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## **The environment in Jewish law**

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Eco-Judaism: Does It Exist?

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Chapter 1



## ECO-JUDAISM: DOES IT EXIST?

**"The earth is the Lord's" versus  
"Everything is given into your hand"**

*Walter Jacob*

### The Issue

Concerns about the environment have become commonplace; they are shared by most Jews, who feel that the Jewish tradition must certainly provide support for their views. They reason that as the natural world plays a significant role in Scripture, Judaism must be able to make a strong case for the protection of the environment. This essay will test that thesis.

The concern for the environment encompasses a wide variety of issues, some very specific and others quite vague. A religious basis for these concerns, grounded in Jewish thought, would be helpful. Those who have attempted to provide a Jewish foundation have usually strung together various biblical and rabbinic statements that deal with an aspect of the natural world. Some of these statements have been assembled out of context,

while others, when examined closely express thoughts not consistent with the environmentalist point of view.

Most Jews are familiar with the simple statement prohibiting the destruction of an orchard during the siege of a city (Deut. 20:19f.). This statement was limited to fruit trees in biblical times and was not intended to be the source of protection for natural sites. In its original meaning it played no role in later Jewish life as Jews had no military forces to engage in sieges until the emergence of the modern State of Israel. The statement "do not destroy" (*bal tash-hit*) found in this verse has been used to prohibit needless destruction, but most environmental destruction takes place because of economic pressures from those who seek to use the land for other purposes.<sup>1</sup> How shall we use this statement? Can we use it honestly? We should note that the mixture of plants and animals, presumably for breeding was prohibited (Deut. 22:9 ff). That issue has environmental implications, but a full discussion would take us into many other areas such as genetic engineering that are beyond the scope of this paper. We will address these matters at another time.

The issues surrounding the environment have become numerous and quite distinct from each other. They focus on the relationship of human beings to the environment. Most of these concerns deal with the problems that we have caused through improper crowding, poor zoning, and pollution of the air, land, and water; modern technologies have raised these issues far beyond anything contemplated earlier. They bring us in conflict with manufacturing, power generation, the automobile, farming, fishing, pest control, water pollution, noise pollution, and so on. Their discussion focuses on human welfare, economic progress, and the natural world.

A handful of rabbinic laws dealt with some of these matters<sup>2</sup> and have developed into bodies of *halakhah*; they have been considered in other essays in this volume. We must ask how far they go and whether they are a sufficient basis for a Jewish environmental policy and a comprehensive Jewish view of the natural world.

For the average modern Jews, who are urban dwellers, the world of nature lies largely outside their ken and often does not extend beyond a good lawn. However a large numbers of Jews in earlier times lived in villages or rural areas, engaging in farming or the lumber industry.

Does Judaism imbue us with concern for or a love of the natural world? Does such a concern have a halakhic basis, and if so has it developed through the ages? This essay must also ask whether the natural world possesses a halakhic standing or specific rights. Is the natural world primarily to be used for the economic benefit of human beings? Should it be preserved for its own sake? Do species and habitats deserve to be preserved for their own sakes? We shall see that Judaism's view of nature has changed through the millennia and may be on the verge of another change.

### The Biblical Period: Wonder versus the Working World

Among the initial questions treated by Scripture is that of the place of nature in relation to human beings. Does the natural world consist of a series of deities, each with its own fiefdom or is it part of the divine creation by One God? Scripture answers definitively through the first verse of Genesis. The entire natural world was created by divine fiat, so none of its elements is an independent realm. The premise of this story was later summarized by the psalmist: "The earth is the Lord's and the fullness thereof, the world and they that dwell therein ..." (Ps. 24:1). As the tale of the Garden of Eden developed, it displayed a perfect natural world in which life was peaceful; the coexistence of all plants and creatures was taken for granted. There was a natural balance in this picture of the world.

The Biblical story placed a human being at the pinnacle of creation. Man was to (*l'avdoh ulshamroh*) "till and guard the garden" (Gen. 2:15), so it was given into his care. All seed-bearing plants and trees could be used as food for human beings and animals (Gen. 1:29, 30; 2:9). Presumably the consumption was limited and not destructive. The first human being also named all the animals and thus asserted dominance over them (Gen. 2:19).

As the biblical stories unfolded after the expulsion from the Garden of Eden, the food chain was extended to the animal world through the divine covenant made with Noah. The covenant stated that there would be no further destruction and God also promised that "every creature that lives shall be yours to eat; as with the green grasses, I give you all of these" (Gen. 9:3; Deut. 12:20). Restrictions were placed on the consumption of the

blood of the animals, and later, in the Torah, Israelites were forbidden to eat a variety of animals (Lev. 11; Deut. 14.4-21).

Scripture expressed wonder at the magnificence of the natural world. Such passages are especially numerous in the prophetic books, the psalms, and Job. They reflect the awe of God's creation and proclaim the glory of a powerful, creative God who has filled with the world with splendor. The Book of Job particularly emphasized the magnificence and endless abundance that fill the world. Awe was the predominant emotion. As the natural world was a creation of One God, there were no theological problems.

