

It Isn't Easy Being Green: Building a Jewish Environmental Ethic

2010 **KOACH** Shabbat

Study Materials

Biblical Sources

1

Psalm 24:1

מִזְמוֹר לִיקוֹק הָאָרֶץ וּמְלוֹאָהּ תִּבְּל וַיִּשְׁבֵי בָהּ

The world and its fullness, the earth and all its inhabitants – everything belongs to the Lord.

In *Or Hadash*, Rabbi Reuven Hammer identifies this psalm as “An assertion of the basic monotheistic belief that everything is under the rule of the one God.”

Psalm 115:16

הַשָּׁמַיִם שָׁמַיִם לִיקוֹק וְהָאָרֶץ נָתַן לִבְנֵי אָדָם:

The heavens are the heavens of the Lord, but God gave the earth to humankind.

On this psalm Reuven Hammer comments: “[We] thank God for giving us the earth for our own possession.” Robert Alter writes: “God is enthroned above in the heavens but has bestowed the realm of the earth to humankind for its enjoyment and fulfillment.” (*The Book of Psalms*)

2

Deuteronomy 20:19-20

(יט) כִּי תִצּוֹר אֶל עִיר יָמִים רַבִּים לְהִלָּחֵם עָלֶיהָ לְתַפְשָׁהּ לֹא תִשְׁחִית אֶת עֵצָהּ לְנֹדַח עָלֶיהָ גְרֵזוֹן כִּי מִמֶּנּוּ תֹאכַל וְאֵתוֹ לֹא תִכְרֹת כִּי הָאָדָם עֵץ הַשֵּׂדֶה לְבָא מִפְּנֵיךְ בְּמִצּוֹר:
(כ) רַק עֵץ אֲשֶׁר תִּדְעַ כִּי לֹא עֵץ מֵאֲכָל הוּא אֵתוֹ תִשְׁחִית וְכִרְתָּ וּבְנִיתָ מִצּוֹר עַל הָעִיר אֲשֶׁר הוּא עֹשֶׂה עִמָּךְ מִלְחָמָה עַד רִדְתָּה:

When in your war against a city you have to besiege it a long time in order to capture it, you must not destroy its trees, wielding the ax against them. You may eat of them, but you may not cut them down. Are trees of the field human to withdraw before you into the besieged city? Only trees that you know do

not yield food may be destroyed; you may cut them down for constructing siegeworks against the city that is waging war on you, until it has been reduced.

3

Leviticus 25:2

(ב) דַּבֵּר אֶל בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם כִּי תָבֹאוּ אֶל הָאָרֶץ אֲשֶׁר אֲנִי נֹתֵן לָכֶם וְשָׁבַתָּה הָאָרֶץ שְׁבַת לִיקוּק:

Speak to the children of Israel and say to them, when you come into the land which I will give to you, allow the land to rest, a Sabbath unto the Lord.

Rabbinic Sources

4

Genesis Rabbah 13:3

אמר ר' שמעון בן יוחי ג' דברים שקולים זה בזה ואילו הן ארץ ואדם ומטר, אמר ר' לוי בר חייתה ושלתם מן שלשה אותיות ללמדך שאם אין ארץ אין מטר ואם אין מטר אין ארץ ואם אין שניהם אין אדם.

Rabbi Shimon Bar Yochai said, three things are of equal importance, earth, humans, and rain. Rabbi Levi ben Hiyata said: each is a three letter word to teach that without earth, there is no rain, and without rain, the earth cannot endure, and without either, humans cannot exist.

5

Midrash Ecclesiastes Rabbah 7:13

בשעה שברא הקב"ה את אדם הראשון נטלו והחזירו על כל אילני גן עדן ואמר לו ראה מעשי כמה נאים ומשובחין הן וכל מה שבראתי בשבילך בראתי, תן דעתך שלא תקלקל ותחריב את עולמי, שאם קלקלת אין מי שיתקן אחרך.

When the Holy One created the first human being, God took him and led him around all the trees of the Garden of Eden and said to him: Behold my works, how beautiful they are. All that I have created is within your domain. Take care, therefore, that you do not destroy My world, for if you do, there will be no one else to set it right after you.

From the High Holy Day liturgy

(On Rosh Hashanah it is written and on Yom Kippur it is sealed:)

Who shall live, and who shall die;

Who shall live out his days, and who shall not;

Who shall perish by fire, and who by water;

Who by the sword, who by a wild beast;

Who by hunger, and who by thirst;

Who by the ground trembling beneath him, and who by illness;

Who shall be at rest and who shall be tormented;

Who shall be wealthy and who impoverished;

Who shall be humbled and who shall be exalted.

Case Study I – Environmental Responsibility and Economic Stability

Tosefta Baba Batra 1:10

ר' נתן אומ' מרחיקין את הכבשונות מן העיר חמשים אמה ואת האילן מן העיר עשרים וחמש אמה וכשם שמרחיקין מן העיר כך מרחיקין מבורות משיחין וממערות וכשם שמרחיקין מכולן כך מרחיקין מן הקברות

Rabbi Natan says: Furnaces should be a distance from the city of 50 *amah* and trees should be a distance from the city of 25 *amah* and just as they are distanced from the city, they should be distanced from wells and caves and just as they are distance from these they should be distanced from cemeteries.

