

# HALOCHOSCOPE

their anti-religious feelings. Others have subscribed, inadvertently, to a pagan or agnostic value system. They do not subscribe directly to the paganism, but have adopted certain of its values. The poskim debate whether the ashes must be buried. Most conclude that some form of burial is required for various reasons. However, they forbid burying these ashes inside the main Jewish cemetery, due to the heresy of the deceased. Many maintain that the survivors should not mourn, for the same reason. Although mourning often involves *kibud av va'eim*, a brazen violator should not be honored. [See Yerushalmi Kesubos 11:2(4) Sanhedrin 46a Temurah 34a, Poskim. Tur Sh Ar YD 345 348-9 362-3, commentaries. Bais Yitzchok YD:II:155. Achiezer EH:72:4. Chayei Olam intro, 2, p. 29-35, etc. Nitei Gavriel Availus I:75:23-24, notes.]

We have mentioned various ways to justify using the name of an evildoer, mostly due to the fact that he was not brazen or intentional. It is hard to make this argument for one who insisted on cremation as a matter of principle. Furthermore, if naming is a way to keep the memory alive, or to keep the soul going, the deceased apparently had no interest in this. There might be a slight difference depending on his wishes for the ashes. Desire for burial with a marker or storage in an urn in the homes of his survivors could indicate a wish to be remembered. The one real mitigating factor would be honoring the living survivors, saving them from embarrassment, or preventing strife and discord.

In conclusion, one should not use a strange sounding name for a child. The name may be changed or modified under rabbinical guidance, and it will still have the desired effect. Various factors can affect the decision to name after a non-observant person. If it is a common name, one may have in mind good people with this name. If he was ignorant about Judaism, one may consider him a *shogaig*. If there could be an issue of shame or strife, one may use the name. *Kibud av va'eim* can also be a factor in favor of using the name, if a survivor is a parent of the naming parents. Modifying the name seems to be an option. Using the regular name at birth, then using a nickname everyday does not count as a change. In the case of a cremation, one should only rely on the shame, strife and *kibud av va'eim* factors. In the absence of these, the name should not be used.

**On the parsha ..** ... *aish mislakachas, fire leaping, in the midst of the hail .. the hail smote .. from man to animal .. [9:24-25] Mais-lakachas, the hail first killed [the person or animal], then burned the body and 'took it' away. [Shemos Rabba 12:6] There were many unnatural miracles within the plague, including the coexistence of fire and water, cold and hot and the like. One of the harshest aspects for those struck down was that their bodies would not be found later on. Egyptian culture had burial rituals. They believed in an afterlife in the actual dead body. After the plague would be over, the relatives would be able to bury the dead and mourn them. Those who were dying could, perhaps, console themselves with the thought that their bodies would be treated respectfully. They would be remembered. This dignity was also taken from them.*

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a"n, whose *yahrzeit* is the 28<sup>th</sup> of Taivais. ⚡

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Last week's and this week's question:

The following questions were raised in regard to naming a child after a relative:

- The actual name was in another language, and has taken on certain negative connotations in the country in which the couple resides. May they use the name anyhow? If they add a name, and use the added name all the time, does this mean that they have not really named the child for the relative? What if they change the name slightly, translate it into Hebrew, or use a similar sounding Hebrew name?
- The relative was not an observant Jew, but had a strong connection to Judaism and to observant family members. Is there any concern with naming after this relative?
- The deceased was relatively observant, but was adamant on being cremated rather than given a traditional Jewish burial. Is this a critical factor in using the name?
- What if the child will immediately be called by a nick-name, and this original called name is used only in a sacred context?

The issues in last issue:

- A) *Shaim kodesh*, the Jewish name; naming a child
- B) *Kinuy shaim ra*, embarrassing names

In this issue:

- C) Names of sinners
- D) Changing a name
- E) *Kinuy*, a nick-name
- F) Cremation

C) *Names of evildoers*

The *passuk* in *Mishlei* says "The name of the evildoers shall rot." The Talmud says that their names will not be used by later generations. This could be a punishment. However, most poskim assume that naming a child after them is forbidden. The Scriptural *mitzvah* to eradicate the memory of Amalek refers to physical eradication. Some explain the essence of the *mitzvah* as a way to ensure that their name will never be respected. It is a time honored custom of scribes to try out their quills by writing Amalek and striking through it. The *piyut* for *Parshas Zachor* mentions this idea of obliterating the name and memory of Amalek. Thus, there is indeed a precedent for erasing the name of the evil.

It seems that the purpose is to distance oneself from the evil, to prevent his name being used when a Jew gets an *aliya*, and to allow the memory to fall into decay. The Talmud implies that it brings bad *mazal* to the person named after the evildoer.

Some names can involve other violations. Certain Greek mythological gods are also used as names in some circles. There seems to be a consensus to forbid these names. Each time the name is called, the god is mentioned. One may not mention these names, nor cause others to mention them. The poskim debate whether this applies to a regular

name that happens to have been used for a god. Using general non-Jewish names raises the issue of *chukos hagoy*, following specifically gentile styles. Some point out that in Talmudic times the Jews used non-Jewish names. Others say that if it is done with the intent of copying gentiles it is forbidden. There is also some concern about using a name of a famous gentile, which might be in style. There is a prohibition against praising a gentile, unless one means to praise Hashem for giving the gentile his gifts. Using the name of a famous gentile might violate this *mitzvah*, depending on the intent.

