

**THIS YEAR,  
MORE THAN EVER!**

**6<sup>th</sup> Annual TEAM Shabbos**  
**Shabbos Parshas Vayechi**  
**January 2, 2021 / 18 Teves 5781**

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NORTH AMERICA  
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**Here and Hereafter**

**Open the conversation.**

**T E A M**  
**Shabbos**

**Traditional End-of-Life Awareness Movement**

**Be Aware. Be Responsible. Be Prepared.**

The Corona pandemic has put the spotlight on what may happen when important end-of-life decisions are first addressed in the midst of crisis: deep and lasting regret about what can no longer be done, hasty decision-making and poor choices that may be inconsistent with halachah or lead to family conflict.

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**Among them was a 30-year-old Texas man who attended a "Covid party," that included infected people among its guests. The purpose of the party was to show that Covid was not dangerous. He became infected. According to his ICU nurse, his last words were, "I think I made a mistake."**

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### **It's time to open the conversation.**

Who wants to talk about death? Nobody.

The very idea is so uncomfortable that the Chofetz Chaim, *zt"l*, said we think of the dead as belonging to a special society composed of people who die, a "*Chevra Meisim*," a "club" we will never join.

In 2014, a memoir about the attempts (mostly fruitless) to discuss end-of-life and after-life planning with aging parents topped the *New York Times* bestseller list, and won a slew of awards.

The title itself sums up the attitude most people take when asked to consider the possibility of their own death: *Can't We Talk about Something More Pleasant?*

But 2020 was not like 2014 — or any other year in memory. The year 2020 brought us Covid-19, which delivered all these issues to our shuls, our schools, our *simchos*, and even our funerals. In 2020, these issues were everywhere. This year it was *impossible* to talk about something more pleasant. We watched helplessly as family, friends, and neighbors joined that mythical club, the *chevra meisim*, sometimes overnight.

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What you will find here are stories, *divrei Torah*, as well as lessons learned from Covid, intended to help us all overcome the denial that threatens our lives and the lives of our families. Let's take these lessons to heart, so we can "be aware, be responsible, and be prepared."

## 1. Sanctity of Life vs Quality of Life

High-profile cases, from [Karen Ann Quinlan](#) in the '70s, to [Nancy Cruzan](#) in the '80s, to [Terry Schiavo](#) in the '90s have led to increased acceptance in the secular world of "quality of life" as a determinant of whether someone should live or die. **Today, according to [Gallup](#), a frightening 72% of Americans believe that a doctor should be allowed to help someone end their life if that life is deemed to be of inferior "quality."**

**Nothing could be further from the Torah view.**

It is hard to imagine a quality of life worse than that experienced by Jews in the concentration camps. And yet, each person to survive that horror had to actively *choose* to live, despite their poor "quality of life." Psychiatrist and Holocaust survivor Victor Frankel testifies in his classic work, [Man's Search for Meaning](#), that without actively desiring life despite their unspeakable suffering, a camp inmate would lose the ability to remain alive.

The Klausenberger Rebbe, *zt"l*, said the most difficult mitzvah to keep in the concentration camps was not keeping kosher, though he did; it was not keeping Shabbos, though he did. It was, he said, "*U'vacharta bachaim — Choose life.*" (Deut. 30:19)

His [Yom Kippur drashah](#), sermon, delivered to the skeletal survivors in the Föhrenwald DP Camp, in 1945, is deservedly famous:

*"Ashamnu. Did we sin? Bagadnu. Were we, chas v'shalom, unfaithful to Hashem? Gazalnu. Did we steal? From whom did we steal in Auschwitz and Mühldorf? Maradnu. Did we rebel? Against whom? Did we rebel against You, Master of the Universe?"*

*"This vidui, confession, was not written for us,"* he concluded, closing his *machzor*, his Yom Kippur prayer book.

But, he thundered anew, *"We are guilty of sins that are not written in the machzor. How many times did many of us pray, "Master of the Universe, I have no more strength; take my soul so I will not have to recite Modeh Ani anymore?"*

The *mishnah* in *Pirkei Avos* 4:16, says that our life is merely a *prozdor*, a waiting room, for the "banquet hall" that is the Next World. "Prepare yourselves in the waiting room, so that you may merit to enter the banquet hall," the *mishnah* instructs. Our time in this world is what earns us eternal life in the next world. Therefore, every moment we spend in this world has a value that is unfathomable to us. As Rav Moshe Feinstein, *zt"l*, eloquently expressed, **"Hachaim koneh nitzchius b'chol rega — Every moment that a person is alive, they acquire Eternity."** Life has an intrinsic sanctity and profound value that cannot be defined or diminished by anyone's assessment of its "quality."

