



## Alternate Kevurah Methods

*Produced as a project of the CJLS Fellows in Prophetic Halakhah*

*Based on Rabbi Jeremy Kalmanofsky, "Alternate Kevurah Methods" CJLS YD 362.1 2017a*

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### She'eilah (Question):

Contemporary Jews sometimes seek alternative mortuary methods in order to be more ecologically sustainable and economical. Can Jews utilize alternative methods or is burial required? What does Halakhic tradition demand for how Jews treat dead bodies?

### A. Burying the Dead - Biblical? Rabbinic?

<p><b>1. Genesis 3:19</b></p> <p>By the sweat of your brow shall you get bread to eat, until you return to the ground—For from it you were taken, and to dust you shall return.</p>	<p><b>1. בראשית ג:יט</b></p> <p>בְּזֶעַת אִפֶּיךָ תֹאכַל לֶחֶם עַד שׁוּבְךָ אֶל-הָאֲדָמָה כִּי מִמֶּנָּה לָקַחְתָּ כִּי־עָפָר אַתָּה וְאֶל־עָפָר תָּשׁוּב:</p>
<p><b>2. Deuteronomy 21:22-23</b></p> <p>(22) If any party is guilty of a capital offense and is put to death, and you impale the body on a stake, (23) you must not let the corpse remain on the stake overnight, but must bury it the same day. For an impaled body is an affront to God: you shall not defile the land that the Lord your God is giving you to possess.</p>	<p><b>2. דברים כא:כב-כג</b></p> <p>(כב) וְכִי־יִהְיֶה בְּאִישׁ חֲטָא מִשְׁפָּט־מוֹת וְהוּמָת וְתִלִּית אֹתוֹ עַל־עֵץ: (כג) לֹא־תֵלִין נָבִלְתּוֹ עַל־הָעֵץ כִּי־קִבּוּר תִּקְבְּרֵנוּ בַּיּוֹם הַהוּא כִּי־קָלַלְתָּ אֱלֹהִים תְּלוּי וְלֹא תִטְמָא אֶת־אֲדָמְתְּךָ אֲשֶׁר ה' אֱלֹהֶיךָ נָתַן לְךָ נַחֲלָה:</p>
<p><b>3. Babylonian Talmud, Sanhedrin 46b</b></p> <p>Rabbi Yoḥanan said in the name of Rabbi Shimon bar Yoḥai: From where is it derived that one who leaves his deceased [unburied] overnight transgresses a prohibition? The verse states, "But must bury it" (Deuteronomy 21:23) From here [we learn] that one who leaves his deceased overnight transgresses a prohibition.</p>	<p><b>3. תלמוד בבלי, סנהדרין דף מו עמוד ב</b></p> <p>א"ר יוחנן משום ר"ש בן יוחי מנין למלין את מתו שעובר עליו בל"ת ת"ל כי קבר תקברנו (דברים כא:כג) מכאן למלין את מתו שעובר בלא תעשה איכא דאמרי אמר רבי יוחנן משום ר"ש בן יוחי רמז לקבורה מן התורה מניין ת"ל כי קבר תקברנו מכאן רמז לקבורה מן התורה.</p>



There are those who say: Rabbi Yoḥanan said in the name of Rabbi Shimon bar Yoḥai: From where in the Torah is there a hint to burial? The verse states, "But must bury it." From here [we learn] there is a hint to burial in the Torah.

<p><b>4. <i>Sefer ha-Mitzvot</i>, Positive Commandment 231</b></p>	<p><b>4. ספר המצוות, מצוות עשה רלא</b></p>
<p>That is that [God] commanded us to bury those killed by the court on the day that they are killed. And that [God] saying, " But must bury it the same day" (Deuteronomy 21:23). And the language of the <i>Sifrei</i> (221:7): But must bury it the same day" - that is a positive commandment. And the law is the same for the other dead - meaning to say, that we bury all the dead of Israel on the day of their death. And therefore a corpse that has no one to be involved with its burial is called a corpse of commandment [<i>met mitzvah</i>] - meaning a corpse about which it is a commandment upon everyone to bury it.</p>	<p>היא שצונו לקבור הרוגי בית דין ביום שנהרגו. והוא אמרו יתעלה כי קבור תקברנו ביום ההוא. ולשון ספרי (רכא:ז) כי קבור תקברנו מצוות עשה והוא הדין בשאר מתים רוצה לומר שנקבור כל מתי ישראל ביום מותם. ולכן המת שאין לו מי שיתעסק בקבורתו נקרא מת מצוה כלומר המת שמצוה על כל אדם לקברו.</p>
<p><b>5. <i>Sefer ha-Mitzvot</i>, Negative Commandment 66</b></p>	<p><b>5. ספר המצוות, מצוות לא תעשה סו</b></p>
<p>That [God] prohibited us from leaving one hung on a tree overnight; so that the "blessing" [euphemism for "cursing"] of God not spread as a result of this, due to one's reflection when he sees it - since we only hang a blasphemer and an idol worshiper.</p>	<p>שהזהירנו מעזוב תלוי על עץ ללון כדי שלא יתחדש מזה פרסום ברכת השם בהתבוננות כשנראה שאנחנו לא נתלה זולת מגדף ועובד ע"ז.</p>



