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Ecology as a Mitzvah

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Chapter 2



ECOLOGY AS A MITZVAH

Moshe Zemer

May an environmentalist claim that ecology is the oldest profession in the world? One might reasonably argue that ecology was the first vocation recorded in the Torah: "The Lord God took the first man and placed him in the garden of Eden to cultivate and preserve it," *l'avdoh ul'shamroh* (Gen. 2:15). Preservation is, indeed, a major task of the ecologist. This passage in Genesis presents a narrative rather than an imperative approach. No commandment is uttered, yet the verse has served as a guideline throughout the ages.

This essay will deal with three spheres in which the *mitzvah* character of ecology may be found: (1) The Interaction between Humanity and Nature. (2) Interpersonal Relations. (3) The Inner Environment.

Humankind and Nature

When we observe the world of nature today, would we agree with Voltaire that this is the best of all possible worlds?¹ We are

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disturbed by air, ground, river, and sea pollution. The Torah praises every stage of creation, declaring, "and God saw that it was good" (Gen. 1). After the appearance of humans, the ultimate stage of creation, the Torah proclaims, "*va-yar elohim et kol asher asah, vehineh tov meod*" - "And God saw everything that he had made and behold, it was very good."

The rabbinic Bible commentators say that *tov meod* ("very good") actually means *tov adam* "man is good."² In the beginning, humanity and nature were in accord. Ecology in Jewish tradition entails a threefold covenant involving God, humankind, and nature. God created the world and humankind.

What is the role of each after creation? To whom does nature belong? Scripture quotes the Creator, "All the earth is mine" (Lev. 23:25). God, the Creator and inventor, holds the deed to the world, of which He is the sole owner. Yet the Divine bestows the earth and its resources on His creature, *Homo sapiens*. He does so by virtue of a *mitzvah*, the very first commandment in the Bible.

This primary directive to the first couple in the Torah is not only to propagate but to establish humankind's relationship with nature. "And God blessed them and said to them, 'Be fruitful and multiply and fill the earth and conquer it'" (Gen. 1:28). The human being is given dominion over all living creatures in the sky, sea, and earth.

What is the meaning of the command to "conquer" the earth? What kind of conquest is mankind to make over the world of nature?

Nahmanides (the Ramban, scholar, statesman, and poet of thirteenth-century, Gerona Spain) explains in his Bible commentary how human beings are given control over all of the resources of nature: "God gave power to the first human couple to control the land and to do as they please with all living creatures. They were permitted to build and to tear down, to mine the mineral resources, and the like."³

While human beings may utilize all the resources of nature, they do not possess ownership of the earth. They are but stewards of God's world. Humankind's control over the treasures of nature may appear to be absolute. Yet this power must be restrained by responsibility. As we have heard, it is the role of Adam to guard and preserve nature. Respondents, in a different context, expanded the Biblical phrase to read: "*lovdah ul'shamroh ul'hashbiah*" "to cultivate, preserve and improve."⁴

It is not enough to keep the status quo. Humankind, as God's partner in creation, must continually strive to re-create.

In the beginning, harmony reigned between Adam and nature. The Torah tells us that "God planted a garden east of Eden where He placed the human that he had created" (Gen. 2:8). The human being is part of nature. It is as if Adam himself were planted in Eden together with all of the trees and vegetation. The human creature was in symbiosis with the animals and vegetation and all of nature that surrounded him.

How did this harmony turn into cacophony? Humankind did not heed the divine warning related in the midrash:

"See the works of God, for who can repair that which has been ruined? When God created Adam, the first man, he took him to view all of the trees of the Garden of Eden and said to him, 'See how pleasant and excellent are my works. Everything that was formed, I created for your sake. Take heed that you do not ruin and destroy my world, for if you ravage it, no one will be able to repair it after you.'"⁵

When those created in God's image, instead of utilizing the gifts of nature for their life needs – food, clothing and shelter – carelessly cut down plants or destroy animals, out of greed, negligence, or destructive impulses, they obliterate the very source of life.