This is not to say that life must be extended at all costs and in all cases. End-of-life decisions are extremely complex, requiring a qualified rabbi to assess each situation according to its specifics. However, any concession to "quality of life" as a determinant of its value leads us down the most slippery of slopes.

Consider the [case](#) of a healthy 90-year-old woman in Toronto, who opted for physician-assisted suicide last October. Her reason? She did not want to suffer through a proposed two-week period of isolation due to Covid.

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It gets worse. When it comes to [allocating scarce medical resources](#), the right-to-die can turn into an obligation-to-die. As Italy faced the worst of its coronavirus surge, the [decision](#) was made to deny respirator care to those over age 60. The [sickest](#) patients, those with little chance of recovery, were also denied care.

As the Covid rate rose in New York City, such standards were beginning to be applied there, as well. Rabbi Chaim Aryeh Zev Ginsberg, the rav of the Chofetz Chaim Torah Center of Cedarhurst, NY, nearly lost his life due to this protocol, as he describes in a *Mishpacha* cover story entitled, "[Between Two Worlds](#)":

"My wife received the call early on Erev [Pesach]. She was told by the ICU attending doctor that my kidneys were failing, the life-support machines weren't doing anything, I was totally unresponsive to treatment, and that there was no need to prolong the 'inevitable.' He suggested removing the life support and giving it to another patient who had more of a fighting chance. He said I have only hours left and that she should come to say goodbye."

Thankfully, Rebbitzin Ginsberg was his healthcare proxy, and was able to convince the hospital not to remove her husband from life-support. In the end, although only two of the thirteen patients in the ICU at that time were considered to have even less chance to recover than he did, **he was the only one who survived.**

It is incumbent on all Jews to be aware of and appreciate the Torah's view of life's sanctity, and to overcome the cultural trend that assesses life by its "quality." In all cases involving life-and-death medical decision-making, a rabbi's guidance must be sought and adhered to.

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**— Rabbi Chaim Aryeh Zev Ginsberg**

## 2. Halachic Living Wills/EMES Cards

MOLSTs. POLSTs. Health Care Proxies. Advance Directives. Post-Mortem Agents. Medical facilities, including many nursing homes, require patients to sign any of a variety of legal documents stating what type of care should be administered if they are not able to speak on their own behalf. Options to choose or reject include resuscitation, dialysis, tube feeding, intubation (an intervention unfortunately common during Covid), as well as other procedures that might be necessary to maintain life.

The issue is that these decisions depend on the circumstances at the time; an Advance Directive one signs at age 35 will likely be very different than what they would sign at age 75. The world of medicine and eldercare will *also* likely be very different 40 years after they sign any document. Even more importantly, halachah requires that any decision about life-preserving intervention take into account the specifics of the medical situation. For this reason, **it is actually impossible to fill out an Advance Directive in advance.** The decisions they describe are guided by the most complex and nuanced areas of halachah and cannot be made ahead of time.

For a Jew, the only type of Advance Directive to sign is one that names the people (called proxies or agents) they trust to speak for them in that situation, and a rabbi well-versed in medical halachah who will guide the decisions to be made on their behalf. This form is often referred to as a Halachic Medical Directive or a Halachic Healthcare Proxy, but it is also known by the simple term, **Halachic Living Will.**

Many people think that only older people need a halachic living will, since they are more likely to have a medical emergency, but Covid has demonstrated just how vulnerable each of us truly is.

Moreover, because HIPAA regulations consider an 18-year-old to be an adult, medical personnel are prohibited from speaking to parents about their child's medical condition unless the parents are registered as healthcare proxies. For that reason, **everyone over the age of 18 needs to have a halachic living will.** A front-page [article](#) in the *Wall Street Journal* suggested that filling out a living will be considered a "rite of passage" for all 18-year-olds.

Someone designated as a healthcare proxy in a halachic living will is also legally empowered to make post-mortem decisions, including objecting to an autopsy and ensuring proper burial. **Without a halachic living will, a person opens themselves up to having these decisions made in ways that are in opposition to halachah,** particularly where there is no family, or when family members have differences in *hashkafah* and levels of religious observance.

