

NEW! Climate Change & Environmental Damage – Are They Jewish Issues?

by Rabbi Dr. Nachum Amsel | April 10, 2019

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With the dramatic shift in weather patterns over the past few years, with wild swings of hot and cold seasons, very dry and very wet years, more snow in winters and higher temperatures in summers (2015 was the hottest year ever recorded), more and more people are convinced that these shifts are due to global warming caused by man's insensitivity to the environment. It is not surprising, then, that for many people, the number one concern in the world today, according to many surveys, is the threat to the environment caused by man's need to utilize the resources of our planet for his survival. This need is often pitted against a more practical need and desire by man to use the earth's resources for his benefit. This essence of the issues behind this debate can be analyzed by focusing on two classic dilemmas:

- 1) The huge demand for wood and paper products can best be satisfied by cutting down older trees in the 'old growth forests' and rain forests. However, many scientists believe that cutting down these trees does further damage to the ozone layer and the world's climate. On the other hand, if tree cutting were stopped in these areas, many thousands of workers would be out of jobs and the country's economy would suffer. Which is the right moral choice, the correct ethical action?
- 2) If human beings would be sensitive to the environment and act to preserve the ecological balance of nature, then could man ever build new houses and develop new areas and neighborhoods to live in, thereby destroying ecosystems containing millions of microscopic animals and plants, by merely laying the foundations of the homes?

THE JEWISH ATTITUDE TO THE ENVIRONMENT

Thousands of years ago, before ecology became a worldwide human concern, Judaism dealt at length with these specific dilemmas and many other questions involving the environment, in a most sophisticated manner. The first indication of any sensitivity to these issues occurs in the very first chapters of the Torah¹ where G-d commands man to "fill the world and subdue it." In his commentary on this verse, Nachmanides explains that the world is given to men for their needs "to do as they wish" and includes, as one of the examples, man digging up the ground to mine copper. Since strip mining of copper is a prime illustration of the destruction of the environment, it seems that the Torah permits man to use the world as he sees fit, with no need for ecological concerns or sensitivity. However, a few verses later² the Torah tempers this commandment by telling us that G-d put man in the Garden (symbolic of the entire world) "to work it and to guard it." Since guarding something means preserving it, G-d essentially wants man to both use the world for his needs (as seen in Genesis 1:28), but, at the same time, to preserve the world and not destroy it.

¹ Genesis 1:28

² Genesis 2:15

How can man do both? How can he use the world for his needs, but at the same time, take care of it and save it? The answer comes from a third verse in Deuteronomy.³ When an army at war surrounds a city in siege and prepares to use a tree as a battering ram to smash the walled city, a fruit-bearing tree may not be used for this purpose, only a non-fruit bearing tree. What is the difference? If one uses the fruit-bearing tree, then the fruit will needlessly be destroyed, since the same objective could be accomplished just as well with a non-fruit bearing tree. However, a person *may* or should cut down a fruit tree when not cutting it down and simply doing nothing causes damage to other trees.⁴ This, then, highlights the Torah perspective on the environment. While man may use the world for his needs, he may never use any resource needlessly. Destroying anything in the world needlessly is called *Bal Tashchit*.

The Sefer Hachinuch⁵ states that included in this mitzvah-commandment is the precept not to "cause any damage or loss. For instance, to set a fire, tear clothing or break a vessel for no purpose." Maimonides⁶ specifically says that the Torah prohibits cutting a fruit tree only if it's done in a destructive manner, i.e. it could have been avoided.

WHAT IS CONSIDERED DESTRUCTIVE?

Anything that can be considered a legitimate human need is not considered destructive. Monetary benefit, for example, is considered a legitimate human need. Thus, says the Talmud,⁷ if the price of fruit trees increased so that they are now more valuable for other non-fruit uses, that tree may be cut down. Maimonides⁸ agrees and codifies this as law.

Destruction is also legitimate when the environment would be harmed by doing nothing and nature is being harmed.⁹ Even a psychological benefit is sometimes reason enough to allow destruction. The Talmud¹⁰ says that if a parent publicly destroys a child's wallet (with valuable contents), a child must not try to stop that parent, and may not embarrass that parent, since it would be a demonstration of lack of respect.

Certainly, destroying something in performing a mitzvah is legitimate and not considered wanton destruction. Two prominent examples are the custom to rip one's shirt or jacket as a sign of mourning for a close relative, a recognized Jewish custom, and the mitzvah to burn and destroy all chametz on the day before Passover, as outlined by the Torah.

However, there is a limit to what Judaism considers a legitimate human need. A frivolous desire to destroy something because it gives a person joy is certainly not viewed as legitimate. The pure pleasure of destruction cannot justify ravaging the environment.

