

TEMPLE BNAI ISRAEL: RITUAL COMMITTEE

Report on Burial of Non-Jews in the Temple Bnai Israel Cemetery

This Committee has been studying the law and rituals of burial of non-Jews in Jewish cemeteries. Mourning rituals for non-Jewish spouses and family members in our congregation were addressed in this Committee's report of 2002: *The Role of Non-Jews in Ritual & Life Cycle Events*.

We have been guided by the law and customs of burial as they have come down to us from our past. In Eretz Yisrael, when our laws were conceived, burial was on private property, customarily in caves. Later, when that was no longer feasible, the Jewish cemetery appeared. Jewish law does not compel a community to have a cemetery, but when it does have one, it is considered a "sacred possession and trust." In fact, Jewish law has very little to say about the establishment of a cemetery. A Jewish cemetery become sanctified space more by custom than by law. It is sanctified by the Jewish burial customs observed within its boundaries, the Jewish prayers said there, the Jewish symbols that mark its graves, and because it is used for no other purpose.

We have no law prohibiting the burial of non-Jews in our cemeteries. One commentary tells us that the burial of non-Jews in Jewish cemeteries was done regularly in the time of the Mishnah. Another says: "We sustain the poor of non-Jews, comfort their mourners, and bury their dead with the dead of Israel." Opposing these, we found this: "We do not bury the wicked next to the righteous." Intended originally to protect righteous Jews from burial next to a wicked Jew, 'wicked has been equated with 'non-Jew' and used to exclude them from our cemeteries. The Committee rejects this completely. While we find no law regarding the establishment of a cemetery, our tradition is careful to protect the individual grave. Each grave is discrete. That is, people are buried in their own spaces, *betokh shelo*, meaning that the occupant of each grave is in a sanctified space regardless of the occupants of continuous graves.

Presiding over the burial of non-Jews is considered *gemilut hasadim*, a loving deed. While he has never been asked to do so, Rav Jeremy would not hesitate to do such a loving deed. In providing for the burial of the non-Jewish members of our Temple family in the cemetery of Temple Bnai Israel, our congregation would be performing such a loving deed.

As we wish to comfort and support the families of our non-Jewish members, so do we wish to afford to those already resting in our cemetery both dignity and respect. We need to respect and honor their possible expectation of being buried among Jews only. Because we cannot inquire of them, it is necessary, in our view, to guarantee that these graves will continue to be beside Jewish ones.

Accepting, then, that non-Jewish members of the Temple Bnai Israel family will be buried in our cemetery, we need to preserve it as a functional Jewish sacred space where we can relate to our dead and to God. While there is no *Halacha* to guide us, there are strong customs to refer to. We also have the freedom to establish our own customs to reflect the needs of this congregation.

The foregoing considerations lead us to the following recommendations:

1. In order to protect the sensibilities of our deceased congregants and their families who may have expected to be buried among Jews only, we acknowledge the need to preserve an 'old area' in which only Jews will be buried. However, we recommend that in the rest of the cemetery, Jews and non-Jews may be buried. There shall be no demarcation between the two areas.
2. Within our cemetery, all customs, ceremonies, rituals, prayers, blessings, and graphics on gravestones shall be Jewish or non-sectarian.
3. Non-Jewish clergy shall not officiate in our cemetery.

Every member of the Ritual Committee has provided valuable insights into our recommendations. We are especially grateful to Rav Jeremy, truly our teacher, for informing our discussion, and helping us to work through this difficult question.