

Cemetery Guidelines

Background

Since the synagogue's establishment, Congregation Beth El (CBE)—Sunbury has been the owner and operator of the Jewish cemetery in Northumberland, PA. Though we do not have a written history, it is likely that the cemetery pre-dates the congregation since some of the graves date to the late 1800s. In addition to not having a written history, there is no record of the cemetery having any current or past guidelines and regulations. It has been administered by a committee of the CBE Board of Directors and a separate bank account is maintained for its finances.

It is safe to assume that for most of the cemetery's history guidelines were not considered necessary because of the nature of the Jewish community. As a small, rural community, most often Jewish members were known to one another. In the early 20th century there was little diversity of practice among those Jewishly identified when it came to death and burial issues. This was true even more so in a community like CBE where opting-in to the Jewish community meant following assumed standards. Additionally, throughout its history CBE has been affiliated with the Conservative Movement (until 1972) and the guidelines of the movement would have been applied to the cemetery if a question arose.

Currently, the CBE community reflects the diversity of Jewish life in North America. We are not affiliated with any one movement; our membership includes a wide-range of personal practices and expressions of Jewish identity; many of our members are in "interfaith" families; and in our area there are Jews who are not members of the congregation and are unlikely to join. Because this reality is so different than past congregational demographics, we have had to address many new scenarios.

The creation of Cemetery Guidelines now is in response to these demographics as well as societal changes around burial practices and customs which are impacting Jewish ritual life. The Cemetery Committee of CBE, along with the rabbi and the president, has been meeting to formulate these guidelines. Their process is outlined below:

Defining Questions

The following are the questions which guided our research and writing of the guidelines:

- What makes a Jewish cemetery Jewish? Traditional Jewish texts on *halakha* (Jewish law) were surveyed, as well as the written positions of the Conservative and Reform movements.
- Are there categories of Jews who are *halakhically* prohibited from being buried in a Jewish cemetery? Examples: people who have been cremated ("cremains"); people with tattoos; people who have committed suicide; etc.
- Can non-Jews be buried in a Jewish cemetery and have it remain "kosher"?
- What burial options are available to Jews, and non-Jewish partners of Jews, in our area?
- What guidelines can we derive that honor those already buried in our cemetery, preserve its nature as a Jewish cemetery, and respond to the contemporary needs and concerns of our congregation?

Findings

Traditional customs for Jewish cemeteries come primarily from the medieval interpretations of the Talmud by scholars such as Maimonides, Josef Caro, and Rashi. In particular, they recommend customs based on the sections of the Talmud which discuss the prohibition of burying (non-Jewish) criminals and evil-doers next to Jews and how to bury non-Jews who are killed in battle while fighting for Jews.

There are, as is typical, conflicting opinions: Josef Caro uses the first section as proof that any non-Jew is prohibited, while Maimonides and Rashi tend towards leniency and understand evil-doers as applying to only non-Jews who actively threaten the existence of Jews. Non-Jews who are allies can be buried among Jews in the opinion of Maimonides.

The other factor in developing traditional cemetery customs comes from the principle of “marit ayin” in which one refrains from a permitted action because it might be construed by others as a violation of *halakha*. An example of this might be a Jewish person who does not eat turkey-bacon out of concern that someone might think she is eating pork-bacon and assume that the laws of kashrut are no longer valid. Medieval and contemporary Jewish commentators contend that even though the burial of cremains, in a Jewish cemetery is not *halakhically* prohibited, doing so gives the impression that cremation is an acceptable practice in traditional Judaism, which it is not. The same argument is applied to other categories such as suicides, non-Jewish partners, and in some cases, people with tattoos.

Though a Jewish cemetery is thought of as sacred ground, it is in fact the burial plot, not the surrounding areas, that is capable of being made ritually “un-kosher.” Burial of a non-Jew, or someone outside the traditional Jewish customs does not impact the sanctity of other graves. That is why most Jewish cemeteries permit the burial of Jews who are tattooed, or victims of suicide, without any separation of areas. Both the Conservative and Reform movements allow for these burials, as well as the burial of cremains. Many Jewish communities also make accommodations for non-Jewish partner burials, though the presence of these burials may change the nature of the cemetery from a traditional to a non-traditional Jewish cemetery.

Outcomes

The CBE Cemetery committee drafted guidelines that allow our cemetery to retain a traditional Jewish nature as well as accommodate non-traditional burials. We are cognizant of the fact that Jews in our area are limited in their options if they desire a traditional Jewish cemetery and feel that we need to continue to make that available to our membership. We are also aware that we have members with non-Jewish partners who have a reasonable expectation of being buried next to one another. These partners are considered in our congregation’s ritual life as “*gerei toshav*” —supporters, companions, and allies to the Jewish people as a whole, and this should be reflected by the establishment of a non-traditional burial section within the borders of our existing cemetery. This area will be approximately half of the area not currently occupied or containing purchased plots. It will be demarcated only by a flagstone path.

The other notable variance from traditional Jewish burial practice is that cremains may be buried in the same manner as intact burial, though the custom of the presiding rabbi may preclude his/her officiation at the ceremony.