However, executing this legal document is only part of the battle. The other part is **making sure that the document will be found when it is needed.**

Again, this is not a theoretical concern. In fact, this issue was recently brought to no less an authority than Abigail van Buren, better known as "Dear Abby." The [writer](#) said that his wife had gone into the hospital for a routine procedure that required general anesthesia. Something went wrong, and the doctor informed him that his wife's living will included a DNR (Do Not Resuscitate) order. Later, the husband found the copy of the living will at home. It stated that his wife did not want to be resuscitated *only in the case that she was "terminally ill or permanently unconscious."* His wife was neither. She spent eight hours in cardiac and respiratory distress before the issue could be sorted out and she could be put on a ventilator. She ultimately died, and the husband, who signed himself "Grieving Husband," wrote, "I had no idea. If I'd had a copy of the living will *with me*, I'm sure she would have immediately been put on a ventilator."

In order to avoid such situations, NASCK has created the Emergency Medical Education Sign-up (EMES) card.

The EMES card contains a shortened version of a halachic living will and, importantly, attaches to a driver's license or other government ID card. Family members can easily access it, and in cases where an ambulance is called, the EMT will generally look for identification, find the EMES card, and the right people will be called — and the right decisions made.

NASCK distributes EMES cards for free to anyone who fills out a Halachic Living Will. Halachic Living Wills and EMES Card request forms can be found on [nasck.org](http://nasck.org).

### 3. Discussing Cremation and Burial with the Non-Observant

Many observant Jews believe that cremation is something they would never need to think about, much less be concerned about. Unfortunately, that is not the case.

In 2017, America reached a sad tipping point: For the first time, more people were being cremated than were being buried. Since then, the rate of cremation continues to rise, quickly and steadily, not only for non-Jews, but also for Jews, *r"l*. While the term

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**We, as Orthodox Jews, may think our right to choose authentic Jewish burial is assured. Covid has shown that it is not.**

**On March 29, the first Jew to die of Covid in Argentina was summarily cremated, over the vociferous objections of his family and local rabbis.**

**Many countries mandated that anyone who died of Covid be cremated. This is despite the fact that the World Health Organization stated unequivocally that there is no evidence to support the idea “that people who died of a communicable disease should be cremated to prevent spread of that disease,” and the International Red Cross stated, even more strongly, that, “Cremation of [Covid-19] human remains should be avoided; burial in single graves is the preferred method of disposal.”**

“Jewish cremation” is an oxymoron, it features prominently in ads for many Jewish funeral homes across North America, particularly in Florida and on the West Coast. Today, the rate of cremation among Jews is nearing 50%, and rising.

Burial is not merely a Jewish “tradition.” It is among the 613 mitzvos, and plays an important role in *schar v’onesh*, reward and punishment; *olam haba*, the afterlife; and *tchias hameisim*, resurrection of the dead. Many non-observant Jews are unaware of this and a great number do not even believe these to be Jewish concepts.

Unfortunately, genuine Jewish beliefs have been replaced by a litany of false ideas about the purported benefits of cremation. The list of misconceptions about cremation includes the belief that it is more environmentally responsible, and somehow more “spiritual.” In fact, the cremation process is a significant [pollutant](#), releasing toxins, which include 6.8 metric tons of carbon dioxide, into the air every year and creating health risks for those living near crematoria, among other environmental costs. As for any “metaphysical” benefits, no monotheistic religion believes in the value of cremation; only pagan belief systems advocate it.

It is incumbent upon every one of us to reach out to and educate the Jews within our sphere of influence about the meaning and necessity of authentic Jewish burial — and to do so before such a conversation becomes necessary. According to many rabbis, a Jew who will be cremated is a *meis mitzvah*, a person for whom the entire community is obligated to assure proper burial.

The NASCK website has resources that describe the purpose and meaning of each aspect of Jewish burial, from *shmirah*, the guarding of the body; to *tahara*, the traditional cleansing and dressing of the body; to placement in an *aron*, a simple wooden casket; and finally to *kevurah b’karkah*, burial in the ground.

NASCK maintains a website dedicated to teaching the value of Jewish burial: for the body and soul of the deceased, for their family, and for the environment. That website, [peacefulreturn.org](#), is available in both [English](#) and [Russian](#).