While the poet and philosopher could meditate on the grandeur of nature, ordinary people had to live in daily contact with it. For them, the natural world presented a series of challenges and more often dangers that needed to be faced. Nomadic and agricultural life was a struggle, as indicated by the curse proclaimed upon Adam and Eve's expulsion from the garden of Eden. As we follow the tales of the patriarchs, and much later, the Israelite settlement of the Promised Land, we see the difficulties for both the nomadic herder and the settled peasant. Tilling the land was difficult; there were "thorns and thistles" and labor fueled by the "sweat of [the] brow" (Gen. 3:18, 19). Brambles and thickets played a major role in the poem of the Book of Judges (9:8); their spread was punishment for unfaithfulness (Deut. 28; Is 30:19-26; Amos 4:9). Wild nature took over during periods of foreign invasion (Deut. 28:49). In addition, drought (Deut. 28:22 ff) and plagues of locusts or other pests (Deut. 28:42) brought their dire consequences. Hunger led to flight, as with Abraham's flight to Egypt (Gen. 12:19) or emigration, as with Jacob and his clan leaving for Egypt (Gen. 42). Elimelech was forced to move to Moab during a period of famine (Ruth 1:1). Presumably those who were less mobile starved. None of the patriarchs or the later herders and farmers showed any concern about overgrazing or excessive well digging. The sources of water had to be protected; wells could be polluted, seized, or filled by enemies, but the simple recourse of digging new wells was readily available. In Egypt Joseph devised a system of food storage and distribution for the years of famine (Gen. 41:25ff), but he showed no concern over environmental factors that might have caused the famine.

Outside the settled areas, there were enormous stretches of wilderness, including the Sinai desert, which the Israelites crossed,

as well as the mountainous and rocky areas within the Land of Israel. These marginal lands were dangerous and to be avoided.

The fertile natural world, which could be used for grazing or cultivation, needed to be conquered. Nature was as much an enemy as were other people. Aside from drought and the contrasting excessive rain, the tales throughout the Biblical period dealt with marauding wild animals such as lions (*arye* – *panthera leo* – Deut. 33:22; Jud. 14:18; Amos 3:8; 5:19, and numerous other references), leopards (*namer* – *Panthera pardus* – Hab. 1:8; Jer. 13:23), bears (*dov* – *Ursus syriacus* 1 Sam. 17:34; 2 Sam. 17:8; 2 K. 22:24; Amos 5:19; etc.), wolves (*ze'ev* – *Canis lupus* – Gen. 49:27; Is. 11:6), foxes (*shual* – *Vulpes palaestinus* – Song 2:15), jackals (*tan* – *Canis aureus* – Is. 13:22, 34:13; Mic. 1:8; Mal. 1:3, etc.), hyenas (*tza-voa* – *Hyaena hyaena* – 1 Sam. 13:18), and packs of dogs (*kelev* – *Canis familiaris* – 1 K. 14:11; Ps. 22:17). There were rodents such as rats (*akhbor* – *Rattus rattus*) and mice (*akhbor* – *Mus musculus* – Lev. 11:29; 1 Sam. 6:4; 2 K. 22:14), which consumed huge quantities of grain in the field and after harvest, in addition to bearing diseases such as the plague. On a regular basis swarms of locusts (*arbeh* – *Schistocerca gregaria* – Ex. 10:4 ff; Lev. 11:22; Is. 33:4; Nah. 3:15 f; Job 39:20) devoured everything in their path. There were also many native insect pests such as grasshoppers (*khagav* – *Orchelimum vulgare*). In addition to insects, diseases afflicted agriculture, such as smut (*shidafon* – *Ustilago hordei*) which afflicted barley (Amos 4:9; Hag. 2:17) and bunt (*botza* – *Tilletia caries* – Job 31:40), black rot (*beutzim* – *Guignardia bidwellii* – Is. 5:2-7), which also attacked grains. There were also noxious weeds, many of which cannot be identified, but which overgrew fields and vineyards (Is. 5:6).<sup>3</sup> Constant wariness, as well as trapping (Jud. 15:4; 2 Sam. 23:20; Hos. 9:8; Is. 51:20); and hunting (Gen. 21:20, 27.3; Is. 2:24, 24:18; Jer. 48:44; Hos. 5:14) contained some marauders. Several species of wild animals were considered fit for human consumption (Lev. 17:13). Nimrod (Gen. 10:9) and Esau (Gen. 21:20, 25:28) were hunters, but as they played no role in the development of Judaism, the later rabbis pointed to them as negative examples, and hunting was rarely undertaken as a sport.<sup>4</sup> In contrast to neighboring royalty, none of the Israelite or Judean kings created zoos nor did they trade in exotic species. Solomon certainly could have done so with the queen of Sheba; he had no interest in creating a "Hanging Garden" such as the ruler of Babylon.

Wild nature was a primary enemy and was much more dangerous than any human incursions. The latter could be fought successfully and they came only occasionally, while the disasters of nature were constant.

Did the environmental concerns include any friendly views of animals? Every effort was made to protect useful animals; they were included in Shabbat rest (Ex. 20:10). Farm animals were to be given proper care; they were not machinery bereft of feeling. They were also to be fed adequately (Deut. 25:4), treated properly, and helped when overloaded (Ex. 23:4). The humane slaughter of animals was legislated and maiming animals was prohibited (Lev 11; Deut 14:4-21). Legislation prohibited the boiling of a kid in its mother's milk (Ex. 23:19; 34.26; Deut. 14:21) and the taking of a bird along with its eggs (Deut. 22:7f), partly out of concern for the animal's feelings.

Protecting land under cultivation was the focus of the Sabbatical year (Lev. 25:2). During this period fields and vineyards were not to be tilled and whatever they produced was to be available to all human beings and animals (Lev. 25:1ff). The same restrictions applied during the Jubilee year in which all property was restored to its original owner (Lev. 25:13ff). We should note that these provisions applied only to land under cultivation; no concern existed for uncultivated land. Orchards were to be protected from siege warfare, so fruit trees of besieged cities were not to be wantonly destroyed; however, other trees could be freely used to construct siege works without restrictions. Judges (9:8-15) revealed a hierarchy among trees, separating those that were obviously useful and those that were not.

These restrictions elevated the land to a closer relationship with humanity. Resting the land, although useful for agriculture as it helped restore fertility, was not legislated on those grounds. Scripture simply commanded that the land rest as did its inhabitants.