Baba Kama 82b

עשרה דברים נאמרו בירושלים: אין הבית חלוט בה, ואינה מביאה עגלה ערופה, ואינה נעשית עיר הנדחת, ואינה מטמאה בנגעים, ואין מוציאים בה זיזין וגזזטראות, ואין עושין בה אשפתות, ואין עושין בה כבשונות, ואין עושין בה גנות ופרדסות חוץ מגנות וורדין שהיו מימות נביאים הראשונים, ואין מגדלים בה תרנגולין, ואין מלינין בה את המת.

Ten things were said about Jerusalem: no house should be irredeemable there, and you do not bring in a broken-necked heifer, and you do not render it a condemned city, and you do not taint it with the plague, and you do not project within it beams and balconies and you don't create trash heaps in it, and you don't put furnaces in it, and you don't put gardens and orchards in it, with the except of rose gardens, which are from the time of the first prophets, and you don't raise chickens in it and you don't rest the dead in it overnight.

8

Maharshach 2:98 (Greece, 16th century)

דטעמא דמלתא שכיון שעושה מלאכתו לצורך מחייתו ואין לזרים את אינו יכול למחות בו באופן דיר' מסברת הני רבוותא דאפילו במלאכה פרטית כה"ג דפטיש ורחים אינו יכול למחו' כ"ש במלאכה כוללת דהיינו עשיית הבגדים שהיא רוב מלאכת אנשי העיר ואם השכנים מעכבים זה על זה בענין הגיגיות לא שבקת חיי לעשות מלאכת הבגדים לאנשי העיר מ"מ אמרתי שראוי לבעל הגיגיות שישתדל לבקש מקום לשום שם הגיגיו' באופן שירחיק וימעט הנזק משכנו כל מה שאפש' והנה גם בנדון זה שגשאלתי בו עליו עתה אני מודיע לראובן שאין ראוי למחו' בראובן אך אמנם אם יש מקום לראובן להרחיק מושב מקום הגיגיות שלא יזיקו לשמעון ראוי ונכון הדבר שירחיקם. נאם הצעיר שלמה הכהן.

The key factor is that he does this for his livelihood and others cannot object to it even based on the assumption that it is private work. In this way, that the hammer and the millstones cannot be objected to, all the moreso with work that is public, such as the making of clothing, which is the work of most of the city. If the neighbors were to trouble one another regarding the vats [of dye], there would be no livelihood for anyone in the city. In any event, I have said that it is fitting for the owner of the vats to try to seek a place to put them which will distance them and minimize the damage to his neighbor to the greatest extent possible. And even as I give judgement for this about which I was asked, I acknowledge to "Reuven" that it is not appropriate to object to him even if there is a place to which he might move them so that they don't offend "Shimon," though it is fitting that he move them.

Case Study II – The Eating of all Kosher Foods and the Case of Veal

9

Bereshit 2:16

וַיֵּצֵא יְקוֹק אֱלֹהִים עַל הָאָדָם לְאמֹר מִכָּל עֵץ הַגָּן אָכַל תֹּאכֵל:

The Lord God commanded the man: "Of every tree in the garden you are free to eat."

10

Bereshit 9:3-4

כָּל רֶמֶשׂ אֲשֶׁר הוּא חַי לָכֶם יְהִי לְאֹכְלָהּ כִּי־רַק עֵשֶׂב נִתַּתִּי לָכֶם אֶת כָּל:
אֶדְ בְּשָׂר בְּנֶפֶשׁ דָּמוֹ לֹא תֹאכְלוּ:

Every creature that lives shall be yours to eat; as with the green vegetation I give you all these. You must not, however, eat flesh with its life-blood in it.

11

Deuteronomy 22:4

לֹא תִרְאֶה אֶת חֲמֹר אַחִיךָ אוֹ שׁוֹרוֹ נִפְלִים בַּדֶּרֶךְ וְהִתְעַלְמָתָ מֵהֶם הֲקִים תְּקִים עִמּוֹ:

You shall not see the donkey of your brother or his ox fall on the way and (be burdened), you must raise them up.

12

Exodus 23:5

כִּי תִרְאֶה חֲמֹר שֹׁנֵאֵד רֹבֵץ תַּחַת מְשָׂאוֹ וְחִדַּלְתָּ מֵעֲזֹב לוֹ עֲזַב תִּעְזֹב עִמּוֹ:

When you see your enemy's donkey lying beneath its burden, refrain from leaving it with him, help him lift it up.

