



Bringing out the dead

Photographer and art historian Paul Koudounaris spends a lot of time thinking and writing about death; specifically, how humans approach it across cultures. Whether death is topical or taboo, celebrated or denied, is arbitrary and specific to the time we live in, the place we live in, and what our neighbors are doing. Our North American death agenda (deny, euphemize, and don't-talk-about-it), is not a human universal.

The following interview excerpts are reprinted with the permission of Vice magazine, with special thanks to Vice writer **Simon Davis**. Paul Koudounaris kindly granted permission to reproduce the stunning photographs from his forthcoming book *Memento Mori: the Dead Among Us*.

For the original interview: vice.com/read/paul-koudanaris-interview-330

About the book: empiredelamort.com



At the annual skull festival in La Paz, Bolivia. Photo courtesy Paul Koudounaris.

Paul Koudounaris has traveled to more than 60 countries to photograph ossuary tombs, decorated skulls, and various other macabre artifacts. This week marks the release of his third book, *Memento Mori: The Dead Among Us*. *Memento Mori* is led by the visuals: spellbinding images of decorated skulls, elaborate burials, and other death-related customs from around the world.

I spoke to Koudounaris about the book, how our perception of interaction with the dead is culturally influenced, the paradoxical nature of corpse-desecration laws, and why he considers today's North Americans to be the weird ones with respect to how they treat the dead.

VICE: Tell me about how and why you distinguish between “death” and “the dead.”

Paul Koudounaris: To me, that's an important differentiation. The dead are those people who have ceased to be among the society of the living, but death is where we draw the border between them, and that varies from culture to culture and it varies in terms of whether it's a malleable border or a firm border. Death can be a soft border, or it can be a hard barricade. It can be a fortified barricade like the Maginot Line through which thou shalt not pass. That's what it has become in Western culture over the past 100 years. The dead don't come on our side, we don't come on their side, and if you're trying to talk to

them or you're trying to interact with them there's something wrong with you. You're up to no good.

VICE: Let's talk about Memento Mori. It seems the book is broken up into sort of thematic sections: bones used as decorations, mummification, decorated bones and skulls. Why do you think that places so far away from each other developed similar customs?

PK: I think the answer to that is simply that there is this universal need for most people to make this connection to the dead—a need to have the dead as part of the society of the living. It's been around since prehistoric times. There are skulls found in Jericho—the earliest Neolithic settlements—that were decorated and obviously displayed out in public, so this is been going on since Neolithic times.

VICE: Most of the places you take us to are monuments to the past, which seem to also reflect our current changing attitudes toward death.

PK: There are so many things that play into [how we think about death today]. A lot of it has to do with the modern cult of individualism and the cult of progress—capitalism itself

predicates against wanting to have the dead around because we are a future-oriented society. We are not a contemplative society anymore. Push the dead away or bury them away or make them the simulacra of the living so we can concentrate on the future without this tie to the past.

VICE: Interestingly, there aren't any North American sites in the book. Why do you think that might be?

PK: Because it's not really part of our cultural heritage. Remember something about the USA: Nowadays, there's a huge Hispanic influx into the United States, but we were founded as a post-Reformation Protestant nation. And granted a lot of the United States was... colonized by Spaniards. But the Spaniards who were coming to this country—who were Catholic, and the Catholics had a relationship with death—never had the geographical and spatial constraints [that Europe had] when they were founding cities and colonies in this country.

VICE: So a big reason why Americans historically didn't get very creative with burials is because they didn't have to worry about limited real estate?

PK: Part of the reason that the charnel houses existed and the dead were brought up is because they would run out of space in these small towns. So of course the dead would have to be charnel, they'd have to be exhumed. If you have a Spanish fort with 20 people living in it and a bunch of Indian slaves in Texas, you're never going to run out of space. So part of the reason

even the Catholics in this country never embrace that aesthetic is because they never had that. They never had that motivating factor to have to exhume the dead.

VICE: Viewing the beautiful images in your book from all these other times and places that have such radically different burial rituals made me question what is and isn't a "normal" way to interact with death. Was that part of what you were trying to do?

