



איגוד הרבנים ד'אמריקא RABBINICAL ALLIANCE OF AMERICA

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Psak Halacha on Cremation

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As the Nazis shoved the Jews of Mir toward the freshly dug pit to be used as a grave, the Rabbi of Mir, Rav Avraham Tzvi Kamai — may the Lord avenge his death — walked fearlessly toward his death. According to an eyewitness account, he had but one request of his German butchers: he asked that they not shoot him at the edge of the pit, but rather let him climb down to the bottom where they could shoot him. Why? Despite the obvious fear of impending death, this eighty-two-year-old Rav and Rosh Yeshiva had but one thing on his mind: not to transgress the religious prohibition of leaving unburied any body part or fluid, in this case the blood and tissue, outside the pit. A Jew must be buried whole. The elderly rabbi's presence of mind in the face of the massacre, his care to ensure that none of his blood go unburied, emphasizes to us the revered stature of the human body. Even in death, the body is the *kli hamachzik*, the container of the Soul, which must be treated with respect.

The antithesis of Rav Kamai's attitude is the way the accursed Nazis treated the bodies of their victims. They numbered them, used their hair to make socks for submarine crewmen, and finally, in the cruelest act of all, cremated them. Cremation, in the eyes of the Nazis, was the ultimate degradation of the Jewish *untermensch*. To them it was a manifestation of the German word: “*farnichten*,” literally: to make nothing, to dissolve, to obliterate, the ultimate disposal of the Jewish trash. A cremation can be seen on the Internet. It is horrifying to watch as a body that was once a living person is melted in a loud and violent process that takes approximately two hours.

I was asked by colleagues in the Igud HaRabbonim/Rabbinical Alliance of America to explain publicly the concern over a practice which has spread in our day: cremation after death instead of burial in a Jewish cemetery. The problem is great, and rabbis need to rise and protest. For whatever reason, a dark cloud of madness has enveloped the Western world, warping logic and sensitivity. It is not enough that many people in this generation poison their bodies with chemicals and drugs that shorten their lives. Now members of this generation have found a way to desecrate their bodies even after death. Someone who has received a gift from on high — a body created in the divine image — discards it after his

death like something valueless cast off to the garbage. This demonstrates profound ingratitude and unadulterated chutzpah.

The Chelkat Yaakov, Rabbi Mordechai Yaakov Breish (1896-1976), was a Rav and Av Beit Din in Zurich, Switzerland. In his Responsa (Translation here: Rabbi Yaakov Spivak) he writes:

“In the last hundred years a plague has broken out among our people as well, to cremate their dead. The Orthodox Rabbinate in Germany has organized to combat them. They have sent inquiries on this subject to the rabbis and great Torah scholars of the East. All expressed their opinion with one voice, agreeing on the seriousness of the transgression of these individuals who have sinned with their very souls, and that their actions represent a rejection of the Resurrection of the Dead and Reward and Punishment. They further stated that it is forbidden to be involved in the sinners’ interment, due to the transgressors’ actions which run contrary to Jewish Law, tradition and Jewish Feeling.”

The Chelkat Yaakov goes on to say that cremation makes it impossible for one to receive a proper burial, which is in violation of the Mitzvat Asay (positive Torah Commandment) of burial. Chelkat Yaakov – Beit (Yoreh Da’eh) p.352

The Rabbinical leader of pre-war Europe, Rav Chaim Ozer Grodzinsky, in his monumental work *Achiezer*, writes in the name of the Beit Yitzchak:

“One who properly buries his dead shows his belief in the Resurrection of the Dead. One who cremates the dead is as if he demonstrates his rejection of the idea of Resurrection of the Dead.” Responsa Beit Yitzchak, Yoreh Da’eh 2, Siman 155, as quoted by *Achiezer* 72:4

The *Achiezer* himself states that it is an “obvious fact” (*davar pashut*) that cremation is forbidden because it makes the mitzvah of burial (*kavor tikbrenu*) — a Torah Law — impossible. He quotes the Rambam, Chapter 15, *Hilchot Sanhedrin*, and Chapter 12 *Hilchot Avel*, Halacha 1. *Achiezer* 72:4

The bottom line on those who deliberately, and with full knowledge of the illegality of their actions, transgress Jewish Law in matters like this, is stated by the *Shulchan Aruch*:

“Those who leave the established paths of the community, and they are those who have thrown off the responsibility of the commandments and demonstrate through their actions that they should not be considered part of the Jewish community...rather they act with their own whims like the other nations... all these people were never mourned.” *Shulchan Aruch* Yoreh De’ah 345:5.

Modern Day Authorities

In his Responsa of Modern Judaism Rabbi Sholom Klass, ztz"l, states:

"Burning was considered a disgrace (Sanhedrin 82b). Cremating is considered a curse and our Geonim of the past have prohibited the burial of the ashes of such a person in a Jewish cemetery if it was done upon the deceased's instructions. His ashes do not bear any holiness and are considered common dust." (Rabbi Klass goes on to say that the above does not apply to someone who was accidentally burned, nor does it apply to those who were murdered and burned by the Nazis. Their ashes are considered holy (Gesher HaChaim 16:9).

Rabbi Maurice Lamm in *The Jewish Way in Death and Mourning* (p.56) states:

The Torah absolutely and unqualifiedly insists on the natural decomposition of the remains. The wood of the casket, the cloth of the shrouds, the unembalmed body decomposes in nature's own steady way. No artificiality, no slowing or hurrying of this process is permitted. The world goes on in its own pace. Those who die must follow the law of nature and the world.

Cremation is never permitted. Even if the deceased willed cremation, his wishes must be ignored in order to observe the will of our Father in Heaven. Biblical law takes precedence over the instructions of the deceased.

The Gesher HaChaim (Translation: Rabbi Yaakov Spivak) states in 16:9:

In regard to the dead who were cremated by the will of the now deceased: The Rabbis and other Torah Giants of the previous generation agreed that the ashes of such a person were not to be buried in a Jewish cemetery. Someone who, during his lifetime, did not wish to fulfill the commandment of burial, and therefore eliminated himself from its ultimate fortunate future, has denied the destiny of resurrection, and has had the holy image removed from himself. There is no holiness in his ashes, and his burial is denied the destiny of resurrection.

There are other reasons that border on the Kabbalistic, but this work has confined itself to some of the Halachic issues.

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