These restrictions along with some others, displayed a view of the natural world that was totally different from our own. Nature was magnificent to the poet but hostile to the farmer, herder, and traveler. Its riches were endless and its domain without borders. It was to be feared, and whenever human beings ceased to impose their will, a wilderness quickly overgrew cities which had been carved out of its domain. The Book of Deuteronomy threatened such destruction if Israel was unfaithful to God, while the Book of Lamentations and sections of the prophetic

books portrayed the land and cities not only desolate of human beings, but also reinhabited by wild animals while the world of plants reconquered more slowly. God had given the Promised Land to the Israelites, but they had to conquer it, till it, and struggle with all the forces of nature in order to make it productive. Their efforts would be blessed or cursed according to their religious devotion (Deut. 27 and 28). The early postbiblical literature of the Apocrypha and Pseudepigrapha held a similar view. The poetic passages were filled with awe at the splendor of nature, but they also mentioned the hardships connected with overcoming the world of nature.

### **Biblical Theology and Idolatry**

The biblical poet-theologian saw the natural world as the realm of the creative, all-powerful God. These individuals sought to make this world view that of the ordinary people, but they found it difficult. In the less poetic day-to-day intercourse of the people, the distant God was often in danger of being replaced by nature deities. Nature worship or propitiation had to be combated. "Sacred trees" and "groves" as well as the sun, moon, and stars (Ex. 20:4), were represented by specific pagan deities; they posed problems as did the neighboring religions, which also deified aspects of nature.

Some confusion about nature worship remained in the patriarchal tales as well as in later biblical tales. God appeared to Abraham under a sacred tree (Gen. 12:6). The patriarchs and later biblical figures did not hesitate to worship and sacrifice under sacred trees (Gen. 21:33; Josh. 24:26; Jud. 6:11; 1 Sam. 22:6, 31:13). Worship "on every high hill and under every leafy tree" was denounced (Deut. 12:2; Jer. 2:20) but seemed to have been widely practiced. The menorah may have represented an assimilated remnant of the sacred tree. The golden calf (Ex. 32) as well as the golden mice (1 Sam. 5:4) indicated nature worship. The attacks of the prophetic books against idolatry demonstrated that this remained a major religious problem.

The idols of the countryside and their temples in towns and villages were dedicated to nature deities who needed to be invoked, especially for appropriate weather conditions. The famous scene of Elijah and the prophets of Baal on Mount



Carmel represented the conflict with Baal as a rain god. Elijah, as others earlier and later understood rain, along with agricultural pests and human enemies, to be agents of God (Deut. 28). Solomon's dedication of the Temple made this clear (1 Kings 22ff.). During much of the biblical period there was a struggle between two theologies, those who considered the natural world governed by idols and those who saw it as a part of God's domain. This was a major theological problem.

There were limits to this struggle, as the forces of nature may have been hostile and sometimes clearly dangerous and could encroach on the agricultural domain of human beings, but the natural world *per se* was never seen as "the enemy." What is missing in Scripture is the fear of hostile forces of nature, dragons, or other mighty animals at the edge of the world. The awesome natural world could be destructive at the command of God, such as the earth swallowing Korah and his group in the desert (Num. 16:1-3), but this was not carried over into a general fear of earthquakes. The queen of Sheba, who came for a distant land, was not portrayed as coming from a land at the outer edge of the world. The frightening messages of ancient mythology are absent from the Bible. Even when Jonah was swallowed by a giant fish (Jonah 2:1), it was shown in a positive light as a divine act and presented with some humor. Much earlier, when the patriarchs wandered through the Land of Canaan and encountered the terrible destruction of Sodom and Gomorrah (Gen. 19:24), it left no permanent scar. None of the heroes of the Bible ever hesitated to go into the natural world because of its dangers. David fled into the desert and established himself there. Moses did not hesitate to wander into the land of Midian which was also basically unsettled territory. Elijah without hesitation left for the desert and Mount Sinai, a land completely uninhabited and filled with wild dangers of every kind.

The natural disasters that occurred, such as droughts, floods, and earthquakes, were not given independent cosmic significance, and the natural world remained as an instrument of God used to chastise. Natural phenomena were not seen individually, but within a larger theological framework.

What accounted for this very different world view? The entire world was seen as God's creation and therefore subservient to the will of God. It meant that there were no essentially hostile forces in the world. There was no prolonged

struggle between the forces of good and evil nor were there a variety of demons from the wild portions of nature who had to be feared. The firm belief in One Creator God, therefore, meant that nature was not hostile and that it was possible to view it as grand and awesome.

The Bible thus leaves us with a broad appreciation of the beauty and awesome force of nature. Its environmental concerns can be summarized by the verses in Genesis that describes how God gave the natural world into the care of human beings: "Be fertile and increase, fill the earth and master it; and rule the fish of the sea, the birds of the sky, and all the living things that creep on the earth'. God said, 'See, I give you every seed-bearing plant that is upon all the earth, and every tree that has seed-bearing fruit; they shall be yours for food'" (Gen. 1:28, 29). In addition, we have the statement: "The Lord God took the man and placed him in the garden of Eden to till it and guard it" (Gen. 2:15), a much narrower statement limited to the garden of Eden.

### **The Mishnaic and Talmudic Periods**

By the time of the end of the Mishnah (200 C.E.), the major theological issues reflected in the Bible lay in the past. Some leanings toward pantheism continued to be expressed by intellectual scholars, philosophers, and mystics during this period and throughout Jewish history, but this had little impact on the average Jew.<sup>5</sup> Let us now see whether the Mishnah and the Talmud developed a broader approach to the natural world and to environmental issues.

The poetic wonder of the natural world is largely absent from the Mishnah and Talmud. The Mishnah was devoted to creating an easy-to-read system of religious regulation that governed all aspects of life whereas the Talmud included discussions of these texts and adaptations of them to new cultures and surroundings. A broader appreciation of the natural world appeared in sections that dealt with worship and in occasional brief statements by scholars. The great divide between the world of the scholar and the ordinary Jew was crossed by the liturgy. The prayer book incorporated a series of blessings to be recited upon seeing an unusual natural sight, thereby the wonder of nature became part of ordinary life,<sup>6</sup> as benedictions over food,

and later expanded in the liturgy to include wonder about many phenomena of nature, such as oceans, mountains, deserts, beautiful trees or animals, rainbows, thunder, and so on.