PK: Part of the reason I wanted to do this book is to draw from so many different cultures and periods to show people that we're the weird ones. Those people in Bolivia with those skulls at the cemetery, those people in Indonesia with the skulls—they're not weird. They are what people have been doing throughout history and what many cultures still do. We're the weird ones because we push the dead away. We ghettoize them. Our context is highly idiosyncratic and it's eccentric when you look at the way the dead have been represented and received within society. And so these places were not created as places of fright and fear. And they were not created as houses of horror. That's just a modern conception and I think a lot of people are able to respond to that when they see the photos and the way I choose to present them. No one's ever come to me and said, "This is horrible."

VICE: Since I started writing this column, corpse desecration laws have become one of my interests. It occurs to me that many of these customs you examine might be illegal were they to be practiced in the US.

The FCA Newsletter
Spring, 2015
Joshua Slocum, editor
Published twice yearly by
Funeral Consumers Alliance
33 Patchen Road
South Burlington, VT 05403
802-865-8300
fax: 802-865-2626
Email: fca@funerals.org
www.funerals.org

PK: One thing that I've noticed is that the cultures that have a closer relationship with death oftentimes are not as horrified by what people do with the human body. Intuitively, you'd think since [in the US] we've pushed the dead away we really don't care what you do with them—but actually, we push them away and we're really concerned with what you do. I remember asking one lady [at a Bolivian skull festival] one time, "Where did you get your skull?"

"We're going to keep it— it's my new friend, you know, and I'm going to commune with and talk to it," she replied. Here in the United States, if someone had a skull and said, "I don't know, I found it in a bag on the street." My God, they'd call a SWAT team!

~♦~

Board Notes

At its most recent meetings the FCA board took the following actions.

- Approved a major website overhaul. (The project will take at least a year; we will keep you updated)
- Chose Atlanta, Georgia, as the site for the 2016 national conference
- Approved updated policies on records retention, whistleblowers, and information technology

Save the date! Conference 2016

FCA's national conference will take place June 22-26, **2016**, in beautiful Atlanta. Thanks to the help of our good friends at the Memorial Society of Georgia, we've found a great price at the Crowne Plaza hotel. Although details are subject to change, here's what you can expect:

- The Crowne Plaza at the Atlanta airport is on the light rail line and is just minutes from the airport. There is a free shuttle.
- Rooms will be available at about \$90 a night

Check back at **funerals.org/conference** for updates over the next year as the conference date approaches.

Tell us what you want to hear!

What topics or programs interest you most? What would make the FCA conference a barrel of informative funeral fun for you? Send your suggestions to **conference@funerals.org**.



If your FCA is not a member of this umbrella organization of nonprofits, it should be! Their expertise is wide-ranging, from consumer auto loans to insurance products to food safety.

We're working with CFA on a study to find out how easy or hard it is to get funeral pricing online. Results will be out later this year. Their expertise has been invaluable, and their help with publicity will put our concerns about funeral price transparency before media and regulators.

CFA executive director Steve Brobeck would like to welcome as many FCAs into their federation as possible. Dues are minimal (we give \$100 a year), but Steve will waive these for FCAs that have a

financial hardship.

CFA gives small grants of up to \$3,000 each year to member organizations for use in projects including—

- Fundraising
- Training staff or volunteers in such areas as strategic planning, fundraising, management skills etc.
- Starting a new consumer group
- Supporting consumers in areas where they currently lack representation
- Website or social media capability or upgrade

For membership information, email Steve Brobeck at **steve@consumerfed.org**

We lost a good friend to the organization this past fall. Chuck Roberts, a longtime FCA board member, died November 5, 2014. Chuck and his wife, Bobbie, were inseparable, even at FCA meetings. Their kindness and good humor was a highlight of every get-together.

Chuck's legacy to FCA was to set us on the road to sustainable fundraising for our mission. After training at the Indiana University School of Philanthropy, Chuck created our direct mail program that asks our friends and members to make charitable gifts to our unique work helping the bereaved navigate the funeral process. To this day we refer to the program at the office as the "Roberts Direct Mail Fund." Thank you, Chuck and Bobbie, for your friendship and your professional support for us these many years.



