

Kavod Ha-Meit: Honoring the Dead at Clover Hill Park Cemetery
A Rabbinic Statement on Cremain Burial and the Creation of an Interfaith Section
Rabbis Joseph H. Krakoff and Eric S. Yanoff; February 29, 2008

She'eilot – Questions:

The Board of Trustees of Clover Hill Park Cemetery has posed two areas of formal *halakhic* inquiry to the Rabbis of Congregation Shaarey Zedek, and in particular to Rabbi Joseph Krakoff, in his role as *mara d'atra* [*halakhic* decisor] of the community and for the cemetery:

- I. Can cremains [ashes from cremation] be buried at Clover Hill? If so, what are the proper procedures, guidelines, limitations, and liturgical/religious services rendered for such burial?**

- II. Can those who are Jewish and those who are not Jewish be buried together in a separate, interfaith section adjoined to Clover Hill Park Cemetery? If so, what are the proper procedures, guidelines, limitations, and liturgical/religious services rendered for such burial?**

A Definition of Halakhic Terms: *K'vod ha-Meit* and *Nichum Aveilim*

Our response to these pressing questions is rooted in two Jewish principles that concern the difficult time of mourning a loved one who has died. The first such consideration is *k'vod ha-meit*, showing deep respect and honor for the dead. This is one of the most important *mitzvot* a Jew can perform. Until the point of burial, the status of the mourner is *meito mutal l'fanav* – his loved one's body rests before him, and must be attended according to the principles of *k'vod ha-meit*. The Torah is filled with numerous examples of how important it is to treat the body with dignity and respect, especially after death and until the time of burial. Abraham is the first person in the Torah who shows us the need to take care of our beloved dead in a sensitive way. After his wife Sarah dies, he makes immediate arrangements for her prompt burial, which becomes a requirement of Jewish law.

The second principle that has governed our response is that of *nichum aveilim*, comforting those who are mourning a loss. In its most technical form (in a traditional burial), this *mitzvah* becomes operative and prioritized from the moment burial is accomplished. The attention then shifts to the mourners and their needs.

Over the years, the *mitzvot* of *k'vod ha-meit* and *nichum aveilim* have been defined and redefined with slight variations by different communities. In our attempt to widen our umbrella and perform the *mitzvah* of showing reverence for the body which God has created and *chesed* (lovingkindness) for the mourners, who remain to be comforted, we have developed the following guidelines for implementation at Clover Hill.

Teshuvot: Responsa and Their Practical Ramifications at Clover Hill

I. Burial of Cremains at Clover Hill

Over the years, the approach to cremation has been that those who choose not to be buried in the traditional Jewish manner (“from dust to dust”) are defying Judaism and thereby their ashen remains are not to be buried in a Jewish cemetery. While we still affirm traditional burial and recognize that cremation is not the *halakhically* preferred method of “*k’vod ha-meit*” (honoring the body by burying it in the ground after death), there are psychological and emotional circumstances within families whereby cremation becomes the final decision.

In response to these circumstances that arise from time to time, Clover Hill will dedicate a pre-determined (as of yet undeveloped) area of the cemetery. This land will be completely separated by an inside road from the *admat kodesh* (ground sanctified for traditional Jewish burials). On this plot, Jewish and non-Jewish cremains will be buried in the ground, with a small marker erected (for cremains and any other burials at Clover Hill no new mausoleums will be built). Cremains are not to be spread on the grass for any reason but must be buried in this designated section.

At the same time, cremains will not be buried in other sections of the cemetery (*admat kodesh*) even if the family already owns a plot and wants to use it for this purpose. Regular funeral services should be held prior to cremation and in advance of a cremain interment after which a private gathering may be held by the family at the site of the cremain burial to give loved ones the closure they desire and to offer the Mourner’s kaddish. It is also important to understand that the decision to cremate is not one endorsed by Jewish Law or by the Shaarey Zedek rabbinate. The mitzvah of *kvod ha-meit* is not met through cremation. However, we are responding only to the needs of the mourners (*nichum aveilim*). For this reason, pre-arrangements for cremains (and pre-purchase of plots in the cremains section) will not be permitted, as this is, by definition, not a *fait accompli*, but rather an *a priori* situation, a case in which cremation should not be encouraged.

This overall decision with regard to cremation reflects the ruling of the Conservative Movement’s Committee on Jewish Law and Standards, in its 1986 unanimous decision, “Cremation in the Jewish Tradition,” written by Rabbi Morris M. Shapiro. Rabbi Shapiro debates the rare and unusual circumstances in which cremation might be considered *k’vod ha-meit* (few of which would apply to the typical request for cremation in our day and age). In summary, the operative principle driving our decision to allow the burial of cremains on non-consecrated land (not *admat kodesh*) lies in the realm of *nichum aveilim*. That is, once the body of the deceased has been provided for (in this case through cremation), the obligation of the community is to provide the proper services that will allow for the comforting of the surviving loved ones.