The daily prayers also contain sections that express thanks for the natural world. Awe and wonder were expressed in the order of prayers, which was created in this period, but usually in the form of selections from psalms, such as Psalm 19 – “The heavens declare the glory of God and the firmament shows His handiwork ...” Psalm 90 with its imagery of nature, as well as Psalm 23. Nature imagery appears everywhere as in Psalm 135, Psalm 93 or sections of the prophetic books. Rain and dew were part of the liturgy in their proper season, while the holiday liturgy continued to emphasize the natural world through the yearly festive cycle, especially the harvest festivals of *Pesah*, *Sukkot*, and *Shevuot* as well as the minor holiday of *Tu-besh'vat*. A consciousness of the natural world was never far from the average Jew. Yet this consciousness was more connected with the Land of Israel than with the general environment. The *Sukkah* was decorated with the fruit grown locally, but the important symbols were the *lulav* and *etrog*, which represented bonds to the Land of Israel. There was some expansion of thoughts about the natural in midrashim, but even there they played a diminished role when compared to the Bible. It seems that neither the farmer nor the citydweller “lifted his eyes to the heaven” anymore. We do, however, see an interest in beautifying the towns through gardens and parks; these were planted with the trees found in the surrounding forests (Meg. 5b; Taan. 14b). Jerusalem contained a rose garden (B.K. 82b). Orchards were carefully guarded (B.M. 104a; B.B. 12a). Some notion of these plantings has been provided by a *midrash* which listed figs, pomegranates, and vines as well as lilies (Song Rabbah 2:2). The Greeks and Romans developed a great interest in gardens, as we see from the construction of houses and from the wall paintings and mosaics in Roman villas in every corner of the empire. Excavations throughout the Mediterranean, including the lands of the Near East, show some splendid scenes, and the new Jewish interest may reflect their influence. Not everyone appreciated the beauty of nature; voices of concern about trees near towns were raised through rabbinic laws that forbade the planting of any tree within twenty-five yards of a town and excluded sycamore figs (*Ficus sycomorus*) and carob trees (*Ceratonia siliqua*)

within fifty yards of a town in order not to spoil the beauty of the town.<sup>7</sup>

On the practical level of daily peasant life, the same dangers of the natural world continued to play a major role. The list of wild animals that presented a problem to the farmer and herdsman was longer and not only included the biblical animals, but also the weasel (Pes. 9a; San. 105a; *samur* – *Mustela frenata*), ferret (Shab. 28a; *samur* – *Mustela putorius furo*), marten, (Shab. 146a; Hul. 52b; *delek* – *Martes foina*), polecat (Pes. 9b; A.Z. 42a; *hamos* – *Mustela putorius*), beaver (Hul. 127a; *boneh* – *Castor fiber*), and bat (B.K. 16a; Shab. 78a; *atalef* – *Myotis lucifugus*).<sup>8</sup> Insects, as well as locusts (*arbeh* – *Locustidae species*), drought, and floods afflicted the farmer as before, and the forces of nature were often hostile. Uncultivated land, whether wilderness or forest, was also considered dangerous territory that needed to be controlled and put to human use whenever possible. Wild animals continued to be a problem for the farmer and the traveler. We learn of the fear of bandits and wild animals, which mitigated stopping to pray along the way. Travelers on long journeys through the desert or other undersettled areas could modify their prayers to avoid such dangers (Ber. 29b). The later responsa dealt extensively with those who did not return, and in the rabbinic writings about the *agunah* – the abandoned wife, the destructive forces of nature as well as banditry were constantly mentioned.

The Mishnah dealt with the world of agriculture in a systematic manner as with every other topic. The entire order of *Zeraim* was devoted to laws of agriculture. The concern here and in the other tractates of the Mishnah was with human conflicts over fields, boundaries, and water rights and the ritual use of agricultural products.<sup>9</sup> Agricultural laws were also treated in sections that dealt with family matters, Temple rituals, and cleanliness, farming practices, zoning and land use, irrigation rights, well digging, incursions by domestic animals, and many other matters were discussed in considerable detail, but environmental concerns were virtually absent. The Mishnah provided the details lacking in the Bible; they were clarified for both Israel and the Diaspora settlements. For example, the tractate *Kilaim* which dealt with the mixture of diverse kinds of plants and animals, listed the species as well as quantities of seed and numbers of rows of plants that would be considered an infringement. The scholars concluded that these regulations only applied in the

Land of Israel; therefore the Babylonian Talmud contained no discussion of the details; nor was the opportunity used to create a general principle of not disturbing the broader order of nature. The same limitation to the Land of Israel was also applied to the entire division of *Zeraim*, except the tractate that dealt with worship. This meant that the major agricultural regulations of the Bible no longer were in force for the majority of the Jewish population, which lived outside the Land of Israel. The laws of the Sabbatical year (Lev. 25:2ff), the Jubilee year (Lev. 25:11), laws on harvesting in field and orchard (Lev. 19:23), and birds and their young (Deut. 22:7f)<sup>10</sup> which the Mishnah made more specific, were not expanded by the later rabbinic tradition of the Babylonian Talmud and successive literature into long term concerns for the natural world, because the rabbinic tradition limited most of them to the Land of Israel (Git. 36a). This limitation was accomplished through close interpretation of the specific biblical verses, probably prompted by economic pressure (Shev. 92a). The Jewish farmer could not survive in a setting where he alone let his land rest during the Sabbatical year. Economic forces, not ecology, played the dominant role.

