THE WEXNER FOUNDATION

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Green Burial Source Sheet

Genesis 2:15

וַיִּקַּח יְהוָה אֱלֹהִים אֶת־הָאָדָם וַיַּנִּחֵהוּ בְּגַן־עֵדֶן לְעָבְדָהּ וּלְשָׁמְרָהּ׃

Adonai God took Adam and placed him in the garden of Eden, to work it and protect it.

Midrash Kohelet Rabbah 7:13

בְּשָׁעָה שֶׁבָּרָא הַקָּדוֹשׁ בָּרוּךְ הוּא אֶת אָדָם הָרִאשׁוֹן, נְטָלוֹ וְהֶחֱזִירוֹ עַל כָּל אִילָנֵי גַּן עֵדֶן, וְאָמַר לוֹ, רְאֵה מַעֲשַׂי כַּמָּה נָאִים וּמְשֻׁבָּחִין הֵן, וְכָל מַה שֶּׁבָּרָאתִי בִּשְׁבִילְךָ בָּרָאתִי, תֵּן דַּעְתְּךָ שֶׁלֹּא תְקַלְקֵל וְתַחֲרִיב אֶת עוֹלָמִי, שֶׁאִם קִלְקַלְתָּ אֵין מִי שֶׁיְתַקֵּן אַחֲרֶיךָ.

The Blessed holy One created the first human and took him and led him around all the trees of the Garden of Eden and said to him: “Look at My works, how beautiful and praiseworthy they are! And all that I have created, it was for you that I created it. Pay attention that you do not corrupt and destroy My world: if you corrupt it, there is no one to repair it after you.

Genesis 3:19

בְּזֵעַת אַפֶּיךָ תֹּאכַל לֶחֶם עַד שׁוּבְךָ אֶל־הָאֲדָמָה כִּי מִמֶּנָּה לֻקָּחְתָּ **כִּי־עָפָר אַתָּה וְאֶל־עָפָר תָּשׁוּב**׃

By the sweat of your brow shall you get bread to eat, until you return to the ground— For from it you were taken. **For dust you are, And to dust you shall return**.

Deuteronomy 21:22-23

וְכִי־יִהְיֶה בְּאִישׁ חֵטְא מִשְׁפַּט־מָוֶת וְהוּמָת וְתָלִיתָ אֹתוֹ עַל־עֵץ׃ לֹא־תָלִין נִבְלָתוֹ עַל־הָעֵץ **כִּי־קָבֹר תִּקְבְּרֶנּוּ** כִּי־קִלְלַת אֱלֹהִים תָּלוּי וְלֹא תְטַמֵּא אֶת־אַדְמָתְךָ אֲשֶׁר יְהוָה אֱלֹהֶיךָ נֹתֵן לְךָ נַחֲלָה׃

If a person is guilty of a capital offense and is put to death, and you impale them on a stake, you must not let their corpse remain on the stake overnight, but **must bury them** the same day. For an impaled body is an affront to God: you shall not defile the land that Adonai your God is giving you to possess.

Talmud Bavli, Sanhedrin 46b

אָמַר רַבִּי יוֹחָנָן מִשּׁוּם רַבִּי שִׁמְעוֹן בֶּן יוֹחַי: מִנַּיִן לַמֵּלִין אֶת מֵתוֹ שֶׁעוֹבֵר עָלָיו בְּלֹא תַּעֲשֶׂה? תַּלְמוּד לוֹמַר: ”כִּי קָבוֹר תִּקְבְּרֶנּוּ”. מִכָּאן לַמֵּלִין אֶת מֵתוֹ שֶׁעוֹבֵר בְּלֹא תַּעֲשֶׂה.

The Mishna teaches that everyone, not only an executed transgressor, must be buried on the day of his death, if that is at all possible. Rabbi Yoḥanan says in the name of Rabbi Shimon bar Yoḥai: From where is it derived that one who leaves his deceased relative overnight without burying him transgresses a prohibition? The verse states: “But you shall bury him [*kavor tikberennu*]” (Deuteronomy 21:23), doubling the verb for emphasis. From here it is derived that one who leaves his deceased relative overnight without burying him transgresses a prohibition.

רמז לקבורה מן התורה מניין?

From where in the Torah is there a **hint** to the mitzvah of burial?

There are those who say that Rabbi Yoḥanan says in the name of Rabbi Shimon bar Yoḥai: From where in the Torah is there a hint to the mitzvah of burial? The verse states: “But you shall bury them [*kavor tikberennu*],” doubling the verb for emphasis. From here there is a hint to the mitzvah of burial in the Torah.

The Gemara relates: King Shapur, the monarch of Persia, once said to Rav Ḥama: From where in the Torah is there a hint to the mitzvah of burial? What proof is there that the dead must be buried and not treated in some other manner? Rav Ḥama was silent and said nothing to him, as he could not find a suitable source.

Rav Aḥa bar Ya’akov said: The world has been handed over to the foolish, as Rav Ḥama should have said to King Shapur that the mitzvah of burial is derived from the verse: “But you shall bury them” (Deuteronomy 21:23). The Gemara explains: In that case, King Shapur could have replied that the verse merely proves that a coffin should be made for the deceased so that they can be placed in it, not that the deceased should be buried in the ground, as the verse could be understood as instructing that the corpse be placed in some sort of receptacle, not in the ground.

The Gemara challenges: Rav Ḥama could still have claimed that the mitzvah of burial is derived from the doubled verb “you shall bury him [*kavor tikberennu*].” The Gemara answers: In that case, King Shapur could have replied that he does not learn anything from a doubled verb, which seems to be merely a stylistic choice and not the source of a new *halakha*.

