

Case # 7: Disposal of the Dead

Often the details of burial are the last thing on a person's mind when she loses a loved one. However, the inevitable questions about the disposal of a loved one will come up, and the answers are often difficult. The first consideration is generally the wishes of the deceased, then the wishes of her loved one, and then other more pragmatic concerns like cost. The cost of burial averages around \$8,300, whereas the cost of cremation hovers around \$1,500.³ But more recently, people have also considered green burial, wherein the use of certain embalming and burial materials is avoided. The aim is to reduce the impact of burial on the land, so long-lasting caskets, burial markers, and other traditional features of burial may be omitted from the process.⁴

The two most common choices at death, burial and cremation, each carry different environmental impacts that may affect a family's choice.⁵ For instance, traditional cemetery burial may require large amounts of water or fertilizer to maintain the grounds, in addition to the contaminants from the casket, human body, and the occupation of land that might be used for other higher or better uses (like housing the needy or growing food). Cremation causes air pollution, releasing contaminants stored up over a lifetime into the atmosphere, in addition to using a good deal of fuels (potentially fossil fuels) in order to complete the task.

The Grippen family is now confronted by the choices involved with burial when beloved Grandpa Joe passes away.⁶ Joe left three children and seven grandchildren, and has appointed his eldest daughter, Judith, as executor of his estate. Grandpa Joe was a traditional man with a modest life insurance policy and moderate estate. His wife, Ellen, died several years ago and opted for cremation. But, in conversation he had made it clear that he wanted to be buried in a local plot where several of his ancestors had been buried. In fact, once Joe had offhandedly mentioned that he wanted a posh mahogany metal-lined casket, a large marble gravestone, and to be buried with a few of his cherished baseball cards and other prized valuables.

Judith loves Grandpa Joe, but she is also a pragmatic woman and isn't sure that the requests of the dead should come first. As she works on his estate, she notices that Grandpa Joe had not included any instructions in his last will and testament to govern his burial. As she investigates what to do, she learns about the environmental impacts of the burial he had requested. She also considers the costs of his various requests. After meeting with family it becomes clear to Judith that her siblings would be comfortable with whatever arrangements she makes and have left the decisions in her hands. Judith will meet with the funeral director soon, but is still contemplating what she should do for dear Grandpa Joe.

see also Elie Mystal, "Loyola Law School (L.A.) Retroactively Inflates Grades," Above the Law, <http://abovethelaw.com/2010/03/loyola-law-school-la-retroactively-inflates-grades/>, March 31, 2010.

³ The Funeral Help Program, "Knowing Your Options," <http://dragonet.com/funeral/options.htm>, last accessed June 20, 2011.

⁴ The Green Burial Council, "FAQs & Fiction," <http://www.greenburialcouncil.org/faqs-fiction/>, last accessed June 20, 2011.

⁵ See Chesterfield Borough Council, "The Environmental Impacts of Burial and Cremation Services," <http://www.chesterfield.gov.uk/default.aspx?CATID=611&CID=6555>, last accessed August 1, 2011.

⁶ The Grippen family is hypothetical.