The primary biblical interdiction of damaging the elements of nature is found in the ban against chopping down fruit trees in wartime (Deut. 20:19-10). Maimonides ruled that this prohibition is not confined to destruction in time of war, but has a more general application. Thus, he codified the law:

"Fruit trees growing in the countryside are not to be cut down, nor are they to be deprived of water so that they dry up and wither. Whoever cuts down [such trees] is liable to the penalty of flogging, and this not only during times of siege, but whenever they are wantonly destroyed. They may, however, be cut down if they damage other trees or a neighbor's land."⁶

This rule of *bal tash-hit* "do not destroy" is extended to all objects that may have value. This prohibition includes killing animal life and destroying plants and even inanimate objects. My late grandmother used to say that this *mitzvah* is what made it so difficult for her to throw anything away when cleaning out cellars

and attics, especially before Pesah. This applies to food, as well. She said that her rather full figure was due to obeying the commandment "do not destroy." At the dining table the corollary imperative for all the family was that there should be no leftovers.

Bal tash-hit sets the outer limits of the enfranchisement given to us to utilize all of the resources of nature for human purposes. When we cross these boundaries and demolish the works of God, we lose our delicate equilibrium with nature. Only by observing the guidelines of the *mitzvot* of ecology may we hope to regain this balance with the world around us.

Ecology in Interpersonal Relations

This essay began with the first form of environmentalism in Jewish tradition – the affinity of humanity and nature. Now we turn to another form, the alliance of humans with each other, or relations among neighbors. This topic deals with sharing water and land as well as the disturbance of air pollution, noise, and odors.

Noise

Let us consider the phenomenon of noise. Modern technology has succeeded in developing acoustical methods of making our surroundings quieter and more livable. It also has increased the decibel level of roadways, meeting places, and the performance of music to a deafening point.

Let me invite you to an average wedding in the Tel Aviv area. The bridal couple is lovely, the food is sumptuous and kosher, the guests are elegant. There is only one problem: the music is so loud that you cannot hear the person sitting next to you. Someone said that the couple's parents should add a voucher to the wedding invitation enabling those invited to take a quick course in lipreading before attending the *simhah*.

Maimonides rules in his *Laws of Neighbors* that if there is a shop in a residential courtyard, then neighbors may protest saying, "We cannot sleep because of the noise of the customers coming and going." The owner of the shop may, however, work inside the store, but he must sell his produce in the marketplace.⁷ Furthermore, neighbors can prevent craftsmen and artisans from opening up a new workshop in the courtyard of their residence.

Now if a shopkeeper may not sell in his store, nor may a craftsman labor in his workplace because of noise and disturbance, how can they earn their livelihood? *Halakhah* permits them to teach Jewish children in their residence. Their neighbors may not protest and say to them: "We cannot sleep because of the loud noise of the school children!" And so it is with every matter of *mitzvah* that one may not protest about noise.⁸

Now do not school children produce cacophony as great as or greater than a store or workshop? Why is the classroom permitted while other work spaces are forbidden? Nahmanides said that a school class would not be considered a disturbance unless it exceeds fifty children.⁹

Notwithstanding the Ramban's ruling, anyone who has taught or attended a class room of forty to fifty children would certainly be aware of the loud commotion. Would the noise be greater than that of a store or a craftsman's shop? Indeed, it might exceed them by many decibels. The answer is that in such a matter, where a great *mitzvah* is involved, the children may learn and the neighbors may not protest.

Furthermore, we may ask how these storekeepers and craftsmen became Torah teachers for little children. Every Jew is required to study Torah all of his life, so what would be a more natural vocation for an unemployed person?

Pollution

Many regulations were made by the *halakhah* to prevent pollution and contamination. It was forbidden to make a permanent threshing floor less than 50 cubits (28 meters or 30.6 yards) from the border of a town, so that the wind would not carry the chaff when the owner winnows, that is, clears away the chaff from the grain. Graveyards, carcasses and tanneries must be kept 50 cubits from the town. A tannery may be set up only on the east side of a town, because the east wind is mild and reduces the unpleasantness of odors produced by tanning the hides.¹⁰

If someone does construction work on a threshing floor or a privy on his property that raises dust or particles of earth or causes a stench, one must do so at a distance so that the dust and the stench will not reach his neighbors, even if an ordinary wind is carrying these damaging elements.¹¹

We see here that the builder must take every precaution to prevent harm to others, even though the work he is doing is at quite a distance and is caused in part by the wind, over which he has no control. We might apply this principle to the large factories of our day that are at a distance from centers of population, but nevertheless dump quantities of toxic industrial waste that cause great damage near and far.