Returning to the original dilemmas, the Jewish view can now be applied. Regarding the building of a house, it is certainly permitted to destroy that ecosystem in a desolate area, since the need is legitimate, but only if there is no other place or similar house that

³ Deuteronomy 20:19-20

⁴ Maimonides, Hilchot Melachim 6:8

⁵ Sefer HaChinuch, Mitzvah 529

⁶ Maimonides, Hilchot Melachim 6:8

⁷ Bava Batra 91b

⁸ Maimonides, Hilchot Melachim 6:8

⁹ Maimonides, Hilchot Melachim 6:8

¹⁰ Kiddushin 31b

could be built elsewhere without destroying that environment. If there is no equal substitute, then clearly, it would be justified. The logger issue is a bit more complicated. If, indeed, these logs are the best source for paper and wood, then one would be permitted to cut down the trees. If, however, equivalent paper and wood could be obtained (through similar effort and cost) in an equivalent environment less threatening to the ecological balance, then that would be the Jewish choice and obligation. However, even in that circumstance, the loggers may be entitled to compensation. This may be similar to the case mentioned in Shulchan Aruch,¹¹ where a previous existing business now poses an ecological threat to the citizens of the city. The ruling is that the business must move out of the city but if the business was established before the townspeople moved in, the businessman is entitled to compensation.

There is one further complication. If, as some environmentalists claim, it could be proved that cutting down these trees clearly endangers the survival of the entire planet, then there is another Jewish consideration, in addition to and separate from the ecological factor. Based on two verses,¹² a Jew is not allowed to put himself or others in any form of danger and must prevent any possible precarious situation from occurring (see the chapter "Drugs, Alcohol and Marijuana" for an expansion of the definition of the prohibition of danger). Therefore, if it could be conclusively proved that cutting down these trees would place people in mortal danger, it would not be permitted to cut down the trees. (In practice, the logging industry today always plants many more trees than it cuts down, partially to allay the fears of ecology-sensitive people and also to guarantee a future with a large supply of trees to cut down.)

JUDAISM'S GREAT SENSITIVITY TO THE ENVIRONMENT

The specifics of these cases and the Jewish principles discussed do not begin to reflect Judaism's heightened awareness of an environmental issue in general. The Torah's incredible sensitivity continues to be reflected by the rabbis and their later rulings. All this, thousands of years before modern sensitivity to ecology, climate change and preserving natural resources even became an issue that people spoke about.

The Torah also sensitizes man to ensure that he or she does not alter the world or destroy it. Commenting on a verse in the very first chapter of the Torah where the Torah commands each species to reproduce itself,¹³ Samson Raphael Hirsch write about the mitzvah given to Jews not to create a mixture of species in plants or animals in general or between wool and linen specifically.¹⁴ The Torah did not want man to alter the world or "play G-d." Creating hybrids alters the commandment by G-d to keep species separate. In explaining the reason behind the laws of Shemitah, where the Land of Israel must lie fallow every seven years, Maimonides¹⁵ says that this will preserve the earth and make it more fertile. The Talmud even records that when a particular tree was sick, the scholars were instructed to pray for its health.¹⁶

In a very moving story, we can see that Judaism not only cares about the environment of today's generation but also tries to safeguard the environment for future generations. The Talmud describes that when Choni was traveling along, he saw an old man

¹¹ Shulchan Aruch, Choshen Mishpat 155:22

¹² Deuteronomy 4:9 and 4:15

¹³ Genesis 1:11

¹⁴ Deuteronomy 22:9-11

¹⁵ Guide for the Perplexed III, 39

¹⁶ Shabbat 67a

planting a carob tree. When enquiring how long it would take this tree to bear fruit, the man told Choni it would take seventy years. Choni asked how the man could be sure he would live that long. The man answered that he indeed would not be alive, but his grandfather planted a tree so that he could benefit, so he was planting so that his descendants could likewise benefit.¹⁷ This indicates the sensitivity to the future environment expected of a Jew.

All of these aphorisms and stories reflect a general Jewish attitude and sensitivity. But Judaism carried this sensitivity into specific laws that, when examined closely, are even more sophisticated than most of the environmental laws that exist today in the most environmentally-conscious countries in the world.

CITY PLANNING AND BEAUTIFICATION

A healthy ecological balance dictates that there must remain distance between a city and rural areas. Thus, the Torah¹⁸ does not permit any planting or building in the one thousand cubit radius around a city. Rashi on this verse, based on the Talmud,¹⁹ comments that the purpose is also to protect the beauty of the city. Thus, the Torah was concerned about zoning and city beautification. The Mishna²⁰ states that even a tree had to be a distance of at least 25 cubits (37-50 feet) from the city, and some say 50 cubits, in order to allow proper growing of trees and prevent possible damage.

