

The Burial of Cremated Remains in a Jewish Cemetery
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The Jewish way of dealing with death is part of a larger philosophy of life, which views the human body as integral to one's Divine service, so that even a body that is no longer alive is accorded the greatest consideration and respect. Judaism, from early times, accepted burial as the normal disposition of remains after death. Even before the Torah was given at Mount Sinai, the patriarchs and matriarchs observed that tradition as found in the Book of Genesis for Abraham (*Gen. 15:15; 25:9,10*), Isaac (*Gen. 35:8, 19*), Jacob (*Gen. 49:29,30; 50:5 ff.*), Sarah (*Gen. 23*), Rebecca and Leah (*Gen. 49:31*), and Rachel (*Gen. 48:7*), and even Rebecca's nurse, Deborah (*Gen. 35:8, 19*). Joseph went so far as to insist that he not be permanently interred in the non-Jewish surroundings in which he lived, but rather that his body be returned to the land of his fathers for burial (*Gen. 47:29, 30*), a promise fulfilled by Moses (*Ex. 13:19*).

The Torah also discusses the burning of Jewish bodies (*Gen. 28:24, Ex. 32:20, Lev. 20:14, Lev. 21:9, Num. 16:35 and Deut 7:25*) which fall into four categories: punishment for criminal acts, punishment for improper behavior, killings by pagans and destruction of idols and evil material. All are considered examples of disgrace.

Many sages consider the obligation that "you shall surely bury him" (*Deut. 21:23*) to be one of the positive commandments among the basic 613 in all of Torah (Maimonides, *Yorah Deah 362*). Even if this were not the case, a custom in Israel of such antiquity is considered to have the force of law. The Talmud (*Sanhedrin 46b*), after a lengthy discussion, comes to the conclusion that it is a religious obligation to bury the dead and when cremation takes place this obligation has not been fulfilled. It goes on further to say that any one who orders another before his death that his remains be disposed of other than by burial should have his wishes disregarded. The Talmud (*Hullin 11b*) states that it is forbidden to mutilate a corpse. When a dead body is buried, decomposition takes place as a natural process, whereas in cremation the human remains are intentionally destroyed. A comparison is made with a scroll of the Torah. Even when this is no longer usable because the letters have faded, it is buried in the soil rather than destroyed directly. By analogy, there should be reverential disposal of what was once a human being, created in God's image, who carried out the precepts of the Torah while he was alive.

From an Orthodox point of view, many, but not all, traditional authorities forbid the burial of ashes in a Jewish cemetery because it encourages the practice of cremation. Some traditional authorities, however, do permit interment of ashes because to deny burial would itself be a violation of the command to bury. It is common practice among the Orthodox in Great Britain to permit the burial of ashes provided they are placed in a normal coffin. Rabbi Maurice Lamm, who wrote The Jewish Way in Death and Mourning says,

Cremation is never permitted. The deceased must be interred, bodily, in the earth. It is forbidden - in every and any circumstance - to reduce the dead to ash in a crematorium. It is an offensive act. It does violence to the spirit and letter of Jewish law, which never, in the long past, sanctioned the ancient pagan practice of burning on

the pyre. The Jewish abhorrence of cremation has already been noted by Tacitus, the ancient historian, who remarked (upon what appeared to be a distinguishing characteristic) that Jews buried, rather than burned their dead. Even if the deceased willed cremation, his wishes must be ignored in order to observe the will of our Father in Heaven. Biblical law takes precedence over the instructions of the deceased. Cremated ashes may not be buried in a Jewish cemetery. There is no burial of ashes, and no communal responsibility to care, in any way, for the burned remains. The only exception is when the government decrees that the ashes be buried in the ground, and there is no other burial plot available to the family. For such unusual cases a portion of the Jewish cemetery must be marked off and set aside.

The Conservative position is that cremation is against Jewish tradition and the family of the deceased should be so advised by the rabbi. Should a family ignore a Rabbi's advice against cremation, the rabbi may still choose to officiate in the funeral parlor before the body is cremated. Ashes should be interred in a Jewish cemetery, but the interment should be private without the presence of a rabbi. In a situation where the rabbi's ruling has not been defied by the family but rather the rabbi is faced with a fait accompli, the rabbi may choose to conduct services at the cemetery. The urn should have an opening so the ashes come in contact with the earth. (This paragraph is the conclusion of a teshuva which was unanimously adopted by the RA's CJLS, Committee on Jewish Law and Standards in 1986, written by Rabbi Morris Shapiro. It can be found in the Proceedings of the RA CJLS volume 1986-1990).

The Reform Movement has a stated position that rabbis should not refuse to officiate at the burial of the ashes of a Jew in a Jewish cemetery. The movement maintains a position of discouraging cremation. Edward Dressler, funeral manager at Jewish Funeral Care in Atlanta, says that some Reform rabbis will officiate at funeral services for those who have been cremated. Whether or not the cremated remains can be buried in a Jewish cemetery is up to the synagogue in charge of the plot. "What a rabbi does not want to do is sanction or normalize the cremation of human remains," he said.