

# The Last Mitzvah

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Published: September 30th, 2016

"Thus the dust returns to the ground as it was, and the spirit returns to God who gave it" (*Kohelet* 12:7).

One would think that after two millennia of persecution, including the Inquisition's Auto da fes, the burning of homes during hundreds of pogroms and the horrific crematoriums of the Holocaust, Jews would be happy to be laid to rest in the soft, redolent ground under a stone monument, perhaps with a tree nearby and some lovely landscaping.

But in America, the number of Jews seeking to be cremated is about 40%. Whereas in New York and in the Northeast, the numbers drop, in San Jose the number goes up to 70%. Texas has a very high rate, as does the rest of the South. These statistics more or less mirror assimilation rates in the various cities in America.

The *halachot* of burial are derived from the Torah, and it is an affront to the deceased, and Hashem Himself, if a body is desecrated in any way. A deceased person should be treated with decency and grace, because we are all created in God's image. This rule is codified in the *Shulchan Aruch* (Yoreh Deah 362:1), and has been followed by all Jews for thousands of years.

## The Community Cost

Chana Luria of San Diego is in hospice care for cancer. She didn't have money to continue treatments and now she's worried she won't have money to be buried. The average cost of a burial is \$12-15,000 with the charge for the plot alone running about \$5,000. Cremation, on the other hand, can cost as little as \$600 and is the default method of disposing of a body when someone passes away with no money.

Rabbi Ralph Dalin of San Diego's Jewish Federation told *Olam Yehudi* that "the San Diego Jewish community strongly believes that no Jew should be deprived of a Jewish burial based on financial need. However, since the community has limited funds dedicated to indigent burials, it has an obligation to verify the need – in regard to both the deceased's estate and the financial status of primary relatives. The responsible family member must contact Am Israel Mortuary – the only Jewish mortuary in San Diego County – who will explain what is needed to be done for that assessment."

In the past, Jewish communities have always looked after the burial of people who could not afford burials themselves. There was no application process. But then San Diego is larger than your average *shtetl*.

## The Cremation Crisis



Rabbi Zohn (Left) and Rabbi Lyons at the cemetery site with the signs about the public hearing.[/caption]

Rabbi Elchonon Zohn, founder and director of the National Association of Chevra Kadisha in New York (NASCK), recognizes the serious problem of Jews choosing cremation over burial. He says that the majority of Jews who opt for cremation are either culturally unaware of the seriousness of the halachic prohibition or cite money as the reason. However, Rabbi Zohn thinks that more often than not philosophical issues play a part.

Take, for example, South Florida. Although it has the third largest Jewish population in the United States, it has the largest elderly population and a significant number of Jewish elderly are choosing cremation mainly because they cannot afford the high cost of traditional burial.

The issue is very critical. "We blinked and it happened," he says, speaking of the meteoric rise in cremation among the Jewish population. NASCK is working full time to address the issue and raise critical awareness of traditional end-of-life options and their importance.

In Israel, the law requires that funeral costs are paid for by Bituach Leumi (National Insurance), although the headstone is not included. There is also only one crematorium in the country. Incredibly, Holocaust survivors who have lost family to the crematoria in the death camps have chosen cremation as well. There is no law in Israel against cremation. "But," says Rabbi Jay Lyons of NASCK's Florida branch, "who in a million years would have thought there'd be a need for it?"

Alei Shalechet (Autumn Leaves) is a burial company that offers personalized services according to the wishes of the deceased, and that includes the possibility of cremation. It oversees hundreds of Jewish cremations a year. Owner Alon Nativ quips that the company is "almost Bar Mitzvah" – it has been around for almost 13 years – though *mitzvot* are the last concern of this enterprise.

At one point the company was, poetically, a victim of religiously-motivated arson but it rose from the ashes and rebuilt. The National Insurance Institute doesn't recognize cremation as an alternate form of burial and so it won't cover the cost. One of the dangers of this company is that its advertisements claim what they do does not contravene *halacha*, taking *pesukim* out of context to use as proof.

But Nativ wasn't able to refer me to one rabbi who condones what he's doing. Even many Reform rabbis are against cremation and other burial alternatives because the deceased and his or her family are trading in eternity for a half hour feel-good ceremony.

