

A Bibliography of Sources on Jewish Environmental Law*

A Selected Bibliography of Classical Sources with Annotations

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This is a selected list of sources of classical Jewish legislation on environmental appreciation, preservation, and regulation. Not all of the following precepts were legislated solely for environmental reasons. Often, ecological or aesthetic measures were prescribed to achieve a necessary level of social order or sanctity.

I. The Conceptual Basis

Genesis 1:28. "Be fruitful and multiply. Fill the land and conquer it. Dominate the fish of the sea, the birds of the sky, and every beast that walks the land."

Genesis 2:15. "G-d took the man and placed him in the Garden of Eden, to work it and guard it."

Leviticus 25:23. "The land is Mine."

Deuteronomy 20:19. "Do not [needlessly] destroy."

Exodus 23: 10-11 and Leviticus 25:1-7. The seventh year is a Sabbath of Sabbaths for the land.

Leviticus 29:14. "Do not put a stumbling block before the blind."

Leviticus 19:18. "Love your neighbor."

Deuteronomy 4:15. "Preserve yourself and your life."

Leviticus 25:36. "Let your brother live alongside you."

Exodus 21:33 ff. Liability for causing damage to others.

Isaiah 45:18. "He did not create it for desolation. He formed it to be settled."

Talmud Shabbat 133b. "Beautify your mitzvot; make a beautiful sukka, a beautiful lulav, a beautiful tallit, a beautiful Sefer Torah."

II. Practical Legislation: General Sources

Mishna Bava Kama. Damages caused by man, animals, and inanimate objects, including dangerous waste materials disposed of in the public domain, in the air or in waterways.

Mishna Bava Batra Chapter 2. Preventive environmental legislation.

Maimonides, Mishneh Torah, Sho'tim, Law of Kings 6:8-10. "Do not destroy" prohibits needless destruction of nature and also artifacts, i.e., utensils, clothing, buildings.

Maimonides, Mishneh Torah, Hilkhoh Nzikin, Laws of Property Damages. Summarizes Talmud tractates Bava Kama, Bava Metsia, and Bava Batra, which legislate direct and indirect damages caused by man and his property.

Maimonides, Mishneh Torah, Hilkhoh Kinyan, Laws of Neighborly Relations, Chapters 9-11.

Maimonides, Mishneh Torah, Laws of Kings 6:8-10. Expansion of “do not destroy” to include utensils, clothing, buildings.
Shulhan Arukh, Hoshen Mishpat Chapters 153-156. Damages to neighbors.

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III. Specific Rulings

This Representative list by subject is not comprehensive.

A. Air Quality

Odors in the public domain:

Mishna Bava Batra 2:9

Maimonides, Mishneh Torah, Hilkhot Kinyan, Laws of Neighborly Relations 10:3.

Shulhan Arukh, Hoshen Mishpat 155: 23.

Rashi on Talmud Bava Batra 25a

Dead animals, cemeteries, and tanneries must be placed outside cities, and not to the west of them (the side the wind usually comes from).

Noise, smoke and odor in the courtyard:

Mishna Bava Batra 2:3

Talmud Bava Batra 23a

Maimonides, Mishneh Torah, Hilkhot Kinyan, Laws of Neighborly Relations 11:5

Shulhan Arukh, Hoshen Mishpat 155:39

Ribash Responsum 196

Smoke and odor:

Mishna Bava Batra 2:3

Tosefta Bava Batra Chapter 1

Talmud Bava Batra 25a

Air pollution:

Mishna Bava Batra 2:8-9 and Rashi there.

Talmud Bava Batra 24b and 25a

Maimonides, Mishneh Torah, Hilkhot Kinyan, Laws of Neighborly Relations 10:2

Shulhan Arukh, Hoshen Mishpat 155:22 and 34. Permanent threshing floors must be distanced from cities and from neighbors' fields.

Maimonides, Mishneh Torah, Hilkhot Kinyan, Laws of Neighborly Relations 11:1. Any work causing dust or ash

must be conducted at a distance from other people so that the wind will not carry waste particles to them.

Maimonides, Mishneh Torah, Hilkhot Tmidin U'Musafin 2:15. The ashes cleaned out from the Temple altar must

be removed from the city to a place where the wind will not disperse them.

Abraham Ibn Ezra on Exodus 12:22. Hyssop drives away mold.

B. Water Quality

Water pollution:

Tosefta Bava Metsia, end of Chapter 11.

Rosh, Responsum 108:10.

Shulhan Arukh, Hoshen Mishpat 155:21.

Maintenance of water quality:

Tosefta Shkalim 1:203

Drinking contaminated water:

Talmud Avoda Zara 12b

Water rights:

Talmud Bava Batra 81a. One of the ten regulations established by Joshua for settling in the Land of Israel was that non-residents of Tiberias were allowed to fish in the Kinneret with fishing rods only and not nets.

Tosefta Bava Metsia, end of Chapter 11.