The main issue, however, is using the name of a known evildoer, even if he or she was Jewish. The poskim qualify this. The evildoer must have been a *mumar*, brazen violator. If he was *shogaig*, unintentional in his evil ways, there can be no restriction on using the name. Otherwise, almost all names would be forbidden. A *tinok shenishba*, child raised in an environment of ignorance, is considered *shogaig*. Furthermore, there is a presumption that people repent before they die. The names of the ten spies and their fathers are interpreted to be inherently evil. Yet some of the same names appear later in *Tanach*. The poskim say, among other things, that they repented or that they began life righteously. Their names could also be interpreted positively.

If the name itself is common, or was also used for a good person, one cannot consider it inherently bad. In addition, one can have in mind when naming the child to attribute the name to the great and good people who shared the same name. The poskim debate using the name in cases of *busha*, shame, or *aivah*, strife caused by avoiding it. One is called to the Torah or blessed there by his own name and that of his father. If the father was an evildoer, the grandfather's name should be used instead. However, if this will embarrass the son or enrage the father, the father's name may be used. A precedent is cited in the name Alexander. This Greek leader was not particularly righteous. Due to a historical incident, it was decided to name all *kohanim* born in one year Alexander, to avoid *aivah*. This was to appease Alexander, rather than a wish for the *kohanim* to follow in his ways. Accordingly, using the name just to appease is permitted. These qualifying factors would help in our cases. The surviving relatives might be ashamed when they realize that their antecedents were deemed unworthy of having a child named for them. Strife and discord in the family as a result of avoiding the name is common. Many other good people share the same names. Due to the practice of naming after an earlier generation, it is likely that this evildoer was himself named for a righteous ancestor. One may have that person in mind when naming the baby. If the survivors are parents of the parents naming the baby, the *mitzvah* of *kibud av va'eim* is also a factor. [See Yuma 28b, Tosafos, cross-references, Sotah 34b, Piskei Tosfos 20, Sanhedrim 82b, Yotzros Leparshas Zachor, Chinuch 598 603 604, Tur Sh Ar OC 139:3 (BGRO) YD147 151:14 178:2 YD 265:1 (RAE) EH 129, commentaries. Teshuvos Maharam Padua 35 Rema 41 Maharam Shick YD:169. References in Sefer Habris, Mekor Ubiur Halacha 10. Bais Aharon II, end. Pardes Yosef Toldos 17. Kovetz Bais Hillel 27, p. 87.]

#### **D) Changing a name**

We cited the ruling regarding a conflict, to use a new name that incorporates both names. The poskim discuss naming a boy after a girl. One should not use names of one gender for the other, similar to switching clothing. Some question using a name that can

work for both, such as Simcha. However, using a similar name, such as naming a girl Dinah after a man named Dan will indeed bring benefit to the deceased. This assumes that that is one of the benefits of naming after the deceased. [The name Zvi is not a male version of Zviah, mother of king Yehoash. Rather it comes from Ayalah, a doe, and the *brocha* of Naftali. This was first translated into German, then back into Hebrew to a similar word in masculine form. Indirectly, it is a male version of a female 'name'.]

In our cases, one wants to avoid using an ancestor's name due to his evil ways. Does changing his name help for this? The idea seems to be to change the *mazal* of the name-sake. This is an established practice. If one changes his name, his *mazal* can change. Accordingly, this is implemented when naming a baby after one who had bad *mazal*. In our case, there is no bad *mazal* (unless we consider his evil inclination bad *mazal*). Interestingly, the poskim say that one who does *teshuva*, repents, should change his name. The terminology to explain this is identical to that used for a name-change due to bad *mazal*. Perhaps the idea is the same in our case – to name after the evildoer but with *teshuva*! If changing the name slightly will still appease the relatives and protect them from shame, perhaps this is a valid approach in our cases. [See refs to earlier sections. Rosh Hashanah 16b, Poskim. Rambam Teshuva 2:4. Rema YD 335. Nitei Gavriel, Bris Milah, 71 72.]

#### **E) Kinuy**

A positive nickname or an affectionate change to the name is acceptable. This is not the name to be called to the Torah, but it is used in certain documents with the real name. In our case, the claim is made that the child will never be called by the real name in everyday usage. However, it is clear from the earlier discussion that one of the main issues with the name of an evildoer is that the name is used in *shul*, at the *bimah*. Accordingly, while for the *mazal* issue it is debatable, using a different nickname does not mitigate the situation. [See Rema OC 139:3, commentaries]

#### **E) Cremation**

There is a positive *mitzvah* to bury the body of a deceased person, and, according to many, a negative *mitzvah* forbidding leaving the body unburied. The Torah itself gives part of the reason for this. The human is *tzelem Elokim*, a reflection of Hashem. To preserve human dignity, the body must be buried. Burial is specifically in the ground. The Talmud discusses whether the purpose is to bring atonement for the dead or *kavod*, for the living survivors as well as for the dead. Cremating the body destroys the physical remains. It also touches on an issue of *nivul hamais*, mutilation of the body, which involves the same issues mentioned. Yaakov Avinu and Yosef were embalmed. However, the poskim point out that the physical remains were not mutilated in their cases, but non-invasive method of embalming. Shaul Hamelech's flesh was burned, and the remaining bones buried, only due to its condition. In addition, burial and natural decay allows, according to tradition, for the body to be reconstructed and revived when Moshiach comes.

Accordingly, cremation is not an option for a Jew who follows the Torah, or for any human. Historically, some pagans believed in cremation, while others had burial rituals. Western cultures adopted the teachings of the church and outlawed cremation. As a by-product of the French revolution, some free-thinkers tried to outlaw burial and institutionalize cremation. The result is that nowadays some believe in cremation as part of