

Teaching Our Students to Counsel Against Funeral Poverty

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Victoria J. Haneman, *Funeral Poverty*, __ **Univ. of Richmond L. Rev.** __ (forthcoming 2021), available at [SSRN](#).

Twenty years into teaching Estates, [Victoria J. Haneman's](#) *Funeral Poverty* has made me reconsider my syllabus. Neither I, nor the textbook I use, discuss the death care industry, which includes funeral homes, pre-need sales, crematories, cemeteries, and third-party vendors of goods. *Funeral Poverty* convinced me that in a course where almost all content is death-related, we need to cover death services.

Professor Haneman writes that in 2019, the median cost of laying a loved one to rest was \$9,000—a number that is “particularly stark” when 4 out of 10 Americans report they would have difficulty meeting an unexpected \$400 expense. (P. 1.) For the average consumer, death services will be the third largest category of expenses over the course of a lifetime, behind only houses and automobiles. Moreover, “death care in the United States is an area of conspicuous consumption on which lower income families spend far more than high income families. . . . In 2014, the top 1 percent spent significantly less in absolute dollars than everyone else, the middle class fell in line with national averages, and the poor spent a 26% greater share of total expenditures than the national average.” (P. 32.)

Funeral Poverty describes how many families find themselves “begging or borrowing” to cover death service expenses. Crowdfunding has become common among families dealing with unexpected funeral expenses, with GoFundMe staff members coaching funeral organizers on how to optimize the chances of their fundraising campaigns going viral. (Pp. 16-17.) Other families borrow to pay expenses, by either tendering a credit card or receiving a line of credit from the funeral home itself. A market in subprime loans even exists, with one site advertising interest rates as high as 35.99 percent. (P. 18.)

Professor Haneman thoroughly explores why death services “perpetuate inequality and contribute to intergenerational cycles of poverty.” (P. 3.) She discusses a marketplace characterized by vulnerable consumers, inelasticity, information asymmetry, and an absence of price advertising; Federal Trade Commission rules that favor funeral homes over consumers; and a dearth of government programs that help families manage death expenses. *Funeral Poverty* also explains how well-intentioned laws—like “abuse of corpse” statutes—sometimes have the perverse effect of interfering with efforts to make disposing of the dead less expensive and more environmentally friendly.

Central to Professor Haneman’s analysis of why Americans spend so much on death services is her assertion that we are “extraordinarily distanced from death and have moved the process from home to institution.” (P. 4.) In light of the widespread availability and utilization of hospice, I don’t necessarily agree that Americans are distanced from the process of dying. But most of us are distanced from dead bodies. We have moved from a society where modest home funerals used to be the norm to a society where the dead are taken to funeral homes and costly professional-organized events are customary. This shift has left us with an intrinsic uncomfortableness that leads us to not plan for how to pay for funerary expenses while still alive, and to shy away from conversations in which we might express

preferences for inexpensive, environmentally friendly ways of disposing of our bodies.

Which brings me back to why I liked *Funeral Poverty*. Every day in Estates I discuss death-related material —such as wills, trusts, health care directives, and powers of attorney— and emphasize the importance of clients paying attention to these issues while they are still alive and have the capacity to do so. *Funeral Poverty* convinced me that I also need to teach my students about death services, any uncomfortableness with dead bodies notwithstanding.

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