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Concurrence to “Military Cemeteries and Military Funerals” by Pamela Barmash

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This paper was submitted, in October 2018, as a concurrence on “Military Cemeteries and Military Funerals” by Rabbi Pamela Barmash. Dissenting and Concurring papers are not official positions of the CJLS.

We support Rabbi Pamela Barmash’s argument permitting Jews to be buried in military cemeteries in the diaspora countries they have served. We think that for veterans – especially those patriots who saw combat alongside their comrades in arms and risked their lives together with them – the Halakhically problematic elements of military burial are overcome by the honor, כבוד, that the deceased would receive in military burial. As Jews we require prompt burial, normally expect burial to be in קבר ישראל, a Jewish cemetery, and expect one’s family members to perform the burial themselves. None of these is reliably available to those buried in military cemeteries; but the factor of כבוד may outweigh these shortcomings. The bar of justifying deviation from Jewish tradition is high, but for a military veteran, especially a combat veteran, it is met.

However, we think Rabbi Barmash stretched her argument too far in extending that permission to the spouses and minor children of veterans. Spouses may legitimately wish to be buried together. But we do not see the Halakhic warrant for delaying the burial of those spouses – who themselves did not serve – for what may be weeks, to enable proximate burial. As she writes, one may delay burial only for the honor of the deceased, to give them honorable funerals, with appropriate mourning. We think it is stretching the concept of כבוד המת too far to delay a Jew’s burial for 10 days or more because they wish to be buried beside a spouse who served. The aggadic source affirming that “It is pleasant for the deceased to be laid to rest among family members” – as it surely is – lacks sufficient Halakhic heft to outweigh the prohibition of הלנת המת.

We affirm Rabbi Barmash’s main argument. We would counsel the families of veterans to choose to be buried promptly in a Jewish cemetery. When veterans themselves deeply want to be buried beside their loved ones, we advise them to choose interment in a Jewish cemetery with military honors.