Talmud Bava Kama 81b.

Maimonides, Mishneh Torah, Gzela V'Avoda 6:13; Hilkhhot Nizkey Mamon 5:3.

Water shortage:

Neot Deshe Responsum 134.

C. Soil Quality

Sabbatical of the land:

Leviticus 25: 1-7

Exodus 23: 10-11

Soil pollution:

Mishna Bava Batra 2:10. Prohibition against soaking flax near soil where vegetables are planted.

D. Disposal of Solid Waste

Mishna Bava Kama 3:2

Talmud Bava Metsia 118b

Talmud Hulin 12a

Talmud Bava Kama 50b

Tosafot Bava Metsia 11-5

Shulhan Arukh, Hoshen Mishpat 414: 1-2

Maimonides, Mishneh Torah, Hilkhhot Nizkey Mamon 13:22. Special disposal of thorns and other dangerous objects.

E. Protection of Trees and Vegetation

Tosefta Psahim, s.v. makom sh'nagu

Talmud Bava Kama 91b. Cutting down any (fruit or non-fruit) tree is punishable by Heaven.

Orchards:

Maimonides, Mishneh Torah, Laws of Kings 6: 8-9 on Deuteronomy 20:19. Do not destroy fruit trees and do not deprive them of water.

Foliage destruction by goats and sheep:

Mishna Bava Kama 7:7

Talmud Bava Kama 79b-80a

Industrial air pollution and vegetation:

Maimonides, Mishneh Torah, Hilkhhot Mlakhim 6:14-15. Soldiers must carry a spade with their weapons to dig holes and cover their excrement.

Toilet odor and seepage:

Talmud Bava Batra 23a.

Rosh Responsum on Tur, Hoshen Mishpat 155:20-26.

Shulhan Arukh, Hoshen Mishpat 155:21.
Baraita on Bava Kama 20a and Rashi there.
Talmud Bava Batra 24b. Permanent threshing floors must be built at a distance from neighboring crops so that chaff will not smother the vegetation.

F. Animals

Exodus 23:5. Help unload the fallen donkey of even your adversary.
Leviticus 7:26. Do not eat blood.
Leviticus 17:13. Spilled blood of a slaughtered kosher domestic animal must be covered by earth.
Leviticus 19:19. Prohibition against cross-breeding. Sefer Ha'Hinukh: this prohibition is a warning not to change the way of nature.
Deuteronomy 12:21. The basis of the laws of kosher slaughter
Rashi on Deuteronomy 12:23. Do not eat flesh from living animals.
Deuteronomy 22:10. Do not plow with an ox and donkey yoked together.
Deuteronomy 25:4. Do not muzzle an ox when it is treading grain.
Animals during the sabbatical year:
Leviticus 25:7
Torat Kohanim 9, Parashat Be'Har 1:8
Talmud Psahim 52b
Jerusalem Talmud Shviit 9:2. During the sabbatical of the land all crops can be eaten freely by domestic and wild animals.
Pest control:
Talmud Bava Kama 80a. It is permissible to raise dogs that are not dangerous, cats, monkeys, and martens because they keep the house clean [of rats –Rashi].
Talmud Psahim 112b. Do not go into a house in the dark that does not have a cat, lest a dangerous snake be hiding there.

G. Urban Planning

Greenbelt:
Leviticus 25:34.
Numbers 35: 1-5
Mishna Bava Batra 2:7
Talmud Bava Batra 24b
Jerusalem Talmud Bava Batra 2:7. A greenbelt of permanent width – not containing fields or vineyards – must be built around the cities of the Levites.
Mishna Arakhin 9:8; Maimonides, Mishneh Torah, Hilkhhot Shmita 13:1-2, 4-5. The greenbelt command applies to all cities in the Land of Israel.
Rashi on Talmud Sota 27:2. The urban greenbelt was a “wide space free of agriculture, buildings, and trees to beautify the city and let it have air.”
Maimonides, Mishneh Torah, Hilkhhot Kinyan, Laws of Neighborly Relations 10:1.

H. Damages to Neighbors.

Mishna Bava Batra, Chapter 2. The entire chapter legislates how to prevent domestic environmental hazards so that one neighbor will not bother other neighbors.

Talmud Bava Batra 24b.

Construction:

Talmud Bava Batra 60a. Prohibition against building porches or beams extending into the public domain.

Maimonides, Mishneh Torah, Hilkhos Nizkey Mamon 13:24. Intrusions into the public domain are forbidden only if they obstruct camel [traffic] or block sunlight.

Construction debris and fertilizer:

Mishna Bava Metsia 10:5

Talmud Bava Metsia 118b.

Mishna Shviit 3:10

Mishna Bava Batra 3:8

Maimonides, Mishneh Torah, Nizkey Mamon 13: 13-17.

Shulchan Arukh, Hoshen Mishpat 414: 1-2.