How much the more can this ruling be applied to nuclear power plants and their waste disposal? Here is a question of responsibility to one's neighbors, to society, and to natural resources like forests, mineral deposits, and rivers. The recently poisoned Danube, which may be permanently ruined, is a case in point.

The Talmud relates that ten regulations were ordained for Jerusalem.¹² One was the prohibition to make garbage heaps, because reptiles are found in them. Another is forbidding the use of lime and pottery kilns because of the smoke which Rashi says, blackens the buildings around. This smoke had a deleterious effect on the residents of the Holy City.

When I was a youngster in Los Angeles, there was an incinerator in every backyard. When we flew into the airport, we could see pillars of smoke ascending from earth to heaven (like the *timrot ashan* of Joel 3:3 and the *Haggadah*). Many years ago, the Municipality of Los Angeles passed an ordinance banning home incinerators which succeeded in eliminating this mass pollution. Similarly, in many countries industrial smokestacks have been gagged. Unfortunately, this is not true of every locality. On the way from Tel Aviv to Jerusalem, you can see white smoke billowing out of the Neshet plant near the city of Ramleh.

The Talmud tells us that it is difficult to live in a big city.¹³ How did the sages reach this determination? Rashi explains in his commentary: "Everyone comes to live there in overcrowded conditions. The houses are so close to each other that there is no air to breathe. But in small towns there are gardens and orchards next to their homes and they enjoy fresh air."¹⁴ Our sages in the thirteenth century considered urban living to be incompatible with maintaining quality of life.

The Gemara gives us the scriptural precedent for the determination that it is difficult to live in a large urban center. It quotes the Book of Nehemiah, which relates that "the people praised all those who volunteered to live in Jerusalem" (Neh.

11:2). Why did they praise these volunteers? Rabbi David Kimhi (the Radak) explains that it was difficult to get settlers to go to the Holy City, where the air was stale, whereas the countryside, which has plenty of space, is good for one's physical health (Radak, Mic. 5:10).

Smoking: Danger to Others

While we discuss the dangers of industrial smoke and other dangers to quality of life, we should consider reducing the hazard of tobacco smoking on the nonsmoker. Rabbi Moshe Feinstein, one of the foremost Orthodox decisors of this last century, forbade the widespread practice of smoking in *yeshivot*. He prohibited smoking if it disturbed others who were studying in the same room, whether or not it was injurious to their health. He rejected the argument that smoking helped students concentrate. He ruled that leaving the study hall to take a puff outside would be time stolen from the study of Torah (*bitul torah*) and dismissed the contention that, since the room is already full of smoke, each smoker adds only an insignificant amount. Rabbi Feinstein replied that each smoker is responsible for his portion of the smoke in the room and therefore for the discomfort of all those present who suffer from his habit.¹⁵ Rabbi Eliezer Waldenberg of the Israel Chief Rabbinate Council went a step further and forbade a person to smoke in his own home if the smoke would bother or harm his guests or members of the family, especially children who might be present.¹⁶

Between a Person and Oneself (The Inner Environment)

Smoking: Danger to the Smoker

Much has been written about the dangers of alcohol and forbidden drugs. Today we know that the most severe health issue is the great harm that smokers cause to themselves.

The late Sephardi chief rabbi of Tel Aviv, Rabbi Hayyim David Halevy, was asked the following question: A youngster wished to know whether he must obey his father, who sent him out to buy a pack of cigarettes, because of the commandment "Honor your father and mother." Rabbi Halevy responded:

In view of the fact that physicians have universally warned against the great danger of smoking to human health, and since, in my opinion, it is forbidden by the Torah, which commands, "You shall carefully preserve your lives" (Deut. 15:4) ..., you are not permitted to buy him cigarettes. Furthermore, whenever you see him with a cigarette in his mouth, ... say to him, "Father, it is written in the Torah, 'You shall carefully preserve your lives,' and smoking is very harmful" in the hope that he will understand, overcome his urge, and give up the habit.¹⁷