Chuck and Bobbie married in 1967. Over the years they lived and worked in Oregon and Hawaii, where they retired. They re-settled in a retirement home in Newberg, Oregon, when Chuck's Parkinson's disease required more care.

Chuck and Bobbie were charter members of the Oregon Memorial Society. Chuck served on the National Board of Funeral Consumers Alliance for eight years.

~♦~

Does your FCA really need insurance?

-Josh Slocum, Executive Director

Lots of FCA-affiliated organizations have questions about liability insurance. Do we need it? What if we get sued? Shouldn't every nonprofit have insurance?

The short answer to the last one is, "no," but the reasons aren't always straightforward. Let's talk about:

- What liability and risk actually are and how to assess them
- The different types of insurance
- Weighing the cost of insurance against the actual risk

Bear this in mind as you read: Anyone can sue anyone, at any time, for any reason. Whether you have insurance or not. Whether you did anything wrong or not. However, the huge majority of threats are empty and will go nowhere. That funeral director who claims his price list is copyrighted and he'll sue you if you republish it? Baloney. Sure, he can sue, but publishing public information for education and commentary violates no law.

During 12 years as the executive director of FCA I've been the subject of many such threats. A simple, "We've done nothing wrong and have broken

no laws. Filing suit against a nonprofit with \$3,000 in total assets and run by community volunteers won't look good for you when we publicize this," usually quiets those outbursts.

Liability protection from incorporation

By incorporating your organization you remove most of the personal liability from your board members. That means that if John Q. Public sues your FCA because he slipped on your steps, you as a board member won't personally be expected to cough up money from your own household funds. Only the organization's assets can be targeted. And when your small FCA has only a few-thousand dollars in assets you're not a very attractive target.

So it's important to adjust

your expectations and sense of risk. In my experience, most people are more afraid of lawsuit threats than they need to be. Don't let fear distort your risk threshold.

The legal self-help organization NOLO says this:

Fear of personal liability stops many people from joining boards of directors at all—although the number who have actually been sued is quite small. The news is good for nonprofits, though with certain exceptions. Once your organization is incorporated, its directors or trustees, officers, employees, and members usually won't be on the hook personally for the nonprofit's debts or liabilities. That includes unpaid organizational debts and unsatisfied court judgments against the nonprofit.

Types of insurance: General Liability and Directors and Officers

Broadly, there are two types of insurance that organizations might have: General Liability (GL) and Directors and Officers (D&O; sometimes called Errors and Omissions). General liability insurance usually covers such things as personal injury claims—if you have an office and someone slips on your steps, for example. Some GL policies also let you bond your treasurer or key employees, giving the organization's money protection if someone embezzles or misuses funds. If you have a physical office and paid employees you may indeed want to consider a GL policy, but this does not

describe the vast majority of FCA groups.

D&O insurance covers other scenarios, such as a suit against your board for mismanaging investment funds, failing to file crucial legal paperwork, and others.

Remember, these policies pay the costs to defend the organization and to protect its assets, not the individual board members. Except in rare cases, board members' personal household assets are not at risk in these lawsuits. It's a mistake to believe that you're buying "protection for Jane Doe so she'll feel comfortable serving on the board." You are not, since the fact of your incorporation already shields Jane's money from legal claims.

Note! Insurance policies vary widely by company. Some of the components you'd expect to find in a GL policy might be found in a D&O policy, or vice-versa. It is imperative to research, read policies closely, and have someone familiar with insurance look over the policy before you commit.

Real-life examples

The federation of FCA groups has been around for 51 years. In that time, there are only two lawsuits I am aware of. None of these are likely at all to happen to your FCA (but remember, anyone can sue anytime) and they're definitely not an argument for buying liability insurance "just in case."

Thomas Lynch v FCA, Funeral Ethics Organization, and Funeral Consumers Alliance of Idaho. Back in 2008, the celebrity funeral director and bestselling author sued these organizations

for libel. He also sued FEO's executive director, Lisa Carlson, personally. Lynch claimed that we had all defamed him by criticizing his business practices. It was a suit fueled by ego, not facts. The court agreed and tossed the suit out.