Procedures

1. If you are interested in purchasing a burial plot(s), please contact the chair of the Cemetery Committee, Dave Marateck, 286-2775. We encourage pre-purchasing in order to ease the process for the mourners at the time of death.
2. At the time of death, the funeral director will contact the rabbi to obtain information about the location of the plot. The funeral director will also make all of the appropriate arrangements with our contracted excavator to open the grave, install the vault, and fill the grave. Costs for these services will be billed directly through the funeral home.
3. The rabbi is generally available to consult on the lettering of the grave marker and its installation.

By-laws

1. Except for provisions made herein for the Non-Traditional Burial Section, no other than those dying in the Jewish faith shall be interred in this Cemetery.
2. A portion of the Cemetery shall be known as the "Non-Traditional Burial Section" and shall be used for the interment of anyone not of the Jewish faith whose spouse/domestic partner or parent is of the Jewish faith. Except as otherwise approved by the Congregation's Board of Trustees, any burials in the Non-Traditional Burial Section shall comply with the Rules and Regulations as set forth herein. If a non-Jewish spouse/domestic partner, or their non-Jewish child, in an inter-faith marriage predeceases a Jewish family member, said person may be interred in the Non-Traditional Burial Section under the condition that the Jewish family member purchases, or has purchased, a plot for him/herself at the time of the burial of a non-Jewish spouse/domestic partner or child. The portion designated as the Non-Traditional Burial Section shall be designated on the Cemetery map and there will be a separation from the remainder of the Cemetery by a ground level pathway.
3. The only religious burial service or ritual conducted at the Cemetery shall be of the Jewish faith. A religious burial service may only be conducted by a Rabbi, Cantor or Jewish lay person of the Orthodox, Conservative, Reconstructionist or Reform streams of Judaism.
4. The foregoing notwithstanding, a civil or lay officiation may occur if requested by the family of the deceased. No clergy of any other religious tradition may officiate at a burial in his/her role as an officiant of another religion's traditions at the burial of a non-Jew in the Non-Traditional Burial Section. The only denominational religious ceremony shall be those of the Jewish traditions and there shall be no usage of symbols, garb, or language unique to non-Jewish traditions during the interment, creation of the monument, unveiling of the monument or maintenance and care of the plot. The text of the service and the officiant is subject to review by the Congregation's current Rabbi, or the Congregation's Board of Trustees if there is no current Rabbi, prior to the burial.

5. Any person to be buried must have a burial plot for him or her purchased prior to interment. No burial shall be allowed unless all charges due and payable are paid in full.
6. The purchase price for a burial plot shall be established by the Congregation's Board of Trustees. The purchase price includes care of the Cemetery grounds. The purchase price does not include the opening and closing of the grave, the initial topsoil and grass planting, repair to any damage to the Cemetery occurring during the burial and Rabbinic services for non-members. The purchase price also does not include the cost, erection, and/or the inscription upon the monument or headstone and any repairs and maintenance required to the monument or headstone.
7. There shall be no plantings of shrubbery, hedges, trees or other ornamental plantings, without the permission of the Cemetery Committee established by the Congregation's Board of Trustees. The Cemetery Committee reserves the right of removing, at the expense of the plot owner, any shrubbery, hedges, trees or other plantings of any nature planted by a plot owner that is not approved.
8. All floral designs when faded, dead flowers or broken flags will be removed. Artificial flowers are discouraged and if placed may be removed at the discretion of the Cemetery Committee.
9. Within 12 months of the burial, the plot owner is required to erect and have inscribed an appropriate monument or headstone. The monument or headstone is subject to review by the Congregation's current Rabbi, or the Congregation's Board of Trustees, if there is no current Rabbi prior to the erection. No non-Jewish symbols or language unique to non-Jewish traditions shall be allowed on the monument or headstone. The minimum inscription required is the name of the decedent and the date of death.
10. All burials in the Cemetery require the casket to be enclosed in a concrete box or vault and all burials must be in the ground as no mausoleums or any other above ground burials are allowed. All burials must abide by the laws of the Commonwealth of Pennsylvania.
11. An interment of indigents of the Jewish faith shall be made throughout the Cemetery as directed by the Congregation's Board of Trustees and no particular place or portion of the Cemetery shall be designated as a section set aside for the indigent.
12. Cremation is against Jewish tradition and the family of the deceased should be so advised; however, an interment of the ashes of the deceased are allowed subject to all the Rules and Regulations herein. Rabbinic officiation of the cremains is at the discretion of the Congregation's current Rabbi or the Congregation's Board of Trustees if there is no current Rabbi.
13. The bodies of those deceased via suicide will not be disqualified from burial in the Cemetery.
14. There shall be no burials on the Sabbath, the High Holidays, or such other holidays that, in the discretion of the Congregation's current Rabbi, or the Congregation's Board of Trustees if there is no current Rabbi, deems not in accordance with Jewish tradition.
15. The Congregation's Board of Trustees, in consultation with the Congregation's current Rabbi, shall have authority to deny anybody from being buried in the Cemetery.
16. The Congregation's Board of Trustees reserves the right to revise these Rules and Regulations from time to time, or to make any changes, modifications, amendments or

additions thereto as may be necessary for the proper administration and conduct of the Cemetery.