In urban communities, concern over industrial pollution was expressed. Industries such as tanning and dyeing (B.B. 2:9) had to be located outside the town, on the eastern edge and at least fifty yards away, and one was to guard against polluting the water with these processes. The ovens used for the production of clay utensils were also mandated to be located outside the towns, as the smoke was polluting and as the fires presented a constant danger (B.B. 23a, etc.). Smiths and iron workers were restricted from certain neighborhoods because of the dirt and noise that they caused (Sotah 9:10). Cemeteries were also located fifty yards outside the towns (B.B. 25a; Ket 20b) because of the potential pollution of the water supply. No water channels were permitted in cemeteries as that water was likely to be polluted (Meg 29a). There was even a proverb that stated that if a cemetery were to be located within fifty yards of the town, the entire town would soon be a cemetery. Dung was prohibited in Jerusalem (Tosefta Neg. 6:2) and presumably in other towns as well. Efforts were made to deal with privies and private hygiene (Ber. 62a; San. 17b). A system for dealing with complaints was initiated and controls were imposed. The legislation also dealt with personal issues surrounding such polluting occupations, so

that a woman could protest her husband's undertaking such a venture; it was grounds for divorce.<sup>11</sup>

This literature also expanded the protection of land under tillage from degradation and careless farming practices. The water sources also had to be protected (B.K. 4a; B.M. 77a). Fields were to be fertilized (Meila 3.6; B.B. 5.3; B.M. 72b). Forests were seen as a source of wood for fencing, carpentry, and firewood; certain times of the year were designated for woodcutting (Gen. Rabbah 6.:7; Ex. Rabbah 7:4; Lev. Rabbah 23:3; Tanhuma to Deut. 1:9), yet this was not protective legislation.

The regulations for the care of domestic animals as well as their slaughter for food were provided in detail by the Talmud (Hul.) and vastly expanded in the later rabbinic literature and responsa.

Interestingly enough, sections of this literature dealt with the responsibility of animals and assumed that they had some free will (Gen. Rabbah 48.3; B.K. 35a); the animal was therefore subject to law and punishment (San 1:4; B.K. 4:6; San. 54a). Some apocryphal books as well as the later mystical literature dealt with the soul of animals, but this concept was not further developed in the halakhic literature.<sup>12</sup> In addition, we have the numerous midrashim that use the care of animals as a test for leadership; this was done with Moses, David, and others. Clearly, caring for animals was seen as akin to doing the same for human beings. Animal fables were frequently adapted from the surrounding cultures and used to teach human lessons.<sup>13</sup>

If we summarize the mishnaic and talmudic periods, we can say that there was much discussion of the practical impact that nature had on daily life. This was mixed with an appreciation of the beauty and grandeur of the natural world expressed through the liturgy. The discussion was not turned in the direction of concern for the natural world, which was seen as mighty and with few boundaries.

### Codes and Responsa

This vast literature further expanded the directions already taken by the earlier traditions. In the codes and responsa we find much detail on agricultural issues old and new. The concerns differed according to the land in which the respondist lived.

Therefore, in France and nearby areas in which Jews were very much involved in viticulture during the early Middle Ages, there was much discussion about the problems of vineyards and their cultivation as well as the shipment of wine by non-Jews.<sup>14</sup> In Spain Jews engaged in many different forms of agriculture, so they dealt with grain production along with other crops. In the lands of central Europe, Jews were rarely directly involved in farming, but often lived in villages or small towns in a rural setting and traded in domestic animals such as horses and cattle.

In more recent centuries in the large Jewish settlements of eastern Europe, some Jews managed estates or were engaged in forestry and the timber industry on a larger scale than in previous times. Discussions of problems that arose appeared frequently in the responsa literature, but it was concerned with human problems, not with the natural world.

The same issues that were important in earlier times reappeared (such as pollution, dirty and noisy crafts and trades, etc.). The decisors dealt primarily with the livelihood of the petitioner and the welfare of the Jewish community. The larger issues of the environment were not important to them, especially during times of oppression.

A very detailed look at the literature may discover new concerns incidentally expressed in the discussion of other issues. As responsa represent a reaction to questions asked, they treat only issues that had been raised and are real. Even in Reform and Conservative circles, no questions about the environment were posed until the end of the twentieth century. The natural world did not present any pressing issues. When the natural world was viewed in a broader perspective, it was seen as wonderful and awesome, but also dangerous. It needed no protection, but human beings, endangered by its might, had to be helped. Whenever possible, nature was to be conquered. When it was not possible, the wilderness was at least to be contained and not permitted to retake the land. People, not the environment, needed protection. The Jewish approach to nature did not change much through the centuries. There was wonder on the one hand and the realities of daily life on the other; the responsa dealt with the latter.

The responsa literature elaborates on the decent treatment of domestic animals. (See the essay by John Rayner in this volume). When used for labor or as a source of food, they were to be treated in a humane fashion, whether the motivation was

the dignity of the animal or the concern of the master for his valuable property.

The codes and the accompanying responsa literature break no new ground in the Jewish attitude toward nature. The *halakhah* was expanded and interpreted to fit new conditions. However, the general view of the natural world continued as before. Nature was grand and beautiful, but also without boundaries. Human beings needed to be protected from its forces as much as possible; it needed no protection.

### The New World View

We may appropriately state that earlier ages have not prepared us for an understanding of the natural world as we now see it. We realize that the last century and a half have radically changed our view of nature as humans have increasingly dominated it. We have begun to work out a new relationship.

