to the deceased and therefore should be returned to the cemetery of origin. It is not allowed to re-set the so-borne matzevot in a way imitating the original setting, suggesting that they are located in the original spot – original burial place. The Commission recommends that in such case, the optimal solution is a creation of the

lapidary, integrated with an existing fence or located in its vicinity. The exact location of the lapidary should be agreed with the Rabbinical Commission. Moreover digging, raising or re-setting tombstones that fell, were overgrown or covered by the soil at the cemetery is forbidden.

Summarizing, forbidden are all activities that may violate the human bones located under the surface of the earth.

Any renovation, maintenance and care for the matzevot should be performed in accordance to the conservation procedures and in case of any doubt – consulted with the Commission.

Practical remarks:

- while recreating the inscriptions during renovation of the matzevot, the text needs to be consulted with the Commission (Hebrew consultation),
- the use of any chemical substances on the matzevot is strictly forbidden without a permit from the appropriate Conservator,
- tombstones or inscriptions should not be painted without prior approval of the paints and techniques to be used by the appropriate Conservator,
- matzevot should not be cleaned with hard brushes, including wire brushes.

Guidelines for conducting work on Jewish cemeteries

The following guidelines apply both to the fenced and marked cemeteries, as well as to those which borders are not recreated yet. In case of the latter ones it should also be noted that one of the forms of the protection of their burial zone is to change the land use to the “green area”, subject to the public notification that the given area is a cemetery; it should be noted in a way that will leave no doubt that the area should not be used for recreational purposes.

From the point of view of the Jewish tradition, the most important is providing peace of the dead and the inviolability of their burials. Therefore all works conducted at the cemeteries, including projects aiming to recreate their historical borders, should take into account these priorities

Within the Jewish cemeteries –

it is not allowed:

- to carry any type of work on Shabbat (from dusk on Friday till dusk on Saturday) and on Jewish Holidays,
- to dig,
- to transport soil from the cemetery,
- to enter with the heavy equipment (the appropriate permits can be issued only by the Commission),
- to remove the roots of trees and bushes,
- to dig out the tombstones,
- to arbitrary bury bones,
- to dig under the fence,

- to open graves;

it is allowed:

- to cut to the ground level - trees, bushes, annual, biennial and perennial plants,
- to remove with biological means carps and roots of the old trees,
- to burn weeds, branches and wood - in accordance with the health and safety regulations,
- to lay out lanes on the ground surface - after consulting with the Commission,
- to add additional layers of earth, providing that it is free from debris and other contaminants,
- to clean the tombstones,
- to place commemorative plaques and information signs – after consulting with the Commission.

Notice: If you find human remains stop working immediately and contact the office of the Commission.

In case of any substantive questions or concerns, please contact the Rabbinical Commission directly (6 Twarda St., 00-950 Warsaw, tel. +48 22 526 54 59, E-mail: komisja.rabinczna@jewish.org.pl).

Attention! The above mentioned rules are according to the Jewish law. There are other laws applying to works on the Jewish cemetery that one should be familiar with:

- Law dated on July 23, 2003 applying to monuments protection.
- Law dated on May 7, 1999 applying to the protection of the area of Nazi extermination camps
- Law dated on February 15, 1962 applying to cultural values
- Ordinance of the Ministry of Health dated on December 7, 2001 applying to behavior with corpses
- Law dated on January 31, 1959 applying to cemeteries and burial.
- Ordinance of the Ministry of Communal Administration dated on August 25, 1959 indicating properties where cemeteries can be located.
- Ordinance of the Ministry of Local and Environmental Administration and Ministry of Health dated on October 20, 1972 applying to cemeteries, keeping the records of burial.