NOT POLLUTING PUBLIC PROPERTY

In ancient times, before daily garbage collection was provided as a city service, the Shulchan Aruch rules that one may not put out garbage in a public property, and if one did, the rabbis would fine the person. In addition, if this garbage caused anyone damage, the person was liable.²¹ There were certain times of the year when it was permissible to put out the garbage in a public place, most notably during the rainy season where it would be washed away. However, even during the permitted times, if the garbage caused damage, the owner was responsible.²²

AIR POLLUTION

A granary causes a bad odor and leaves a large carbon footprint. (Greenhouse gas emissions from agriculture are estimated to be responsible for 10-15% of all global emissions today). Therefore, the Mishna²³ states that a granary must be sited 50 cubits away from the city in every direction and must keep the granary far from plants so that it does not do damage. Maimonides²⁴ not only forbids setting up a granary in one's home because of the odor it causes, but any activity which pollutes the air with dust that will reach a neighbor is also not permitted. The Shulchan Aruch concurs,²⁵ noting that the winds carry the odor (greenhouse gases?) and damage city residents if the granary is too close to the city. The same trend is followed with other kinds of odors that will cause possible damage such as animal carcasses, cemeteries and smoke. Both the Mishna²⁶ and Code of Jewish Law²⁷

¹⁷ Taanit 23a

¹⁸ Numbers 35:2

¹⁹ Bava Batra 24b

²⁰ Bava Kama 2:7

²¹ Shulchan Aruch, Choshen Mishpat 414:1

²² Maimonides, Hilchot Nizkei Mamon 13:13-14 and Shulchan Aruch, Choshen Mishpat 414:2

²³ Bava Batra 2:8

²⁴ Maimonides, Hilchot Shecheinim 11:1

²⁵ Shulchan Aruch, Choshen Mishpat 155:22

²⁶ Bava Batra 2:9

forbid these all of these within 50 cubits of the population. One opinion even speaks about the direction of the wind, as wind to the east of the city will cause damage while wind from the west will not. Shulchan Aruch mentions the prohibition against putting a horse stable near the area of fermenting wine since it will be damaged. Similarly, a person may not set up certain types of stores below a place where fruits are stored as it may damage the fruit. Specifically, a painter and a baker are mentioned, because the fumes their work generates may cause damage.²⁸ The Talmud states²⁹ that all smokestacks were forbidden in the holy city of Jerusalem, because of the smoke they would cause (as Jerusalem had to remain a smokeless, pollution-free city), and Maimonides codifies this idea.³⁰ Maimonides³¹ also states that when the ashes from the holy sacrifices were removed from the Temple by the Kohen-Priest and put on the outskirts of the city, they had to be put in a place where there was no wind, so that they would not be swept up into the wind. Although other types of damage may be permitted if a neighbor does not protest that damage, Maimonides³² states that damage causing air pollution, i.e. damage through smoke, dust, and noxious smells is not permitted even if no one protests. Apparently, Maimonides recognized that this type of harm to a society was more dangerous than other types of damages.

WATER POLLUTION

Shulchan Aruch rules³³ that if a person spilled water outside and seeps down into the earth and causes damage, then the person who poured it must pay for the damage.

NOISE POLLUTION

The rabbis were even sensitive to damage caused by noise as a hazard to the human environment. Therefore, if a new store in a residential neighborhood causes the neighbors to complain that they cannot sleep because of the noise from customer traffic, their complaint is valid. However, if they suddenly complain about the noise from the work inside the store such as a hammer or grindstone, their complaint is not legitimate if this noise had always been present and they had not complained in the past.³⁴ The clear implication is that a new store would not be allowed to generate this type of noise if it caused the neighbors to lose sleep.

Thus, the Jewish attitude to climate change and other ecological concerns is both very broad and very deep, covering many areas in great detail. Perhaps the Midrash best sums up the overall Jewish view towards the world when it describes what happened at the very beginning of creation. G-d puts Adam among all the vegetation of the Garden of Eden and asks Adam to look at all His creations and how beautiful and good they are. G-d tells man that they were all put here for human beings. However, man must be careful that he does not damage this creation and cause the world to be destroyed, since once it is destroyed, the damage is irreparable.³⁵

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²⁷ Shulchan Aruch, Choshen Mishpat 155:23

²⁸ Shulchan Aruch, Choshen Mishpat 155:2

²⁹ Bava Kama 92b

³⁰ Maimonides, Hilchot Beit Habechira 7:14

³¹ Maimonides, Hilchot Temidin Umusafin 2:15

³² Maimonides, Hilchot Shecheinim 11:4

³³ Shulchan Aruch, Choshen Mishpat 412:5

³⁴ Shulchan Aruch, Choshen Mishpat 156:2

³⁵ Kohelet Rabbah 7:20

entertaining and interactive way.” Rabbi Amsel has also served as a teacher, a school principal, and an adjunct professor. He has also taught over 2000 educators how to teach more effectively. Rabbi Amsel has worked in all areas of formal and informal Jewish education and has developed numerous curricula including a methodology how to teach Jewish Values using mass media. Recently, he founded the STARS Program (Student Torah Alliance for Russian Speakers), where more than 3000 students in 12 Russian speaking countries learn about their Jewish heritage for five hours weekly. Rabbi Amsel previously served as the Educational Director of Hillel in the Former Soviet Union. He lives Jerusalem with his wife and has four children and three grandchildren.