Once someone has agreed to burial, it is critical that they put their wishes into a legally valid written document. A shocking number of cases are brought to court in which one set of family members claims that the deceased wanted to be cremated, while another set insists they wanted to be buried. **Even if a document exists indicating the intention of an individual to be cremated, a subsequent document that is signed and witnessed will override it.** Either a Halachic Living Will or an EMES card, described above, will serve this purpose.

Even for an Orthodox Jew, having a document asserting that they choose burial, and not cremation, is important. Covid has shown us that the fight for *kevurah k’halachah*, authentic Jewish burial, is not just on behalf of non-observant Jews. Today, even the right of an Orthodox Jew to be buried may be endangered.

On March 29, the first Jew to die of Covid in [Argentina](#) was summarily cremated, over the vociferous objections of his family and local rabbis.

So little was known about Covid at that time that public health organizations worldwide were unsure of how to safely deal with Covid-infected bodies. Many countries mandated that anyone who died of Covid be cremated. This is despite the fact that the [World Health Organization](#) stated unequivocally that there is no evi-

dence to support the idea “that people who died of a communicable disease should be cremated to prevent spread of that disease,” and the [International Red Cross](#) stated, even more strongly, that, “Cremation of [Covid-19] human remains should be avoided; burial in single graves is the preferred method of disposal.”

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#### 4. Life Insurance

It happens too frequently. A mother or father with young children dies suddenly. As soon as the shivah ends, the *tzedakah* campaign begins. Jewish newspapers, websites, and email blasts show pictures of the fresh grave, the weeping spouse, the downturned faces of the new orphans, the small boys saying Kaddish, calling out to the community to ask for financial support for the family. And *klal Yisroel* responds. We are *rachmonim* and *baalei tzedakah*, compassionate and charitable.

##### **But it doesn't have to come to this.**

In 2007, Rabbi Shmuel Fuerst, dayan and rav of Agudath Israel in Chicago, sent out a plaintive letter to his community. He decried the fact that, “Over the years, I myself have seen too many families becoming destitute and forced to depend on relatives and communities, who cannot always help.”

This was written in 2007, a time of relative tranquility. Fast forward to 2020 and the Covid pandemic. On the [Chesed Fund website](#) alone, since Purim there have been nearly 100 appeals for families whose father or mother died suddenly, not necessarily of Covid, leaving a bereaved spouse and orphans. And this does not include the numerous campaigns specifically earmarked for *hachnasas kallah*, paying the wedding expenses, for an orphaned bride or groom. Among the heads of household who passed away were men as old as 64 and as young as 34.

The total amount requested exceeded \$25 million. Some of these campaigns were for amounts that would support the family long-term. But many of these families were so overwhelmed by their sudden loss that all they asked for was enough money to pay for the burial.

This was just one charity website. How many more families were there whose pleas went out on other forums, or worse, who felt they had no one to turn to?

Back in 2007, Rav Fuerst told us, “This should not have to happen.” **His solution was simple: families need to buy life insurance.**

What prevents a family from buying life insurance? The first reason, of course, is likely the familiar denial we all have about death.

Secondly, there is a misconception that the cost of life insurance is out of reach for young families, particularly for those still in kollel or school. In fact, purchasing term life insurance for both parents is quite affordable when both are young and healthy. (Yes, both husband and wife need life insurance, even if one of them contributes little or no income. Salary.com [estimates](#) that replacing the work of a stay-at-home parent with paid help would cost nearly \$180,000 per year.) Every family with dependent children needs to spend a few dollars a month on the insurance that will save their family in case of catastrophic loss.

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There are others who view purchasing life insurance as a lack of *bitachon*, faith in Hashem. They should know that our rabbis have gone to great lengths to tell us otherwise. Rav Moshe Feinstein, zt"l, [wrote](#) that not having life insurance is the equivalent of relying on a miracle, which is forbidden. **Not only are we permitted to buy life insurance, said Rav Moshe, we are obligated to do so.**

Finally, some feel that life insurance is too complicated, and they fear slick sales pitches. They do not know where to get honest advice that is truly in their own best interest. The answer: ask your rabbi or someone else whom you trust.

**The best time to buy life insurance is when you are young, before you are starting a family; that is when the rates are lowest. The second-best time is today.**

## 5. Caring for Elderly Parents

Rabbi Moshe Hauer, executive vice president of the Orthodox Union, once gave a lecture that had been promoted with the title, "When the Child Becomes the Parent." He walked up to the podium, and started the talk by saying, "Everyone needs to know that the child *never* becomes the parent. The parent is *always* the parent, and the child is *always* the child."