But it made the small FCA of Idaho justifiably nervous (they got dragged in for reprinting one of the offending articles) as they had no insurance or the money for a lawyer. In the end a lawyer sympathetic to FCA of Idaho did some pro bono work in conjunction with FCA national's lawyer that got the small group dismissed from the suit.

A disgruntled funeral director sued the FCA of Central New York in small claims court. The FCACNY declined to list this funeral director as a cooperating funeral home because of his dodgy business practices. The funeral director believed he had a legal right to be listed as a cooperating funeral home, a claim the judge found as amusing as we did. Two board members showed up in small claims court, told their story, and the suit was immediately dismissed.

Cost versus risk and benefit

How much at risk is your FCA, really? It's hard to quantify, but it's pretty small. Many people forget that risk is not an absolute. There are various levels of risk, and each of us has a personal threshold for how much risk we can tolerate before we buy liability protection. The most common mistake? Overestimating your risk and wasting money on premiums against a scenario so unlikely to happen it can't justify the cost.

Let's use a realistic example. Most D&O policies anywhere in the country start at \$1,000 annually, and that baseline is going up. With that in mind, consider the fictional FCA of Coyote Canyon.

FCACC has \$5,000 in total assets in the bank Every year FCACC takes in about \$2,000 in new member donations and repeat support from members, and it spends about the same amount on newsletters and publications.

FCACC buys a policy for \$1,100 a year. That eats up more than half the organization's annual income. That's huge. Were I a member of FCACC I would be at the next board meeting asking why FCACC spent more than half of every donation on an insurance policy instead of the educational mission that I

donated for.

Carry it out five years. FCACC will have spent \$5,500 to protect only \$5,000 in total assets. The absolute worst that could have happened if the group were sued would be the total loss of \$5,000. This could easily be made up in fundraising. But in buying the policy they spent more than that theoretical loss.

What about FCA national? First and most important: No, FCA national's insurance policy does not and cannot cover any FCA affiliate. Each group is a separate, incorporated legal nonprofit.

FCA national does carry insurance. We spend about \$3,600 a year on General Liability, Worker's Compensation, and Directors and Officers. Why? Because of our size it would be irresponsible not

to. We have three paid employees and about \$270,000 in assets (this is just more than one year's worth of operating expenses, not a treasure trove of extra money). We are also a much juicier target as we're nationally known for being outspoken critics of the funeral industry.

Still, our chances of being sued are fairly low. Even though we were sued for libel, our chances of being sued again are still low. But the potential risk to our assets is great enough that we would be irresponsible not to carry such insurance. And while we'd love to save that \$3,600 a year, it's only 1.5 percent of our annual expenditures.

~◆~

Pretty but impractical: you don't need another product for your green burial

-by Rachel Zeldin, CEO of imsorrytohear.com Check out the site for funeral price comparisons and thought-provoking discussion.

The appeal of green burials (aka "natural burials") in the USA and Canada, with its values rooted in sustainability and environmental consciousness has gained increased attention in recent years. Of course green burial practices have been in place for centuries and are still widely practiced by the Jewish & Muslim faiths, though they don't call it "green burial", they just do it that way.

Green burials are based on simplicity. They entail using a simple, natural casket, or



Photocredits: Rypley via Imgur

burial shroud, no embalming for temporary preservation, and ensuring that the land you are being buried on is preserved

and designated as such space to ensure they aren't overridden by non-green cemeteries, housing, or commercial developments.

Every now and then creative new ideas pop up garnering the attention from the media and consumers, throwing “green burials” into the spotlight. The latest one, dubbed, “Burial Pods” or “Capsula Mundi”, proposed by a pair of Italian designers has received an exceptional amount of attention garnering millions of views, shares, and comments across a variety of social media outlets.

The Capsula Mundi project proposes that the dead be buried in seed-like containers, or “burial pods” that would then be used to fertilize the growth of a tree in lieu of a tombstone. With this, cemeteries would then be transformed into “sacred forests” and family and friends could ideally walk through this forest, recollecting fond memories of their deceased loved ones.