<b>6. Rambam, <i>Mishneh Torah</i>, Laws of Mourning 12:1 (12th century, Egypt)</b>	<b>6. רמב"ם, משנה תורה, הלכות אבל יב:א</b>
But if [the deceased] commanded that he should not be buried, we do not listen to him.	אָבֵל אִם צִוָּה שְׁלֹא יִקָּבֵר אֵין שׁוֹמְעִין לוֹ.
<b>7. <i>Shulḥan Arukh, Yoreh De'ah</i> 362:1 (16th century, Spain/Israel)</b>	<b>7. שולחן ערוך, יורה דעה שסב:א</b>
One who places his dead in a coffin and did not bury it in the earth, transgresses a [negative command] because he keeps the dead overnight [unburied]. If he placed him in a coffin and buried it in the earth, he does not transgress [a negative command] on his account. Nevertheless, it is [more] appropriate to bury him in the earth proper even [when he is buried] outside the Land [of Israel].	הנותן מתו בארון ולא קברו בקרקע עובר משום מלין את המת ואם נתנו בארון וקברו בקרקע אינו עובר עליו ומכל מקום יפה לקברו בקרקע ממש אפילו בח"ל:
<b>8. Babylonian Talmud, Mo'ed Katan 27a-b</b>	<b>8. תלמוד בבלי, מועד קטן דף כז עמודים א–ב</b>
At first the wealthy would take [the deceased] out on a couch, and the poor on a common bier, and the poor were embarrassed. [The Rabbis] instituted that everyone should be taken out on a common bier, due to the honor of the poor.	בְּרֵאשׁוֹנָה הָיוּ מוֹצִיָּאִין עֲשִׂירִים בְּדֶרֶגֶשׁ, וְעֲנִיִּים בְּכָלִיכָה, וְהָיוּ עֲנִיִּים מְתַבֵּי־שֵׁין. הִתְקִינוּ שֶׁיְהוּ הַכֹּל מוֹצִיָּאִין בְּכָלִיכָה, מִפְּנֵי כְבוֹדָן שֶׁל עֲנִיִּים.
<b>9. <i>Shulḥan Arukh, Yoreh De'ah</i> 362:4</b>	<b>9. שולחן ערוך, יורה דעה שסב:ד</b>
They do not place two coffins, one above the other. If one placed [them in this position], they may compel [the owner of the] one above that it be removed. If between them [the coffins] there are six handbreadths of earth, it is permissible.	אֵין נותנין ב' ארונות זה על זה ואם נתן כופין העליון שיפנה ואם יש ביניהם עפר ששה טפחים מותר.



## B. *Nivul ha-Met* - Mistreating the Dead

<b>10. Babylonian Talmud, Sanhedrin 47a</b>	<b>10. תלמוד בבלי, סנהדרין דף מז עמוד א</b>
<p>Because of the honor of the living, they allow the deceased to remain [unburied] overnight?! Yes! For the Merciful One said, "You must not let the corpse remain on the stake overnight" (Deuteronomy 21:23). [This teaches that the prohibition of leaving a corpse unburied overnight applies to a case] that is similar to one who is hanged, for there is disgrace in that, but here [where the burial is delayed in order to allow for greater respect], there is no disgrace.</p>	<p>ומשום כבודו של חי מבית ליה למת אין כי אמר רחמנא (דברים כא, כג) לא תלין נבלתו על העץ דומיא דתלוי דאית ביה בזיון אבל הכא כיון דלית ביה בזיון לא.</p>
<b>11. <i>Tosafot</i>, <i>Hullin</i> 125b, s.v. יכול הוא להוציאה ולשורפה במקומה</b>	<b>11. תוספות, חולין דף קכה עמוד ב, ד"ה יכול הוא להוציאה ולשורפה במקומה</b>
<p>[The Talmud] refers to a complete corpse, who is not normally burned and cut up into pieces.</p>	<p>[התלמוד במסכת ביצה דף י עמוד א] במת שלם דאין דרך לשורפו ולנתחו.</p>
<b>12. <i>Magen Avraham</i> 311:3 (17th century, Poland)</b>	<b>12. מגן אברהם שיא:ג</b>
<p>There is no disgrace in the burning of the corpse.</p>	<p>ליכא הכא בזיון המת כשנשרף.</p>
<b>13. <i>Shulhan Arukh</i>, <i>Yoreh De'ah</i> 363:2</b>	<b>13. שולחן ערוך, יורה דעה שסג:ב</b>
<p>They do not convey a corpse from a city wherein there is a cemetery to <i>another</i> city, unless it is from outside the Land into the Land [of Israel]. <i>Gloss: Or if they convey him to the place of his ancestral sepulcher. And if he left instructions to convey him from one place to</i></p>	<p>אין מוליכין מת מעיר שיש בה קברות לעיר (אחרת) אלא אם כן מחוצה לארץ לארץ. הגה: או שמוליכין אותו למקום קברות אבותיו (כן משמע בא"ז) ואם צוה להוליכו ממקום למקום או שצוה לקברו בביתו ולא בבית הקברות שומעין לו ומותר ליתן סיד עליו</p>