One of the foremost experts on medicine and *halakhah*, Rabbi Eliezer Waldenberg, has accepted the findings of medical experts and asserted that "smoking is the number one killer of humanity." Disagreeing with Rabbi Feinstein's position, he declared "that there is no reason to be complacent ... and rule that, because smoking is widespread," there are no grounds for prohibiting it. Rabbi Waldenberg cited the medical evidence that "cigarette smoking is the main cause of death from cancer ... Hence, it is certainly absurd to turn a blind eye on all this and blithely to conclude that [in a case like this] 'The Lord will preserve the foolish.'"¹⁸

Scientific evidence has proven conclusively that smoking is not only dangerous but even lethal. The U. S. Surgeon General's Report, issued annually in volumes of five hundred pages each, has scientifically demonstrated the danger of smoking to every organ of the human body. Nonetheless, U.S. law requires only a minuscule reference to this report as a warning of the danger to health in the omnipresent smoking advertisements sponsored by the tobacco industry. The same is the case in Israel, where cigarette packages bear a tiny Health Ministry warning. Yet smokers continue to smoke and adolescents willingly addict themselves, despite the fact that in Western countries smoking is responsible for more deaths each year than gunshot wounds, terrorism, and AIDS combined. Aroused public opinion and antismoking legislation have barely begun to deal with the epidemic proportions of the problem.

When my son was about fourteen years old, he read my article on smoking in the *halakhah* that was about to be published in *Davar*, a national newspaper in Israel. He asked me how I could continue to smoke my pipe when I had just written that it is dangerous and forbidden by Jewish law. My son claimed that my preaching was contradicted by my practice, saying, "You will

either have to stop smoking or file the article away in a drawer." Since I had a commitment to publish the article, I left my pipes at home when we went on sabbatical to Oxford and have not smoked since.

Despite the widespread social condemnation of their practice, many smokers today view their habit as a strictly private matter and insist that no one has the right to interfere or to tell them to stop. Contemporary rabbis controvert this claim by quoting Maimonides: "The Sages forbade many things that involve mortal danger. Anyone who does these things or says 'I am endangering myself and what does it matter to others' or 'I do not care' is to be flogged [by the rabbinic court]."¹⁹

This situation parallels the status of man as the guardian of nature, not as the owner of nature that we have seen above. According to *halakhah*, human beings have stewardship over the body given them by their Creator but not dominion, and they may not jeopardize their own lives.

We have come full circle from the relationship of the individual to nature, to other individuals, and now to himself or herself. In Jewish ecology, man is a steward answering to the Creator but never having full control.

So in conclusion, we must ask if we are not the masters of this flesh and blood frame, to whom, then, do our body and life belong? In his glosses on the *Shulhan Arukh*, Rabbi Moses Rivkes (d. 1672) stated that "the Torah warned us about preservation of life because God graciously created the world to benefit His creatures so that they may be aware of His greatness and may serve Him by observing His commandments and Torah."²⁰ Here is the essence of the *mitzvah* character of ecology.

Notes

1. Francois M. de Voltaire, *Candide* (New York: New American Library, 1961) p. 16. This is a caricature of the systematic optimism of Gottfried Leibniz.
2. Gen. Rabbah 8 (Vilna edition) The letters *aleph* and *mem* of the word *meod* are exchanged.
3. Commentary to Gen. 1:28.

4. See Israel Isserlein, *T'rumat Hadeshen* 339 et al.
5. Ecclesiastes Rabbah 7:1.
6. *Laws of Kings* 6:18.
7. *Laws of Neighbors* 6:12.
8. *Shulhan Arukh, Hoshen Mishpat* 156:3.
9. *Hiddushei HaRamban B.B.* 21a.
10. Maimonides, *Laws of Neighbors* 10:2B4.
11. *Ibid.* 11:1.
12. B.K. 82b.
13. Ket. 101b.
14. *Ibid.*, Rashi.
15. Moshe Feinstein, *Iggerot Moshe, Hoshen Mishpat* 2, No. 18.
16. Eliezer Waldenberg, *Responsa Tzitz Eliezer* 15, No. 39.
17. Hayyim David Halevy, *Responsa Aseh Lekha Rav*, Vol. 6, No. 59.
18. Waldenberg, *Responsa Tzitz Eliezer* 15, No. 39.
19. *Laws of Murder and Preservation of Life* 11:5.
20. Moses Rivkes, *Be'er Hagolah*, H.M. 427, #90. See *Evolving Halakhah* (Woodstock, VT: Jewish Lights, 1999) pp. 348, 349.