The Gemara asks: But let Rav Ḥama say that the mitzvah to bury the dead is derived from the fact that the righteous forefathers, Abraham, Isaac, and Jacob, were all buried. The Gemara answers: King Shapur could have said that this was merely a custom of the time, but not a mitzvah.

The Gemara asks: Rav Ḥama could have derived the mitzvah from the fact that the holy One buried Moses, which proves that this is the proper way to handle the dead. The Gemara answers: King Shapur could still have said that God acted in this manner in order not to deviate from the general custom, but this does not prove that burying the dead is a mitzvah.

Jeremiah 34:5

הַמְּלָכִים הָרִאשֹׁנִים אֲשֶׁר־הָיוּ לְפָנֶיךָ כֵּן יִשְׂרְפוּ־לָךְ וְהוֹי אָדוֹן יִסְפְּדוּ־לָךְ כִּי־דָבָר דִּבַּרְתִּי נְאֻם־יְהוָה **וְנִמְשְׁרָפוֹת אָבוֹתֶיךָ**:)

You will die a peaceful death; and as the burnings for your ancestors, the earlier kings who preceded you, so they will burn for you, and they will lament for you ‘Ah, lord!’ For I Myself have made the promise—declares the LORD.”

1 Samuel 31:12-13

וַיָּקֻמוּ כָּל־אִישׁ חַיִל֙ וַיֵּלְכוּ כָל־הַלַּיְלָה וַיִּקְח֞וּ אֶת־גְּוִיַּ֤ת שָׁאוּל֙ וְאֵת֙ גְּוִיֹּ֣ת בָּנָ֔יו מֵחוֹמַ֖ת בֵּ֣ית שָׁ֑ן וַיָּבֹ֣אוּ יָבֵ֔שָׁה וַיִּשְׂרְפ֥וּ אֹתָ֖ם שָׁ֑ם: וַיִּקְח֣וּ אֶת־עַצְמֹתֵיהֶ֗ם וַיִּקְבְּרוּ֙ תַּחַת־הָאֶ֣שֶׁל בְּיָבֵ֔שָׁה וַיָּצ֖מוּ שִׁבְעַ֥ת יָמִֽים:

All their stalwart men set out and marched all night; they removed the bodies of Saul and his sons from the wall of Beth-shan and came to Jabesh and burned them there. Then they took the bones and buried them under the tamarisk tree in Jabesh, and they fasted for seven days.

- **Rabbi David Kimchi on 1 Shmuel 31:12-13**

ויתכן לפרש כי הבשר שרפו שהעלה רמה ולא רצו לקברם עם התולעים כי לא היה דרך כבוד ושרפו הבשר וקברו העצמות:

The more plausible explanation is that the bodies must have been filled with worms [because they were lying out] and they didn’t want to bury them with the worms because it wasn't respectful so they burned the flesh [to get rid of the worms] and then buried the bones.

Sanhedrin 46b

אִיבַּעְיָא לְהוּ: קְבוּרָה מִשּׁוּם בִּזְיוֹנָא הוּא, אוֹ מִשּׁוּם כַּפָּרָה הוּא

A dilemma was raised before the Sages: Is burial obligatory on account of disgrace, i.e., so that the deceased should not suffer the disgrace of being left exposed as their body begins to decompose, or is it on account of atonement, i.e., so that the deceased will achieve atonement by being returned to the ground from which they was formed?

The Gemara asks: What is the practical difference that arises from knowing the reason that burial is necessary? The Gemara answers: There is a difference in a case where one said before they died: I do not want to be buried. If you say that burial is required on account of disgrace, it is not in their power to waive their own burial, as the family shares in the disgrace. But if you say that burial is required on account of atonement, didn't they effectively say: I do not want atonement, and with regard to oneself one should be able to do as one wishes?

What, then, is the *halakha*? The Gemara suggests: Come and hear a proof from the fact that the righteous patriarchs, Abraham, Isaac, and Jacob, were all buried. And if you say that burial is required on account of atonement, do the righteous need atonement? The Gemara rejects this proof: Yes, even the righteous are in need of atonement, as it is written: "For there is no righteous person on earth who does good and never sins" (Ecclesiastes 7:20), and so even the righteous need atonement for the few sins that they committed over the course of their lifetimes.

Talmud Bavli, Gittin 40a

מצוה לקיים דברי המת

It is a religious obligation to fulfill the wishes of the dead.

Rambam, Mishneh Torah, Laws of Mourning, 14:21

הַמֵּת אָסוּר בַּהֲנָאָה בֵּלּוֹ. חוּץ מִשְּׂעָרוֹ שֶׁהוּא מֻתָּר בַּהֲנָאָה מִפְּנֵי שֶׁאֵינוֹ גּוּפוֹ. וְכֵן אֲרוֹנוֹ וְכָל תַּכְרִיכָיו אֲסוּרִין בַּהֲנָאָה. אֲבָל כֵּלִים הַמּוּכָנִים לְתַכְרִיךְ לֹא נֶאֶסְרוּ בַּהֲנָאָה. אֲפִלּוּ אָרַג בֶּגֶד לְמֵת לֹא נֶאֱסַר עַד שֶׁיַּגִּיעַ בַּמִּטָּה הַנִּקְבֶּרֶת עִמּוֹ. שֶׁאֵין הַהַזְמָנָה אוֹסֶרֶת:

It is forbidden to benefit from a corpse with the exception of its hair. One may benefit from hair, because it is not his body. Similarly, it is forbidden to benefit from the coffin and the shrouds. There is no prohibition against benefiting from garments prepared to be used as shrouds. Even if one knits a garment to be used for a corpse, they are not forbidden until they reach the bier which is buried with him. For designation of an article to be used for a corpse does not cause it to be forbidden.