Those of us in the "Sandwich Generation" may find caring for our immediate families already challenging; adding the care that our parents may require, whether they live close or far, can seem like more than we can handle. But the challenge is not only to handle it, but to handle it in the way the Torah expects of us.

The needs of older people have come to the fore in two different ways in the Covid era. It was known from the beginning of the pandemic that the older a person is, the higher their risk of developing complications from a Covid infection, resulting in a higher risk of dying, *chas v'shalom*.

This has highlighted the degree of care required for our parents (and, for that matter, for all older people). In most cases, it is safest for them to stay home and allow others to shop and run errands for them.

However, if our parents live alone, we must balance their need for safety from the virus with the risk of damage to their emotional well-being that results from being isolated. If they live with us, we may need to take stricter precautions than those mandated, not for ourselves, but to keep *them* safe. Either way, caring for our parents has become yet more complex now that Covid has entered the picture.

On the other end of the spectrum, we have seen that the medical establishment can show prejudice against the elderly by favoring younger people when deciding which Covid patient "deserves" a respirator, as discussed above, in **Sanctity of Life vs Quality of Life.**

We should assure our parents that we will always be there for them, and we should learn the *halachos* of *kibud av v'eim*, so that we know how to do so properly. In addition, is important to speak with them, gently and with sensitivity, to make sure that they are properly prepared for whatever may lie ahead.

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## 6. Purchasing a Grave

The Torah tells us that when *Sarah Imeinu* died, *Avraham Avinu* eulogized her — and also cried for her. One might ask why the Torah takes the time to tell us that Avraham cried for his beloved and holy wife. It would seem to be obvious. The *Chizkuni* explains that this refers to the tears Avraham cried because he had not yet purchased a grave for her.

There was no question about what grave site he would choose; we know that Avraham intended for them both to be buried in the *Maaras Hamachpelah*, the burial place of Adam and Chava. He cried because by not purchasing the *Maaras Hamachpelah* in advance of Sarah's death, he was unprepared at the time of her death, and thus delayed her burial.

For many of us, the thought of purchasing a grave in advance seems unnecessary when we are young, and frightening or even morbid when we are older. However, doing so is actually a kindness for ourselves and for those who will need to care for us when we die.

**There are many factors to consider when purchasing a grave.** The first is location. Here or in Eretz Yisroel? In *kever avos*, where our parents are buried, or where our children live?

In addition, it is important to know that not all Jewish cemeteries are alike. Besides the obvious issue of cost, both for the grave and the burial, there is much to ascertain before choosing a cemetery. Who decides if those purchasing plots are *shomer Shabbos*, or even halachically Jewish? Do the graves retain water? Are vaults required? Does the cemetery allow for burial on Sundays and legal holidays? Do they allow upright monuments? The questions go on.

Each of these issues, and more, need to be sorted through when choosing a burial plot. If we have not yet decided to purchase a grave, we should at least let our family know what our preferences would be. Burial in Eretz Yisroel or here? A shul plot or a family plot? Trying to guess what may have been our wishes and investigating the suitability of various cemeteries — all at a time of acute grief — often leads to poor decision-making or delays in burial. Buying a grave in advance is neither unnecessary nor morbid. It is a profound kindness for those who will take care of us, and is even considered a *segulah*, a spiritual aid, for long life.

## 7. Pre-Need Funeral Arrangements

Buying a grave is not the only decision that needs to be made when arranging a burial. Funerals require planning, and there are many reasons to do it in advance. First, it allows your family to spend what is always a fragile time together, rather than on the phone discussing details with a funeral director. Pre-planning also locks in the cost of a funeral. The arrangements can be paid in advance, usually in installments, preventing the family from having to pay a large expense on short notice. Paying for arrangements in advance is also a legitimate way to spend down an estate if someone needs to rely on Medicaid.

Making arrangements in advance is strongly recommended in situations where a person has no family, no family in the area, or no one they can rely on to make arrangements when the time comes. It is particularly important if someone is entering a nursing home or elder-care residence.