Four major changes and a host of minor ones have created a different view of the natural world. First, the age of exploration ended with the nineteenth century, and the entire world is now known. Until the middle of the nineteenth century, vast areas of the globe remained unexplored. They were inhabited by native peoples who had an even more limited notion of the world than the Europeans who came as explorers. In North America the frontier existed; central Africa remained unknown and unmapped. The mountains of central Asia were visited by only a few adventurers. Central and South America contained enormous areas of unknown mountains and forests. Many islands of the Pacific had never been mapped or even visited. Central Australia remained unsettled and wild. The Arctic and the Antarctic were just large areas on the map, almost untouched by human beings. A century and a half have changed all of this, and even the most remote portions of the world have become known in detail. The native populations have learned about the rest of the world, and the remainder of the world has appeared in their lands. Explorers have been replaced by miners, loggers, and well-drillers. Every portion of the globe has been opened to development or exploitation.

Second, we have developed technologies that can master much of the natural world. For example, forestry is no longer a matter of a large crew of men felling trees, but of enormous



machines that cut and strip large trees in a few minutes. An entire forest can be turned into lumber in a short time. Industrialization has reached every corner of the globe; modern machinery has the capacity to bring about massive environmental changes and literally move mountains. Industrial pollution on a huge scale harms human beings and the natural world everywhere, even thousands of miles from the source. Not only are human beings and cultivated areas endangered, but the natural world is also threatened.

Third, the population explosion that involves most parts of the world has brought enormous environmental pressures. Hungry people need to cultivate every available piece of land and fish the oceans until species are extinct. Water, once considered an abundant resource, has become scarce. Many resources are now known to be finite, while others may disappear before they have been investigated.

Fourth, and by far the most significant, from Darwin to the latest genetic studies, we have been provided with a new understanding of the interrelationship between human beings and the rest of the natural world. The biological studies of the nineteenth century showed us a different relationship with the animal world. The controversies aroused, indicated that the transition to this new worldview would not be easy. Human beings felt as threatened by this change as they had by the earlier Copernican revolution. The latest genetic studies bring the relationships with the natural world into even closer focus. If genes can be implanted and traded among all living creatures, then the lines that differentiate the forms of life become very blurred. The natural world once considered hostile has now, on the one hand, become endangered and, on the other hand, is seen as closely akin to our human lives.

### Contemporary Concerns

As we have noted earlier, the contemporary concerns for the environment have taken several forms, beginning with human welfare and economic good. For example, as pollution harms human life and is expensive in economic terms, we seek to guard ourselves against it, though these competing forces remain in constant combat (see Rachel Mikva and Philip Bentley's essays).

Another broader view seeks to protect the natural world on the grounds that as yet unknown economic or health benefits may exist. Because the wild jungle may help us with our human ailments as a source of drugs, it should be preserved. This is an economic argument taken into the future. Another argument, which deals with human welfare tangentially, states that we should preserve the splendors of nature for succeeding generations. Wild animals should continue to exist not only in national parks, but everywhere for our enjoyment. Scenic areas should be protected for our benefit. In a world with more leisure time, we should be able to take pleasure from these aspects of nature.

A humane thrust of environmentalism seeks to protect domestic animals from a machine-like factory regime in which they are raised without any freedom but simply fattened and prepared for slaughter. Animal rights are then extended to wild animals and sometimes to species of bird, fish, and insects.

Some environmentalists go further and claim that the natural world and its species deserve our protection without consideration for any human benefit. Species of plants and animals that are unlikely to have any impact on human life should still be protected and saved from extinction, even at some economic cost.

The rhetoric of environmentalism runs along these lines. The discussion in the twenty-first century will grow much more intense. How can Judaism respond as there is so little in the practical halakhic tradition that can motivate us in this direction?

### A Jewish Approach to Environmental Concerns

We have seen that several thousand years of tradition have taken us in the direction of protecting ourselves from the natural world. In the past, nature needed no protection from us. As with so many other areas, the changes brought about by the modern world have left us unprepared, and so we need to look at the tradition again with entirely different eyes.<sup>15</sup> We need to be creative as in other areas such as feminism, medicine, gender issues, and so on. As Liberal Jews we are in a good position to engage in a reinterpretation of the *halakhah* and our understanding of Judaism's mandates. The short answer to the question, "Eco-Judaism: Does It Exist?" posed at the beginning of this essay is, "no," because Judaism has demonstrated only limited concern in

a few environmental areas. Nor could it have been otherwise as conditions were so alien to the concept of environmental concern until modern times. The longer response would suggest that it is possible to modify our Jewish approach so that it can provide a religious grounding for Jewish environmental policies that will preserve the natural world around us.

Any new halakhic concern must be broad-based. The theology of wonder originated in the Bible, especially in the words of God and in the Book of Job: (37B39) as well as psalms such as 19, 24, and many others, with their emphasis on the grandeur of nature, which lies beyond man's grasp. These statements and those of the prophetic books provide a good beginning. The tradition, however, did not carry these concepts into daily life except in the liturgy. The theology of wonder has always been emphasized there and has been put into more practical environmental terms in the Reform liturgy. This has, undoubtedly been helpful and has raised the consciousness of environmental issues. However, translating those noble ideals into the every-day world has remained difficult. They are not yet seen as mitzvot, demanding religious obligations, by most Jews.

Wonder is grand, but this emotion has relatively little staying power in the face of hunger in the Third World and greed in the First World. A more practical basis for our concerns is found in Genesis: "And God placed man in the garden of Eden to till and preserve it." (Gen. 2:15). This idea needs to be emphasized rather than "Be fruitful and multiply, and fill the earth, and subdue it" (Gen. 1:28) The latter stressed the need to control the world. We have done that, at least with much of the visible natural world, and are proceeding with the macro (astronomy) and micro (genetic) forces of nature. These biblical statements provide a practical beginning for the preservation of nature.

The command "till and preserve" (Gen 2.15) places an equal emphasis on development and preservation, but this verse, when taken together with others (Gen. 9:3, etc.) gives free reign to human beings with an emphasis on the utilization of nature. We should develop the *halakhah* along these lines of self-interest rather than on the idealistic statements of the environmental movement. Acts done *lishmo*, for their own sake, should appeal to everyone, but, unfortunately, this has never been the case.