While we are thrilled to see that so many people desire a greener way to go than the traditional American funeral, what most people don’t realize is that there are actually greener, simpler, and existing ways to have a green burial and become that tree or bed of wild flowers that the public claims to desire. As poetic as the burial pods seem, they are also impractical and likely quite costly if ever produced.

We recently took part in an informal online discussion on the topic of these burial pods. Dr. Billy Campbell, founder of Memorial Ecosystems and America’s first natural burial ground, Ramsey Creek Preserve in Westminister, SC, and a bonafide green burial expert, admitted to the appeal of the proposed new green burial method.

“The pods are really pretty but oh-so impractical. Having

done a lot of natural burials, my concerns are:

- You need a much deeper excavation than when the body is laid out flat
- 2) [The pod] concentrates the body’s nutrients in this deeper grave. Deeper means—depending on the type of soil—a greater chance that nutrients will be transported downwards, not upwards.
- 3) it would be much more difficult to lower [the body], especially for large people
- 4) a simple shroud is both elegant and potentially less expensive. This reads ‘expensive product’ to me.”

Josh Slocum said, “‘Expensive product’ is exactly right. It’s so frustrating how easy it is to get media attention for overpriced, Rube Goldberg burial ‘solutions,’ replacing one set of Branded DeathStyle Products(TM) for another. And the average reader/consumer is no closer to escaping the money treadmill than they would be at a conventional mortuary. This is one of ever more ways to make products where products aren’t needed, ever more ways to complicate the simplifying of natural burial.”

As previously mentioned, we’ve seen a huge buzz in the consumer-sphere since this article went out. It has gone quite viral for a death piece and the reactions to the green aspect and becoming a tree have been so positive. However, keep in mind, that as lovely as the drawing depicts and the story prescribes, there are much simpler, practical, and truly green ways to go if you desire.

~◆~

New and updated publications!

We’ve been revising and condensing our online and paper brochures while adding some new ones to the mix. Publications Committee chair Marcy Klein reports the following are ready for download and distribution. Check these spots on our site for more.

- Formatted for paper printing:
funerals.org>For Consumers>Printed Pamphlets
- Formatted for online reading and comments:
funerals.org>For Consumers>Frequently Asked Questions

New

- How to Choose a Funeral Home

Updated

- Common funeral myths
- Cremation explained
- Death away from home
- Embalming explained
- Four-step funeral planning
- Green burial
- Should you prepay for your funeral?
- 10 tips for saving funeral dollars

In this issue:

→ Bringing out the dead: death culture around the world

→ Does your FCA really need liability insurance?

→ Burial “seed pods”

→ FCA Conference 2016 in Atlanta

→ Grants and support for your FCA



Spring, 2015

Nonprofit Organization U.S.
Postage Paid
Burlington, VT.
Permit no. 478

A Federation of Nonprofit Funeral Information Societies
33 Patchen Road

Return Service Requested

HAVE YOU SEEN THE NEWS?

Funerals.org carries the latest news for funeral consumers and FCA groups. Recent updates include:

- In defense of liquid cremation
- The Urban Death Project wants to compost the dead
- Supreme Court ruling may finally free up retail casket sales in states that still bar the business

FUNERAL CONSUMERS ALLIANCE is the only national, nonprofit, nonsectarian, 501(c)(3) organization solely dedicated to protecting the public's right to choose meaningful, dignified, and affordable funerals.

Since our beginning in 1963, we have served as a source of information and advocacy to grieving families, lawmakers, the media, and the funeral business. We offer accurate, authoritative advice on all matters relating to funerals, cremations, burials, and other after-death arrangements. We support legal reforms to better protect the public against abusive practices, and we serve as a clearinghouse for consumer complaints of illegal or unethical treatment. We also give educational materials and advice to our volunteer-run consumer information groups around the country.

With our help, thousands of families are better educated about their rights under federal, state, and local laws. FCA has helped people save hundreds of thousands of dollars in unnecessary funeral costs by showing families how to make informed decisions in a time of crisis.

FCA is not funded by any government agency. We do not have any corporate or funeral industry sponsors. For more information, write:

Funeral Consumers Alliance
33 Patchen Road
South Burlington, VT 05403
www.funerals.org

|