13

Deuteronomy 22:6-7

כִּי יִקְרָא קוֹן צִפּוֹר לְפָנֶיךָ בַּדֶּרֶךְ בְּכֹל עֵץ אוֹ עַל הָאָרֶץ אֲפֹרָחִים אוֹ בִּיצִים וְהָאִם רֹבֶצֶת עַל הָאֲפֹרָחִים אוֹ עַל הַבִּיצִים לֹא תִקַּח הָאִם עַל הַבָּנִים:
שְׁלַח תִּשְׁלַח אֶת הָאִם וְאֶת הַבָּנִים תִּקַּח לָךְ לְמַעַן יִיטֵב לָךְ וְהָאֲרֶכֶת יָמֶיךָ:

If you should see a bird's nest before you in any tree or on the ground with young chicks or eggs and the mother is (guarding) over the chicks or the eggs, do not take them in front of the mother. Send the mother away and then take the young, that it should go well with you and your days will be long.

14

Rambam Moreh Nevukhim (Guide for the Perplexed)

הציווי לשחוט בעלי-חיים הכרחי, כי המזון הטבעי לאדם הוא מהגרעינים הצומחים מהארץ ומבשר בעלי-חיים, והבשר המעולה ביותר הוא זה שהותר לנו לאוכלו. דבר זה לא נעלם משום רופא. ומכיוון שהצורך במזון טוב הביא להריגת בעל-החיים, היתה כוונה למיתה הקלה לו ביותר, ונאסר לענותו בשחיטה פסולה, לנחור אותו או לחתוך ממנו איבר כמו שהבהרנו

The commandment concerning the killing of animals is necessary, because the natural food of man consists of vegetables and of the flesh of animals: the best meat is that of animals permitted to be used as food. No doctor has any doubts about this. Since, therefore, the desire of procuring good food necessitates the slaying of animals, the Law enjoins that the death of the animal should be the easiest. It is not allowed to torment the animal by cutting the throat in a clumsy manner, by poleaxing, or by cutting off a limb whilst the animal is alive.

15

Bava Metzia 32b

מדברי שניהם נלמד: צער בעלי חיים דאורייתא.

From the arguments of both we may infer that [relieving] the suffering of an animal is a Biblical law.

16

Responsum on Veal, Rabbi Pamela Barmash, Committee on Jewish Law and Standards of the Rabbinical Assembly

Veal Calves

Question

Considering the conditions in which veal calves are raised, do the halakhic prohibitions of **צער בעלי חיים**, inflicting suffering on animals, and **אכזריות**, cruelty, make the raising of veal calves in such a manner and the selling, purchase, or consumption of veal from these animals no longer permissible?

Summary

Veal calves are raised in appalling conditions in which their movement is severely restricted and their diet limited, among other severities. According to the biblical sources, Jews are allowed to utilize animals as long as the animals are treated with compassion. The classical rabbis regulated the treatment of animals under **צער בעלי חיים**, the prohibition of inflicting suffering on animals. This principle was

further developed in later halakhah, extending to regulate the feeding of animals, the use of animal in agricultural work and transportation, and shehitah. In response to the claim that human necessity overrules **צער בעלי חיים** in every situation, Rabbi Israel Isserlein, followed by the Rabbi Moshe Isserles, rules that **אכזריות**, cruel behavior toward animals, is forbidden, even when there might be benefit to human beings. Jews should be cultivating the character trait of compassion, not cruelty. The Israeli Supreme Court has banned the force-feeding of geese based on the prohibition of **צער בעלי חיים**, and the Ministry of Agriculture in Israel is in the process of implementing standards of care for veal calves in Israel similar to those of the European Union, providing to calves sufficient iron, a mixed diet not limited to milk, water for drinking, space to allow calves to lie down, stand up, and groom themselves, appropriate bedding, and a restriction on the isolation of calves. In the United States, Human Farm Animal Care has prepared a set of standards under which animals can be raised humanely, including a mixed diet that satisfies their nutritional needs, 20 square feet of space for calves over 180 lbs, dry and clean bedding, and group pens after 8 weeks. The American Veal Association has recommended to its members that the entire industry in the United States convert from individual stalls to group housing by December 31, 2017 in response to the animal welfare concerns of consumers. We strongly urge that the Ministry of Agriculture directives and the recommendations of the group housing resolution of the American Veal Industry be implemented.

פסק

We rule that only veal from animals raised under humane standards can be sold, purchased, or consumed. Humane standards for the raising of veal calves include sufficient space for calves to lie down, stand up, turn around, and groom themselves, proper nutrition in a mixed diet appropriate for young calves with sufficient iron, dry, clean bedding, and limited isolation of calves.

For more information:

For the full text of the *teshuvah* (responsum) on Veal Calves

http://rabbinicalassembly.org/teshuvot/docs/20052010/barmash_veal.pdf

For Conservative Movement resources on the Environment

http://www.uscj.org/The_Environment7780.html

For extensive resources on Judaism and the environment

Coalition on the Environment and Jewish Life www.coejl.org

Heschel Center for Environmental Learning and Leadership www.heschel.org.il

Green Faith www.greenfaith.org

Teva Learning Center www.tevalearningcenter.org

The Way Into the Environment and Jewish Life by Jeremy Benstein

www.KOACH.org