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**It is understandable that in the chaos of a sudden pandemic outbreak, taking care of the deceased will take extra time. But if they had had pre-arrangements, and those arrangements could have been easily found, there would be no reason for a Jewish body and soul to wait six months or more to come to rest.**

This last concern was highlighted by the fate of an [83-year old Jewish woman](#) who died in a Brooklyn nursing home in mid-April, the height of the first wave of Covid. It was three weeks by the time her family was informed. By then, she had already been buried — in a \$15,000 Catholic service, despite the fact that she already had a plot in a Jewish cemetery, next to her family.

She was vulnerable because she had no other funeral arrangements in place, and the nursing home had no record that she had family — or even that she was Jewish.

Without signed pre-need funeral arrangements, anyone, whether they live in their own home or in a nursing home, whether they are destined to die in the midst of a chaotic pandemic or in a more peaceful time, may fall victim to such an end. In addition, this case highlights the importance of making sure not only that all arrangements are made, but also that the paperwork that documents those arrangements are in the hands of anyone who might need them.

At minimum, the papers should be on file with the person's emergency contact, their next-of-kin, healthcare proxy, doctor, lawyer, and care facility, if they live in one. While this is particularly true for those who reside in nursing homes, as this woman did, people who live in their own homes are at risk, as well. Many senior care specialists advise that such papers be taped to the refrigerator for easy access.

Over the years, NASCK has dealt with many such cases, people who "fell through the cracks," and were taken care of in ways that were inappropriate, or which they would have objected to. These people are *m'sei mitzvah*, people who may never have the opportunity to be buried in accordance with Jewish law. And **they may be our own relatives**: cousins, aunts, or great-uncles we lost track of.

In the spring of 2020, during the first wave of Covid in New York City, newspapers were filled with stories about refrigerated trucks that were parked outside of hospitals. These trucks served as temporary morgues until the deceased could be buried. The trucks quickly ceased being news, but [over 600 bodies](#) were still in them, *six months later*.

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## **8. Writing a Will in Accordance with Halachah**

As with so many topics related to death, people tend to put off writing a Last Will and Testament until some undetermined future day when they believe it will become appropriate to think about such matters. Once again, Covid has revealed the problems that can result from this form of denial.

The Business Halachah Institute, in Brooklyn, NY, relates a [case](#) that came to them during the pandemic. Hospitalized patients were not allowed visitors, and a man whose condition was rapidly deteriorating realized he had never written a will describing how his estate was to be distributed. He videotaped his wishes on his cell phone, then emailed the video to his family.

**But are the self-videotaped wishes of a dying man halachically valid as a will?**

Suffice it to say that the answer is complex. The lesson to learn, however, is simple: Do not wait to execute a will. Accidents happen, sudden medical emergencies such as strokes happen, even global pandemics happen. And when they happen, we may not have adequate time to respond. The time to write your will is long before that “undetermined future day” on which you will be “prepared.” The time to do it is now.

Don't make the mistake of thinking that a Last Will and Testament is only for people with large estates. **The fact is that everyone, regardless of their means, needs a will. If you have minor children, who will be their guardians?** If you do not have a will, you leave this serious decision in the hands of others. Even if you do not have minor children, without a will, your heirs will only be able to inherit your estate after probate, an often lengthy and expensive process, is complete. This is true even when the heir is a spouse. **Unless you leave a will, your surviving spouse may be left without access to any funds at all — even funds required for burial — until probate is complete.**

But that does not mean you can download a will from the Internet.

Torah law and secular law differ greatly when it comes to inheritance. In particular, according to Torah law, only sons may inherit, and a firstborn son receives *pi shnayim*, a double portion of the estate. However, people may choose to divide their children's inheritance equally among their sons and daughters. If the decedent is a man, he may choose to leave everything to his widow. These types of distributions can be ensured, but the will must be written in a way that is both legally and halachically correct.

If not, there is a good chance the case will end up in court or *beis din*, both of which frequently result in *chilul Hashem* and lasting family discord. Moreover, if the will is settled in secular court, the decision will likely go against Torah law, rendering the “winner” a *gazlan*, a thief, according to Torah. If it is settled in *beis din*, it will likely lead to a compromise, which is probably not what the deceased intended.

It is far better (and surprisingly easy) to ensure that your will accords with halachah. Your rabbi can likely refer you to a lawyer who can write your will in accordance with halachah.

## 9. Ethical Wills

A last will and testament bequeaths one's material riches to one's heirs. An ethical will, on the other hand, bequeaths one's values, their spiritual legacy, to their heirs. A person's ethical will speaks to their children and future generations about the beliefs, ideals, and standards they held dear, the values they wish their descendants to perpetuate.