II. **Burial of Jews and Non-Jews together in an Interfaith section**

Long-standing Jewish tradition provides for the designation of a Jewish cemetery as *admat kodesh*, sanctified land for burial of the Jewish deceased. This is one of the most critical requirements for *k'vod ha-meit*, honoring the deceased Jew. That said, the demographic reality of interfaith families and the need to provide for *nichum aveilim* (comforting the mourners), has presented a challenge: How can we maintain the traditional requirements of Jewish burial, while not removing the possibility of the compassionate treatment of those who have suffered the loss, but survive as mourners? In extensive research of best practices in other communities, we have determined:

A specially designated section of the cemetery, surrounded by a roadway and within a distinct landscaped boundary, will be demarcated as a separate Interfaith section to allow for Jews (those of Jewish decent as well as Jews by choice) and non-Jews who want to be buried together. This designated section must be one that has no Jewish burials to date; as such, it is not designated as *admat kodesh*, and thus this unconsecrated section of land can allow for non-Jewish burial as well. Non-Jews will not be buried in other sections of the cemetery (*admat kodesh*), even where a family already owns a plot and wants to bury a non-Jew in that area. anything going on? They can, though, acquire a plot within this new section.

Non-Jewish clergy may not lead a burial service but they may participate as a friend of the family in a service led by a rabbi. The liturgy of psalms and other prayers respectful of Jewish tradition and custom may be offered. Any non-Jewish religious liturgy and mention of other deities should be offered off premises at the religious service that precedes the burial itself rather than at the graveside. A purely gentile funeral will not be allowed in our Chapel or at graveside. In keeping with our policy, no burial may take place on Shabbat or a festival day.

The concept of *tahara* is uniquely Jewish. Just as one who is not Jewish would not be called for an *aliyah* to the Torah, we will not require *tahara* for an individual who is not Jewish. Similarly, we will not require a non-Jew to be buried in a shroud. On the other hand, Jews buried in this area will need *tahara* and *tachrichin*. We support the Board policy on using cement liners for consistency throughout the cemetery. No copper lined, fiberglass or plastic vaults will be allowed in the new or existing sections as these do not fulfill the “made from the ground” requirement.

If a Jew is prepared by a non-Jewish funeral home, even if they were embalmed, prior to burial there must be *tahara* and *tachrichin*. If a non-Jewish person who is eligible to be buried at Clover Hill and is embalmed by the non-Jewish funeral home, we will accept an embalmed body even if last rites were performed on them prior to arriving at Clover Hill.

Metal caskets will not be accepted and no crosses or other non-Jewish religious articles or jewelry may be placed in the casket. Procedures should be established to assure compliance with these rules.

When a *matzevah* (gravestone) is erected, no crosses or non-Jewish biblical, liturgical, or extra-canonical verses or symbols will be permitted. Furthermore, headstones, markers or other objects within the Interfaith section should not contain symbols of religion or references to divine entities or deities other than Jewish markings.

This Interfaith area, adjacent to the same vicinity being offered for use by other synagogues, will include areas for use by members of Congregation Shaarey Zedek. Regardless of another synagogue's usage of a section, the entirety of Clover Hill Park Cemetery remains under the *halakhic* supervision of the *mara d'atra* [*halachic* decisor] of Congregation Shaarey Zedek. To maintain the Jewish nature of the cemetery as a whole, only a Jew, or a non-Jewish spouse or a child of a Jew may buy a plot for burying the non-Jewish spouse or children of a Jew.

Any purchaser in the Interfaith section should be given a copy of these policies and procedures in advance of the burial and should sign a form that they understand and will uphold these regulations and other regulations that may be promulgated by the rabbi of Congregation Shaarey Zedek in the future.

The *halakhic* decisions and policies listed herein reflect ideas and innovations that have been discussed in the Correspondence of the Chairperson of the Conservative Movement's Committee on Jewish Law and Standards. While the Committee has not passed many binding legal responsa or official positions to determine our process, the correspondence is a useful guide. In particular, we refer to the correspondence dated November 1964 that discusses burial of non-Jews on separate land. With regard to the process of designating land as non-*admat kodesh*, there is some related discussion in the correspondence of the Chairperson dated February 2003. We also acted in concert with the advice of Rabbi Elliot Dorff, Chairperson of the Committee on Jewish Law and Standards, who advises a Jewish cemetery in California on similar matters.

CONCLUSION:

Jewish laws of burial and mourning and the long-standing traditions surrounding these *mitzvot* have been shown, time and again, to be a therapeutic response to the difficulty of losing a loved one. Because of both our fidelity to *halakhah* and our belief in the effectiveness of the guidelines and principles of *k'vod ha-meit* and *nichum aveilim*, we affirm the traditional laws and standards of our faith as outlined in these *mitzvot*. That said, the various considerations of every community in every generation cause us to respond to the pressing questions and needs of the context in that time and place.

With regard to the increased realities of both cremation and interfaith families, we find ourselves in the unique circumstance where the traditional means of *k'vod ha-meit* may conflict with our ability to fulfill the *mitzvah* of *nichum aveilim*. Indeed, the well-intentioned observance of one *mitzvah* may well preclude the fulfillment of the other. For this reason, we have outlined mechanisms by which we can reach out with compassion to those who, previously, were left outside the margins of our care. Our guidelines are specific, so as to preserve the *mitzvah* of honoring the dead – while making more possible the observance of the *mitzvah* of comforting the surviving mourners.

It is our prayer that our community can be educated in the long-standing and religious benefits of traditional burial, while embracing our obligation to support all mourners in their time of sorrow. In these acts of *chesed shel emet* (God's truest lovingkindness), we can join together to form a truly holy community, a *kehillah kedoshah* – loyal to our faith and tradition, while mindful and sensitive to the individuals, families and generations who comprise this holy community.