<i>[another] place, or [if] he left instructions to bury him at his home and not in the cemetery, he is obeyed. It is permitted to place lime upon him, in order to decompose the flesh rapidly, and [then] to convey him to the place [concerning] which he left instructions.</i>	כדי לעכל הבשר מהר ולהוליכו למקום אשר צוה.
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<b>14. Responsa of the Rashba 1:369 (13th century, Spain)</b>	<b>14. שו"ת הרשב"א חלק א סימן שסט</b>
Whatever is done to accelerate the decomposition of the flesh, for the purpose of taking him to the place he had instructed, is permitted. There is no disrespect in this.	כל כי האי שעושין לעכל בשרו מהרה כדי לישא אותו למקום שצוה מותר שאין כאן משום בזיון.

<b>15. Responsa of Radbaz 1:484 (16th century, Spain/Israel)</b>	<b>15. שו"ת רדב"ז חלק א סימן תפד</b>
The principle is that anything done for the honor or benefit of the dead is not to be considered disgraceful...[However, for the righteous,] nothing but time [should affect decomposition.]	כללא דמלתא דכל דבר שעושין למת לכבודו או לתועלתו אין בו משום בזיון...ליעודו בזולת זמן...

### C. Hana'ah - Benefit[ing] from the Dead

<b>16. Shulhan Arukh, Yoreh De'ah 349:1</b>	<b>16. שולחן ערוך, יורה דעה שמט:א</b>
A dead person, whether he is a Gentile or an Israelite, his shrouds are forbidden [to be employed] for profitable use, and [this is applicable] only if one designated them for his need and also placed them upon him; but mere designation, even if one made them [the shrouds] for his need after he died, they [the shrouds] do not become forbidden [before being placed upon the dead], for mere	מת בין עובד כוכבים בין ישראל תכריכיו אסורים בהנאה ודוקא שהזמינם לצרכו ונתנם עליו אבל בהזמנה לבד אפילו עשאם לצרכו לאחר שמת לא נאסרו דהזמנה לאו מלתא וכן אם נתנם עליו ולא הזמינם לכך בתחילה עדיין לא נאסרו.



designation is not a reality. Likewise, if one placed them [the shrouds] upon him, but did not designate them for such a purpose in the beginning, they are still not considered forbidden.

**17. *Shulḥan Arukh, Yoreh De'ah 368:1-2***

(1) Burial grounds must not be treated irreverently...Cattle are not permitted to graze in them, nor is a water-channel conveyed through them, nor should one walk through them for the purpose [of using them] as a shortcut...nor should one pluck grass from them; and if one did pluck [grass] one had to pluck it on account of the need of the graveyard-space, he burns it on the spot. (2) Trees that one plants on a cemetery — it is permitted to harvest their fruit, since they are not on the graves proper.

**17. שולחן ערוך, יורה דעה שסח:א-ב**

(א) בית הקברות אין נוהגין בהן קלות ראש...ואין מרעין בהם בהמות ואין מוליכין בו אמת המים ולא יטייל בהם לקפנדריא...ולא ילקט מהם עשבים ואם ליקט שצריך ללקטן לצורך בית הקברות שורפן במקומן: (ב) אילנות שנוטעין בבית הקברות מותר ללקט פירותיהם מאחר שאינם על הקברות עצמם.

## D. Contemporary Sustainability Questions

- **Land usage** - As existing cemeteries run out of space, new ones must be opened. Finite amount of land.
- **Environmental damages of in-ground burial** - Though Jewish caskets are often biodegradable, and this method is much greener than many other types of burial, for those who would like to further reduce the environmental impact of burial, consider woodchip, cardboard or plant fiber coffins (all would degrade even faster), or avoid the use of a coffin entirely.
- **Cost of burial** - Compared to in-ground burial, mausoleums are more expensive, and cremation is less expensive. Questions of if this is a deciding factor and to what extent there is communal financial support.