## Partners For Eternity

Chazal teach that the soul continues to have a relationship with the body after death, one that becomes more distant during the first year of mourning; until, ultimately, the two are united in the End of Days. During one's life, the body is the soul's partner in *mitzvah* observance. Kabbalah likens the relationship between body and soul to that of a bride and groom whose fate continues to be intertwined after death. If the body is destroyed, rather than decomposed, there's no home for the soul to return to when the time comes for resurrection of the dead. And that's very painful for the soul for all eternity.

"A cemetery is called a *Bais HaChaim*," says Rabbi Zohn, "the home of the living, because we firmly believe in the eternal life of the souls that rest there. When one believes in a Creator Who clearly commanded us to be buried, believes in an eternal world of truth, reward and punishment, and the ultimate resurrection (three of the *ikarei emunah* as defined by the Rambam), then societal trends and economic considerations do not sway one's commitment."

The Torah, which is very terse in places, spends many *pesukim* detailing the deaths and burials of the *Avos* and *Imahos* and the care taken to ensure their speedy and dignified burial. Man is made in the image of God and the honor accorded to him after death is an expression of this. Moreover, burial is part of the purification process that a person undergoes before being admitted to the World to Come. This, of course, doesn't apply to martyrs who die *a/ Kiddush Hashem* and whose bodies were violated against their will. Their very death is purification enough.

Rabbi Lyons considers cremation the antithesis of a Jewish funeral. "While a funeral respects both the body and soul of the deceased and honors that connection, cremation is a violent act with the body burned at 1600°F for several hours. What hasn't burned away, mostly bone fragments, is pulverized," he explains. It isn't ashes that are left over as much as bone dust. "The body is destroyed. It is not the body anymore. A Kohen, though prohibited from coming into contact or in proximity to a dead body, may carry the ashes because they have no significance. That's part of the tragedy of cremation."

## **New Hope**

In America many funeral homes and cemeteries are unfortunately controlled by corporations; they're businesses and promote non-Jewish forms of disposition, including cremation. Rabbi Lyons and Rabbi Zohn are working to create a cemetery uncompromising in Jewish law which will serve the community at a low cost and maintain the highest halachic and professional standards.

NASCK is trying to even out the playing field by creating a financially-friendly burial option in accordance with *halacha* while educating the public that burial is what God wants and, ultimately, what their bodies and souls need in order to pass smoothly into the Next World. Its goal is to open a 15-acre cemetery in Lake Worth, Palm Beach County, Florida which will allow upright monuments (not found in Florida) for a flat fee of \$3600 – the cost of opening and closing the grave is included. It is currently amassing funds to buy the land and are hoping to purchase the property around Rosh Hashanah time, with the cemetery being fully operational by the summer of 2017. It's to be called the South Florida Jewish Cemetery. However, if a major contributor comes forward, it will gladly honor his or her choice of name. Rabbi Zohn is hopeful that this cemetery will serve as a prototype and that other cities will set up similar ones.

Burial is consistent with the Jewish values of respect, Jewish identity, family unity and continuity. It provides more closure and a place to visit and maintain a connection. It is also best for the environment. But will Floridians go for it?

Shulamit is a 74-year-old retired professor of teacher education living in South Florida. She spent 45 years teaching students from kindergarten to university in various cities in the United States.

"I've been single most of my life," she says. "I don't have children or grandchildren. I don't want to be alone with no

one to visit me," she continues, explaining the reason for her choice to be cremated when the time comes. She would like her ashes scattered in Israel – which, of course, presents a logistic and halachic problem.

"I dated an undertaker once," says Shulamit. "He told her he would flick the ash from his cigarette on the body while he was drawing blood." I pointed out to her that the purification of the body before Jewish burial does not include drawing blood and certainly not smoking in the presence of the deceased.

Ignorance of Jewish law creates many misconceptions about Jewish burial practices and leads people to make uninformed decisions.

Not wanting to be alone, not being surrounded or visited by family and afraid her body is going to be dealt with disrespectfully are understandable reasons for Shulamit not wanting a traditional burial. But are they based on fact?

Jewish law insures that the utmost respect is given to the deceased with the members of the *chevra kadisha* begging forgiveness if they have acted insensitively towards him or her. And according to Jewish law, the deceased is never to be left alone from the moment the soul departs from the body until the body has been covered with earth, with prayers being continually recited for it.