We should emphasize the latest scientific efforts that have demonstrated the inter-relationship of everything on our planet,

from the atmosphere and its gases to the smallest creatures. To preserve human life, the balance must be maintained, or at least thoroughly investigated, before an attempt at change is made. This is in keeping with the fundamental halakhic principle of preserving human life, which overrules virtually all other concerns.<sup>16</sup> In other words, we can only succeed in "tilling" if we "preserve" and this extends far beyond a few useful crops and animals.

The verbs *shamar* and *avad* have been used together to supplement each other in Gen. 2:15. *Shamar* means guard, watch and keep from harm;<sup>17</sup> it is used together with *avad*, work, serve, till; the parallel use establishes an obligation. This verse (Gen. 2:15) does not preserve the natural world for its own sake, nor does it solve the problem of the conflict between preservation and development, but at least it places them on an equal level. The specific issue would then determine the solution for a particular question.

The setting of this verse is important and should be noted. The verse tilts in the direction of the environment as it is the garden of Eden where the environment is perfectly balanced and all creatures as well as plants live in peace and without danger. This guides our practical decisions in the direction of a balanced environment in which nature, both useful and simply beautiful, can coexist.

Human beings as the pinnacle of creation have a responsibility for the care for lesser forms of life<sup>18</sup> and are in a position of unique responsibility – a blessing with the concomitant responsibilities. The Genesis verse made this quite clear, as does the entire story of creation and the framework in which it placed human beings. If we take the redefinition of human kinship to all other forms of life seriously, then this is the best basis for a new view of the environment.

With this as a primary foundation, we can move on to consider a broadened interpretation of *bal tash-hit* (Deut. 20:19); it must be reinterpreted and expanded. Those who commented on the biblical verse interpreted it in its specific wartime setting. Most of the rabbinic literature that dealt with its halakhic setting provides a narrow interpretation by limiting it to fruit trees, by restricting it to times of war, and by stating that virtually any economic benefit, or threat of harm from it, may be sufficient reason for the destruction of the tree or trees. Maimonides, for example, limited the verse to useful trees and stated that the wanton destruction of a fruit tree was punishable, but he also

permitted their destruction from even preventable dangers.<sup>19</sup> This interpretation was followed by most subsequent scholars.<sup>20</sup> Some exceptions to this attitude existed; the Talmud discussed the mishnaic verse that prohibited the planting of trees too close to a neighbor's field and how this should be remedied (B.B. 26a) without cutting fruit trees down. A midrash also stated that people who cut down good trees would not see blessings (*Tosefta*, Bik. end). More important, a discussion in the Talmud (Shab. 140b) took matters much further when it stated that those who consume more luxuriously than necessary have violated *bal tash-hit*, in other words, the meaning of this verse was expanded to include any excessive consumption. Various later scholars added to this line of interpretation, for example, Judah heHasid, and subsequently, Jacob Emden as well as more recent writers, who made this a matter of piety, but this approach has not been taken consistently.<sup>21</sup> (For a full discussion see the essay by Rachel S. Mikva.) These fairly isolated earlier examples enable us to develop the *halakhah* further in this direction and thus protect the natural world from those economic pursuits that are peripheral to human welfare.

The concept of *bal tash-hit* can become a more valuable tool, but we need to be aware of its limitations. The biblical verse is narrow and does not lend itself readily to expansion. Those who have done so have used it to attack excessive consumption, which is hard to define.

The *halakhah* has been most successfully developed in the areas of pollution control and zoning, as pointed out earlier in this essay. Here the traditional pattern can serve as a strong basis.

The halakhic concern for animals had its beginnings in the Bible and always understood animals as an essential part of the divine creation.<sup>22</sup> The rabbinic literature even moved in the direction of discussing what responsibilities domestic animals had for their behavior<sup>23</sup> and speculated about the soul of animals.<sup>24</sup> All this placed domestic animals closer to human beings. These were paths not followed by the subsequent development of Judaism.

Concern was expressed for domestic animals, their food and care, and crossbreeding, as well as their status in connection with the Shabbat. The attitude toward crossbreeding has long been clear. The traditional *halakhah* has provided solid ground for dealing with the mistreatment of domestic animals especially in the modern factory farms. (See John Rayner's essay.)

Some writers from early times onward questioned whether all of creation was made for the sake of human beings, using animals as examples. So Ecclesiastes Rabbah (6:11) asked how this could be so, as there were animals such as monkeys and porcupines that are of no use to human beings. Maimonides and other agreed.<sup>25</sup> This fundamental question should be further explored, especially as we turn to the issues of wild animals and their threatened extinction.

We should note that some biblical verses create a negative attitude toward various species: "And every swarming thing that swarms upon the earth is a detestable thing; it shall not be eaten ... You shall not make yourself abominable with any swarming thing that swarms" (Lev. 11:29-43). However other animals have been viewed more positively, so ants (Prov. 6:6ff; Eruv. 100b) and honey bees (Ex. 3:8; Deut. 32:13; Jud. 14:8, etc.).

The Jewish tradition of helping the weakest of human society can also be used as we seek to protect the environment. The tradition that began with the Bible (Deut. 15:7; Amos 2:6ff; Is. 1:17, etc.) and was developed in great detail later;<sup>26</sup> it should now be extended to the animal world. There are countless species of animals and plants that are in danger of extinction and habitats that are sought for economic development. We have won the battle against nature in the last century and now it is time to follow a theology and *halakhah* that demands that we provide for the weakest in the world.

### Conclusion

It is possible to create a body of halakhic material that will deal with the environment in a balanced manner, and we should do so. We need to provide Jewish guidance for the endeavor of protecting the natural world and achieving economic growth in the industrialized and the developing world. Eco-Judaism does not exist, but it can and should be developed. We should, however, realize that in this area, as in some others, the major traditions of the past have largely taken us in a different direction. The flexibility of Judaism, a hallmark throughout our history, which we as Liberal Jews continue to emphasize, enables us to explore and develop our tradition. As our understanding of the natural world expands, we will continue to change our human relationship to it.

