

Concurrence to Rabbi Jeremy Kalmanofsky's Paper on Alternative Modes of Burial

By Rabbi Elliot N. Dorff

Signatories: Amy Levin and Kass Abelson

Rabbi Kalmanofsky has addressed a major problem in both Diaspora cities with large populations of Jews and in Israel – namely, the lack of available land for burial in the earth and with it, the increasing cost of doing so. Like Rabbi Nevins, I approve of the research and analysis of Rabbi Kalmanofsky's responsum on Jewish methods of burial, and strongly support his major conclusions reaffirming the Jewish preference and even obligation to bury our dead in the earth. I also agree with his advocacy for environmentally friendly alternatives to the use of wood caskets, the prohibition on using the dead as compost for commercial benefit, and the permission of multiple depth burial plots as a valid Jewish response to the shortage of land available for cemetery plots. Finally, I agree that if a family fails to follow the Jewish tradition of in-ground burial of the complete body, they nevertheless should be encouraged to bury whatever remains in a proper Jewish cemetery and hold a service commemorating the deceased person.

I agree with Rabbi Nevins and disagree with Rabbi Kalmanofsky on cremation as an acceptable, even if only begrudgingly so, form of Jewish burial. As Rabbi Kalmanofsky himself mentions, after the Holocaust, it is deeply disgraceful to do to the bodies of our loved ones what the Nazis did to millions of Jews. So if there was ever any doubt that cremation constitutes desecration of the human body (*nivvul ha-met*), the Shoah put that to rest. I would add to that another argument against cremation – namely, that it is actively destroying God's property. "Mark, the heavens to their uttermost reaches belong to the Lord your God, the earth and all that is on it!" (Deuteronomy 10:14) and "The earth is the Lord's and all that it holds, the world and its inhabitants" (Psalms 24:1). Intentionally and actively to bring about the destruction of a human body is to destroy what is not ours but rather God's and thus constitutes an act of theft.

I also disagree with Rabbi Kalmanofsky that cremation is better than burial in a mausoleum, even a free-standing one. I understand the aesthetic problems in burying a body in a shelf high off the ground and would thus much prefer in-ground burial. With the shortage of burial plots and their cost constituting ever increasing factors in our lives, however, I find mausoleums to be acceptable because they are, after all, made of earth and water and thus at least an attenuated form of burial in the earth, and, moreover, the bodies within them disintegrate naturally. Attempts in Los Angeles and now in Israel to build them into a hill so that people within them are still buried "in ground" in some sense make some sense, but they are still stacked high, one on top of the other, and the aesthetics are more or less the same as burial in a free-standing mausoleum. Again, I would much prefer in-ground burial, but if that is not possible because of the shortage of land and its cost, I would much prefer burial in a mausoleum to cremation.

Finally, I disagree with Rabbi Nevins and agree with Rabbi Kalmanofsky on Alkaline Hydrolysis (AH). Again, this is not my first choice, nor is it that of Rabbi Kalmanofsky. Still, because this process preserves at least some of the person's bones that can be buried, it is for me a form of the collection of bones (*likkut atzamot*) that Rabbi Kalmanofsky demonstrated to be an ancient Jewish burial custom. So I agree with him that AH, while not a preferable form of burial (*min ha-muvhar*), is acceptable (*muttar*).

In sum, I would prohibit cremation (although encourage a memorial service and the burial of the cremains after the fact), and I would rank-order the acceptable forms of burial as follows:

1. In ground burial, either singly or in multiple depth burial plots.
2. Reburial of the bones in a smaller plot after disintegration of the body buried in the earth in order to free the larger plot for another burial.
3. Burial in a mausoleum.
4. Alkaline Hydrolysis.