One might well ask why an ethical will is important. After all, don't actions speak louder than words? Hasn't the person had a lifetime to demonstrate to their children what their values are? Yes, but there is still great value in articulating those values, especially at the end of one's life. And an ethical will is a particularly powerful way to do so.

*Yaakov Avinu* created the first ethical will when he spoke to his children on his deathbed. Recorded in the Torah for eternity, Yaakov ensured that every one of his sons understood their strengths, their weaknesses, and what their father expected of them. Yaakov's ethical will comes at the end of the first book of the Torah, *Sefer Bereishis*, the Book of Genesis. *Moshe Rabbeinu* bookends it with an ethical will recorded in the last book of the Torah, *Sefer Devarim*, the Book of Deuteronomy.

**The Business Halachah Institute, in Brooklyn, NY, relates a case that came to them during the pandemic. Hospitalized patients were not allowed visitors, and a man whose condition was rapidly deteriorating realized he had never written a will describing how his estate was to be distributed. He videotaped his wishes on his cell phone, then emailed the video to his family. But are the self-videotaped wishes of a dying man halachically valid as a will?**

Not only does the ethical will have its roots in Torah, in the three thousand years since Torah was given, it has become a classically Jewish document. King Solomon, wrote one, as did the Talmudic sage Rabi Eliezer, the medieval physician [Yehuda ibn Tibbon](#), the [Ramban](#), and both the [Vilna Gaon](#), the towering giant of the Litvish Yeshivah movement and the [Baal Shem Tov](#), the originator of the entire Chassidic movement.

Of course, few of us know when we are so close to the end that we should consider what we want our spiritual legacy to be. But there is tremendous value in taking pen to paper now — and not only because the uncertainties of life might rob us of the opportunity later. Take the time, *now*, to ponder: what are our most cherished values, how do we want to be remembered, what life lessons do we want our children to fix in their minds, which *sefarim*, holy works, do we want them to look to for direction, the way we looked to them?

Just taking the time to introspect is instructive — for us, today. Have we lived up to our own values? Are we the people we want our children to remember? Which of our actions will our children tell *their* children and grandchildren about? Simply considering and articulating our true values may well change the way we live our lives. Or, in today's terminology, our ethical will may well become our "mission statement."

Covid has shone its harsh light on this area as well. Early in the pandemic, hospitals began to prohibit visitors in order to slow the spread of the virus. This meant that a patient hospitalized for any reason was left completely on their own, with no one to advocate for them, no one to comfort them, and in the worst cases, no family with them at the end. Among the other comforts Covid stole from us is the ability of a person dying in a hospital to bid their families goodbye, to transmit their last thoughts, to tell them their final words, words that will be etched on their children's hearts forever.

How lucky we are, in so many ways, to utilize the ability to do that while we are still in good health.

## 10. Respecting the Body/Preventing Autopsy

When we discuss *kavod hameis*, the respect that should be accorded to the body of the deceased, we are usually speaking about performing in-ground burial instead of cremation or above-ground burial in a mausoleum. Prompt burial, as well as *shmirah*, the guarding of the body, and *tahara*, the traditional cleansing and dressing of the body, are also common *kavod hameis* concerns. However, besides the actions we take to provide *kavod*, respect, we are also obligated to prevent *nivul hameis*, desecration of a dead body. The body is in itself holy, and any dissection of it, as occurs during an autopsy, is forbidden as a desecration of that body unless it was specifically sanctioned by a halachic authority. Moreover, when an autopsy is performed, tissue and blood are generally washed away or lost, but according to halachah, the body must be buried in its entirety. For these reasons, autopsies are generally prohibited.

Autopsies are performed in a [variety of situations](#), including but by no means limited to those in which foul play or a significant public health hazard is suspected. Whether an autopsy is halachically permitted in any specific case depends on the judgment of a qualified rabbi, but the law can mandate an autopsy without regard to the religious views of the deceased or their family, often leading to autopsies that violate Jewish laws and values.

**Among the other comforts Covid stole from us is the ability of a person dying in a hospital to bid their families goodbye, to transmit their last thoughts, to tell them their final words, words that will be etched on their children's hearts forever.**

In one British [case](#), a coroner ordered an autopsy for an 89-year-old Jewish woman. The reason? To determine whether her death was due to a heart attack or septic shock. Doesn't seem like a compelling reason for an autopsy? Her family didn't think so either, and obtained an emergency injunction to stop it.

