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CONVERT BURIED IN
CHRISTIAN CEMETERY

QUESTION:

A woman converted to Judaism (with her daughter and her husband) is now dying of cancer and asks that when she is dead, she be buried in the Dutch Reformed churchyard, in the family plot or near the graves of her parents. Has she the right to make this request? Should the rabbi officiate at such a funeral? (Asked by Rabbi Elihu Schagrin, Binghamton, New York.)

ANSWER:

IT MUST BE CLEAR at the outset that this convert, who is now so dangerously sick, is a full Jewess. The fact that she is a converted and not a born Jewess does not lessen the permanence of her Jewish status. According to the law, if a convert returns to his original faith, he is a sinful Jew but still a Jew. We have here, therefore, the question of a Jewess who asks to be buried in a Christian cemetery.

On the face of it, there is no way for a rabbi to agree to this request. We make efforts to remove Jewish bodies which are buried in Christian cemeteries, to rebury them in Jewish cemeteries. How can we agree to having a Jew, then, buried in a Christian cemetery?

It is true that in general it is considered to be a Mitzvah to obey the requests of the dying, but not when these requests would violate the law. However, there are so many human reasons why one would wish to accede to the wish of a woman dying, racked with pain, that I must confess that one should try to see whether there is not some way in which we could ease her mental anguish and agree to her request to be buried beside her parents.

In the first place, a convert's desire to express her love and her reverence for her Gentile parents is not contrary to Jewish law. Even though as a general principle a convert is deemed to be "like a newborn child" and therefore is no longer related to the family into which she was born, nevertheless the Talmud itself says that this rule is not followed too strictly. Otherwise she could marry her Gentile brother (if he converted). The continuing bond thus implied in the Talmud with the non-Jewish family in which she was born is developed in later law, that a convert may certainly say *Kaddish* for her Gentile parents. See the references in *Recent Reform Responsa* (i.e., Vol. II) page 136, ff.

On the basis of the respect for one's family bond bridging the gulf between the different religions, we have permitted memorial plaques, etc. for Christian parents; and furthermore, in our Reform movement, we have also permitted the burial of close Christian relatives in the family plot in a Jewish cemetery. So while it is true that we have not yet discussed the question of a Jew (i.e., this convert) being buried

beside her parents in the *Christian* cemetery, we have permitted the burial of the Christian parents beside their daughter in a family plot in the Jewish cemetery.

It must be further stated that we do not fail in Jewish law to ascribe a certain spiritual status to the Christian cemetery. The Talmud (in *Taanis* 16a) speaks of going to non-Jewish cemeteries on fast days (as well as to the Jewish ones) in order that we may feel humble and realize our mortality. The *Shulchan Aruch* (*Orah Hayyim* 579:3) speaks of going on fast days to weep in the cemeteries; and Isserles adds, "If there are no Jewish graves available, we go to Gentile cemeteries." So there is no objection, for example, if her Jewish friends went to the Christian cemetery for the interment.

Also, we must recall the famous passage in *Gittin* 61a that we sustain the Gentile sick and bury the Gentile dead, and the Tosefta adds, "We eulogize and comfort them." Rashi to the Talmudic passage makes the cautionary statement, "That does not mean we bury them with the Jewish dead in the Jewish cemetery." So, therefore, Rashi clearly implies that "for the sake of peace" we would bury a Gentile in the Gentile cemetery. See all relevant references gathered in *Reform Responsa*, (Vol. I) page 143 ff. If, therefore, this woman had not converted at all, it is clear that the rabbi could officiate at her funeral in the Christian cemetery.

But she *did* convert and she *is* a Jewess. Jewish tradition would be against burying a Jewess in a Christian cemetery (otherwise the question would not have been

asked at all). Furthermore, the idea of a rabbi officiating for a Jewess in a Christian cemetery would not be a good precedent. It would encourage other converts to make similar requests.

I therefore suggest the following which is, frankly, a practical compromise: The rabbi should assure the woman that her requests will be fulfilled. He should officiate, certainly in the home or in the chapel. As for the interment, perhaps it would be better if that were done by the Dutch Reformed minister. There is perhaps some objection, too, to having a Jewess buried by a Christian minister, but in all likelihood the laws of that Christian cemetery may require that none but a Christian officiate. It would therefore end up as follows: The rabbi would officiate at this Jewess's funeral in the home or chapel, and because of the denominational difficulties (i.e., the rules of the cemetery) the Dutch Reformed minister would officiate there.