## E. Alkaline Hydrolysis

**18. Rabbi Jeremy Kalmanofsky, "[Alternative Kevurah Methods](#)" CJLS YD 362.1 2017a**



Hydrolysis literally means “decomposition in water,” and is marketed as “green” “flameless” or “water cremation.” Those may sound like slick slogans but they are not misleading. Cremation and alkaline hydrolysis [AH] have the same basic idea: dissolving the body in an external medium. Instead of intense heat, AH uses a solution of 95 percent water and 5 percent alkali, either sodium hydroxide or potassium hydroxide. The body is submerged in the solution and – depending on how high the temperature and pressure – the body’s soft tissue dissolves within three to 12 hours, washing into an inert, sterile solution, which can be discharged safely into municipal sewer systems. AH leaves a residue of decollegated and disarticulated bones...

## F. Promession and Composting

### 19. Rabbi Jeremy Kalmanofsky, “[Alternative Kevurah Methods](#)” CJLS YD 362.1 2017a

In-ground burial can be thought of as anaerobic decomposition, where microbes consume the body without oxygen. This process takes a relatively long time, one to two years, and emits unpleasant smells. Home or garden composting, by contrast, is aerobic: digesting microbes use oxygen, produce no odors, and work much quicker. It took only six weeks for a human body to become entirely soil, when laid among cow manure and wood chips at the University of Tennessee’s forensics lab in 1998. But, as home composters know, one must turn the pile to keep it aerated; lab workers had to rake and break up the corpse every week during the decomposition...A Swedish biologist and environmental activist, Susanne Wiigh-Masak, has spent 20 years advocating such a process, which she named “promession,” to indicate a sense of “promise.” Her plan would freeze bodies in liquid nitrogen, making them extremely brittle; then subject them to vigorous ultrasonic waves, breaking them into small pieces; then freeze-drying those pieces, eliminating the 70% percent of our bodies that is water, producing an ashy substance, like cremains. Finally, these particles would be buried in very shallow graves, exposing them to oxygen without need for regular aeration. Wiigh-Masak prefers this method to cremation because it requires less energy, and, instead of producing inert ash, it yields biotic matter that can nurture new life. In less than 12 months, “promains” would become entirely soil. Wiigh-Masak favors planting trees and shrubs above the small graves, nourishing them by the human remains below. A technically simpler, socially ambitious approach has been initiated in Oregon in the “Urban Death Project.” This proposal, also far from actual construction, seeks to compost human bodies in a three-story pile of carbon- and nitrogen-rich organic material, like wood chips and alfalfa, aerated automatically by the structure itself. The bodies would be laid at the top of the pile, and decompose as they sink down. At the bottom of the structure, families could return after about two months to collect compost containing the residue of their loved ones. Farms and city governments could also make use of the compost, according to the UDP website...In-ground



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## G. Piskei Din (Halakhic Conclusions)

### 20. Rabbi Jeremy Kalmanofsky, “[Alternative Kevurah Methods](#)” CJLS YD 362.1 2017a

1. In-ground burial is the optimal form of Jewish funeral, most likely a biblical commandment. When performed according to Jewish tradition, it is admirably environmental.
2. Where possible, Conservative / Masorti rabbis should advocate for even more environmentally and economically sustainable burials, including multiple-depth burials, and burials without concrete grave liners.
3. Jewish law requires no coffin at all. When caskets are used, plain wood is the most appropriate, also for keeping expenses at a manageable level for all. Even simpler, lighter and more rapidly biodegradable materials, like plant fiber or cardboard are also desirable.
4. The prohibition against הלנת המת [leaving the body unburied] prevents the public disgrace that would inevitably follow from a body's public putrefaction. We affirm previous CJLS rulings discouraging cremation and mausoleum burial but do not consider these הלנת המת.
5. Like cremation, newly developed and proposed alternative methods such as alkaline hydrolysis or promession do not fulfill the ancient Jewish custom and possible positive commandment of in-ground burial. Also, many Jews will consider these untraditional methods as dishonoring and desecrating the deceased person's body. Rabbis should discourage these technologies as departures from tradition.
6. Nevertheless, there exist Halakhic theories that would permit these untraditional methods. If families choose to dispose of a loved one's remains through cremation, AH or promession, they must take every step to give those remains an honorable burial. All residual ash and organic material should be buried in a Jewish cemetery, in graves dedicated to each individual, not scattered, with full liturgy and mourning rites. In the case of AH, the process yields disarticulated bones, which should not be crushed, but which should be buried, in a modern version of the ancient rite of “bone gathering.”
7. When mortuary methods produce soil or compost, it is forbidden to make economic, social or agricultural use of this compost