The soul is aware of everything that happens to it from the time it leaves the body. While decomposing in the ground may not be fun, cremation is certainly a horrible way to sever the connection of the body from the soul forever. And even if someone is uncertain of the existence of life after death, why take the chance?

"We bury treasure, we burn the trash," said Doron Kornbluth, author of *Burial and Cremation – a Jewish View*.

Robin Meyerson, who helped publish Kornbluth's book and wrote the foreword and ending, has a website, [www.peacefulreturn.com](http://www.peacefulreturn.com), that promotes burial over cremation.

Her story, which appeared in *Small Miracles from Beyond* by Yitta Halberstam and Judith Leventhal, is as true as it is unbelievable. Meyerson was a volunteer with the *chevra kadisha* in Scottsdale, Arizona. One *Shushan Purim* she called her aunt in Las Vegas who informed her that her uncle had just died and they were going to cremate him. Robin tried to convince her aunt not to and then called his children. For two weeks, while the body lay in the crematorium and, *baruch Hashem*, wasn't prepared or cremated, Meyerson campaigned relentlessly to get the family to change their minds. On a Tuesday morning, she called Rabbi Haikins of Chevrah Lomdei Mishnah in Lakewood and asked that he arrange for *mishnayot* to be said on behalf of her uncle. That night, the deceased's daughter, Valerie, had a dream in which her father came to her and asked that he not be cremated. Two days later, the siblings were having a family meeting at a restaurant in Las Vegas, still trying to decide what to do. The restaurant had a fireplace. Suddenly, Valerie looked into the fireplace in the restaurant and ran out extremely distraught. The next day, she signed the papers allowing her father to be buried. Robin arranged for Rabbi Fromowitz in Las Vegas to conduct the burial on *Rosh Chodesh Nissan*. Before going to the cemetery, Robin and her cousins stopped at a kosher restaurant. She mentioned to the waiter why she was in Vegas and her concern that they would not have a *minyan*. The waiter volunteered to gather friends to help make a *minyan* at the funeral!



At the funeral, her aunt hugged and thanked her. "This is your calling," she said. "God is going to repay you for this." Her blessing came true. A couple of months later, Robin was feeling queasy. She and her family were getting ready to set out on a trip to Colorado to visit cousin Valerie and her family. Robin was 43 and her youngest was five; she had had a number of miscarriages and believed that her childbearing years were over. But apparently her uncle had been a *melitz yosher* for her. The following *Shushan Purim*, on her uncle's first *yahrzeit*, Robin gave birth to a boy,

two weeks after her due date. Rabbi Haikins flew in from Lakewood to be the *sandek*. She named him in honor of her uncle, Azriel Mordechai.

Robin fulfilled the second part of her aunt's *bracha* by creating a website to increase awareness of the importance of Jewish burial.

May we all find peace in this world and the next. May Mashiach come soon so that we all reconnect, body, soul and with each other.

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NASCK emphasizes the need to have a living will or a card (similar to an organ donor card) which states a person's wishes in the event that he or she dies suddenly. NASCK also works to prevent autopsies and other post-mortem violations of the body. The EMES Card is available at [nasck.org](http://nasck.org) and Rabbi Zohn can be reached at 718-847-6280, 718-734-8436 or via email at [rabbizions@nasck.org](mailto:rabbizions@nasck.org). Rabbi Lyons can be reached at 561-376-9972 or through [www.fljewishcemetery.org](http://www.fljewishcemetery.org).

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Andrew J. Parver, Director of Operations at Hebrew Free Burial Association and a Shomer Shabbos Funeral Director, says, "It is vital today to educate the Jewish community that cremation is against Jewish law. This used to not be an issue. All branches of Judaism were opposed to cremation. Sadly that's not the case anymore. And due to lack of education, we're starting to see Orthodox Jews asking about cremation, simply unaware that it is forbidden. The National Association of Chevra Kadishas is doing a wonderful job raising awareness about this important issue. The Hebrew Free Burial Association often receives calls from people who want to arrange a cremation. We spend a lot of time with the caller educating and explaining why burial is so important. Fortunately, in many cases, we're able to provide a dignified halachic funeral and burial in our Mount Richmond Cemetery on Staten Island.

**About the Author:** *Rosally Saltsman, originally from Montreal, lives in Petach Tikvah.*