## Notes

1. The eighteenth century rabbinic authority Moshe Sofer stated that it was permissible to cut down a tree if it served a clear economic purpose (*Responsa Yoreh Deah* 102); others found various ways around the biblical statement (*Responsa Havot Yair* 195) in order to permit such destruction.
2. B.B. 24b f; *Tur* and *Shulhan Arukh, Hoshen Mishpat* 155:21.
3. Oded Borowski, *Agriculture in Iron Age Israel* (Winona Lake, IN: Eisenbrauns 1985, p. 162.
4. There were some exceptions: Herod was a great hunter (Josephus, *Jewish Wars*, Book I, Chap. 21, Section 13) and there were some Jewish hunters in the Middle Ages. Israel Abrams, *Jewish Life in the Middle Ages* (London: Edward Goldstone, 1932, p. 400.).
5. Pantheistic tendencies exist in Philo and among various medieval Jewish philosophers such as Ibn Gabirol, but they never became dominant. The same is true of many kabbalistic works.
6. Mandated by the Mishnah in Ber. 6.1ff.
7. B.B. 2:7; later the *Tur, Hoshen Mishpat* 155 stated that this law only applied to Israel, while Karo in the *Shulhan Arukh, Hoshen Mishpat* 155 felt that it did not apply even to Israel in his day.
8. For a complete description and discussion see L. Lewysohn, *Die Zoologie des Talmuds* (Frankfurt a M.:Joseph Baer, 1858).
9. Baba Kama, Baba Metzia, Baba Batra, Sanhedrin, Uktzin.
10. Maimonides (*Moreh Nevukhim*, 3:48), Nahmanides, Abravanel, and others stated that human beings must consider the feelings of animals. However, the halakhic tradition stated that the bird had to actually sit on the nest in order to desist from taking both the bird and the young.
11. Ket. 77a; *Shulhan Arukh, Even Haezer* 154.1 and its commentaries.
12. See Louis Ginzberg, *The Legends of the Jews* Philadelphia: Jewish Publication Society, 1925) p. 75, note 19, for a discussion of some of the sources.
13. Ber. 61b, in which the fable of the lion has been used; B.B. 134a, etc. More than thirty animal fables exist in the talmudic and midrashic literature.
14. The Ashkenazic Jews of France were lenient because the economic conditions and their new attitude toward Christianity, which did not see it as idolatry. Isserles to *Shulhan Arukh Yoreh Deah* 123; D. Hoffmann, *Der Shulchan Aruch*, (Berlin: Expedition) 1894, p. 115.
15. We are on solid ground when we try to deal with air pollution, as the *halakhah* has treated this concern consistently through the centuries. Water pollution has also been discussed from early times onward. Other forms of pollution have also been treated in the halakhic writings.
16. The only exceptions are idolatry, incest, and killing another person (San. 60b ff; A.Z. 43b, 54a; Ket 33b; Shab. 149a; *Sefer Mitzvot, Lo Ta-aseh* 2ff, 10, and 14; *Shulhan Arukh, Yoreh Deah* 157.1). Life and all that preserves life is given supreme meaning.
17. This portion of the verse is so clear that there is hardly any commentary on it. Gesenius, *Dictionary* also indicates that the verb *shamar* is absolutely clear in its meaning which is also asserted in nonbiblical writings such as the "Letters of Amarna."

18. For further citations see "Die Grundlage einer juedischen Ethik," *Monatschrift fuer Geschichte und Wissenschaft des Judentums* (1912): Vol. 56, pp 487 ff.
19. *Yad, Hilkhoh Melakhim* 6.8 dealt with this statement in times of war and then restricted it by stating that any tree that posed a danger could be cut down. However, a person who cut down a fruit tree needlessly could be punished by whipping. Later in a responsum he dealt with a date palm that the plaintiff claimed grew rapidly and leaned into the street, and when youngsters would try to bring down the fruit by throwing stones. He saw it as a nuisance. Maimonides responded by stating that the owner was permitted to remove it, as it might lead to an accident. Protecting the tree, although a valuable fruit tree, was not cited as an option. Jehoshua Blau ed., *Teshuvot Rambam* (Jerusalem: Mektize Nirdamim, 1957), vol. 1, pp. 195 f, #112.
20. Deut 20.19 dealt with fruit bearing trees in wartime only. It made no difference whether they were owned by a Jew or a non-Jew or, for that matter if they were in the public domain (*Yad; Tur; Shulhan Arukh*, and their commentaries). The cutting down of trees was only prohibited if it was an act of destruction, not if the wood was to be used as lumber or firewood (B.K. 91b; *Yad, Hil. Melakhim* 6.8; *Shulhan Arukh*; Hatam Sofer, *Responsa Yoreh Deah* 102). The cutting down may also occur if the land was to be used for planting vegetables (*Shevet Halevi* 1:112; 2:46).
21. *Teshuvot Judah heHasid* 45.
22. Gen. Rabbah 10:7; Lev Rabbah 22:4; Ned. 41a.
23. Maimonides and other medieval Jewish thinkers went beyond the biblical and talmudic statements on the status of animals and their relationship to human beings (*Moreh Nevukhim* 3:48).
24. The souls of animals were first mentioned in 2 Enoch 23:14 and 58:5. Later kabbalistic speculations have not taken this notion far.
25. *Moreh Nevukhim* (p. 273 in English translation.); Ibn Ezra in his commentary on Gen. 1:1.
26. Walter Jacob, *Contemporary American Reform Responsa*, (New York: Central Conference of American Rabbis Press, 1987) pp. 37ff.