In the US, laws regarding autopsy vary by state. New York and New Jersey recognize the right of an Orthodox Jew to object to autopsy on religious grounds. California, on the other hand, will only recognize a religious objection if it was put into writing by the deceased. The law, however, is determined by the state in which the person died, and the vast majority of states do not have laws accommodating religious objection to autopsy. So, if a religious New Yorker dies in California, or in Florida, or in any of a number of other states, their objection to autopsy does not legally need to be accommodated.

It is *always* worth having an objection to autopsy in writing. Even in states that do not recognize *any* religious objection, the existence of a written objection to autopsy presents a powerful argument when trying to block an autopsy in court.

Both the Halachic Living Will and the EMES card, described above, contain a religious objection to autopsy. There are times when an autopsy may be forced upon the family by the coroner or the court; however, having a signed document that indicates the person's objection to autopsy provides the greatest protection against this threat of *nivul hameis*.

## 11. Supporting Your Chevra Kadisha

The group of people in each community who take responsibility to care for the deceased, washing them and clothing them in the traditional shrouds while reciting prayers, and overseeing the burial, are known as the Chevra Kadisha. There is no more important organization in any community than this, since burial must be performed as soon as possible, and chevra members must be willing to make themselves available on extremely short notice.

The term Chevra Kadisha literally means, "Sacred Society," a designation unique among all organizations dedicated to *chesed*, kindness. Its sanctity stems from the fact that its work is considered *chesed shel emes*, the truest form of kindness.

*Yaakov Avinu* used both the words *chesed*, kindness, and *emes*, truth, when requesting his son *Yosef's* help in arranging his burial. *Rashi*, in his commentary, explains that preparing a Jewish body and burying it is by its very nature the "truest" kindness, since the deceased have no way to reciprocate the kindness bestowed on them.

*Rav Yaakov Kamenetsky, zt"l*, explained "*chesed shel emes*," from a different perspective: the literal translation of *chesed shel emes* is "kindness of truth," and all the *minhagim*, customs, that chevros kadisha follow reflect the most basic and fundamental truths of our faith: belief in an eternal soul, reward and punishment, the afterlife, and the resurrection of the dead.

A community owes a tremendous debt of gratitude to their chevra kadisha every year, but especially this year. Chevros kadisha were tested in 2020, in so many ways. They were inundated with cases, often five times as many as they normally handle. At times, the deceased were known to them, or were very young, seemingly too young for the services they required. Anxiety about exposure to the virus and the burden of extra precautions wore on their nerves. But, perhaps most difficult of all, they were often forced to modify

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their customary level of care in the treatment of the deceased, within the boundaries of what is required by halachah, in order to protect themselves from Covid. This reduction in *kavod hameis*, respect for the dead, ran counter to years of sensitizing themselves to the delicate nature of their holy work. Some chevra members became disheartened, and could benefit from *chizuk*, encouragement, and inspiration to rededicate themselves to their sacred mission.

NASCK outlined protocols for chevros to keep themselves safe while continuing their work, but there was one area of precaution that was difficult to keep. People over age 60 are especially susceptible to developing a life-threatening case of Covid, and are encouraged to disengage as much as possible from public activity. But many chevra members are over 60, and, as a result, many chevros had serious staffing issues. Recruiting and training new members at the height of a pandemic could not be reasonably expected.

Covid created a time of reckoning for chevros, and for the communities they serve. The time may have come to make the need for this communal work better known, so that more people — and younger people — join the ranks of the chevra kadisha.

It might seem like a grim task, but ask a chevra member, and they will likely tell you that their service is the most spiritually fulfilling act they have ever had the privilege to perform. Clearly, it is something that must be experienced in order to be understood. (That being said, chevra members focus on caring for the spiritual needs of the deceased at the time of their service, and not on any spiritual satisfaction they may experience.)

Perhaps, if we take greater responsibility for all the end-of-life realities we have discussed above, and take stronger action to ensure respect for life, here and hereafter; perhaps, if more of us embrace the holy task of caring for those who have died, Hashem will have mercy on us, on our communities, and on the world, and He will remove this plague from our midst, and usher in the final redemption, speedily, in our days. Amein.

**Rav Yaakov  
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