Rashi on the above sources. Builders must commence work immediately after construction materials are brought to the work site.

Prevention of contagion:

Yehuda He'Hasid, Sefer Hasidim, article 161 (in Mkitsey Nirdamim edition).

Zeev Wolf Leiter, Bet David, (Vienna 1920) Responsa 22 and 108.

Noise prevention:

Mishna Bava Batra 2:3 and Albek there.

Shulhan Arukh, Hoshen Mishpat 156:4.

Maimonides, Mishneh Torah, Hilkhos Kinyan, Laws of Neighborly Relations 6:12.

Neighbors can stop any kind of noise being made in their courtyard except for that caused by teaching Torah to [25 or fewer] children.

Talmud Bava Kama 29b. A person who leaves a dangerous object in a public place cannot avoid responsibility by disowning the object.

I. Higher Level of Environmental Quality in Jerusalem and the Temple

Talmud Psahim 7a. The markets of Jerusalem must be cleaned every day.

Talmud Bava Kama 82b and Rashi there.

Maimonides, Mishneh Torah, Hilkhos Bet Ha'Bhira 7:14 and Rashi there. Garbage dumps, furnaces for burning

limestone, and gardens and fruit trees – except for rose gardens from the times of the prophets – are not

allowed inside the walls of Jerusalem. Trees and gardens are not allowed because of the odor caused by fertilizer

and decaying debris. Kilns for preparing limestone are not allowed because they would blacken the city walls.

Maimonides, Mishneh Torah, Hilkhos Tmidin U'Musafin 2:15. The ashes cleaned out from the Temple altar must

be taken outside the city to a place where the wind will not disperse them.

Talmud Tamid 29b. Vine and olive wood are forbidden to be burned in the Temple because they make too much

smoke.

Recycling:

Mishna Sukka 5:3. The material of old priestly garments is made into wicks for the Temple lamps.

J. Public Sanitation

Deuteronomy 23:13-14.

Talmud Bava Batra 24b. Permanent threshing floors must be built at a distance from neighboring crops so that chaff will not smother the vegetation.

Deuteronomy 23:13-14.

IV. Blessings on Natural Phenomena

Talmud Brakhot 43b: "How do we know [that we should] bless a [good] aroma? Because it is written, 'Let every

being that has a soul praise the L-rd, Halleluya' (Psalms 150:6). What does the soul enjoy but not the body? You

must admit that the answer is 'smell.'"

Shulhan Arukh, Orah Hayyim 226:1: "Upon going out during the month of Nisan and seeing trees in blossom,

one says, 'Blessed are You, O L-rd our G-d, King of the universe, Who re-enacts the work of Creation' or

'...Whose power and might fill the world...'"

Shulhan Arukh, Orah Hayyim 228:1-3: "On seeing rivers, mountains, and deserts which evoke the might of

Creation, one says the blessing' ...Who re-enacts the work of Creation.'"

V. Selected Midrashim and Sayings of the Sages

Talmud Bava Kama 50b: "A landowner was clearing rocks from his field to a public thoroughfare. On seeing

him do this, a certain Hasid [righteous person] asked him, 'Fool, why are you throwing rocks from property that is not yours to property that is yours?'

"The landowner laughed at the Hasid. Eventually the landowner had to sell the field. While walking along the

same thoroughfare, he fell on the rocks he had once thrown there. 'That Hasid was right,' he said to himself,

'when he asked me why I was throwing rocks from property not mine to property that is mine.'"

Sifrey on Deuteronomy 20:19: "'Is a man a tree of the field?' teaches us that human life is sustained by trees."

Talmud Eruvin 44b: "A city with no greenery is not a suitable residence for a Torah scholar."

Talmud Sanhedrin 17b: "A city without fruit is not a suitable residence for a Torah scholar because fruits brighten the eyes."

Talmud Brakhot 57b: "Three things give a man peace of mind: a nice home, an attractive wife, and good utensils."

Midrash Shoher Tov 137: “By the rivers of Babylon we sat and wept’ (Psalms 137:1)
Why did the Jews cry by
the rivers of Babylon? Rabbi Yohanan said, ‘The Euphrates killed more of them than the
wicked Nebukhadnetser
did. When the Jews lived in the Land of Israel, they drank only rainwater, freshwater and
springwater. When they
were exiled to Babylon they drank the water of the Euphrates, and many of them died.
Midrash Rabba on Genesis 10:8: “Even things which seem extraneous such as snakes,
scorpions, flies, fleas, and
mosquitoes are part of the Creation, and G-d makes use of all of them.”

For Further Reference:

David Solomon, Yaakov Weinberg, Meir Batist, Meir Zikhel, Menahem Slae, and Tsvi Ila
Eikhut Ha’Sviva (Ekologiya)

B’Mkorot Ha’ Yahadut (Ramat Gan, Israel: University of Bar Ila Responsa Project, 5750)
in Hebrew. The most

comprehensive review of Jewish environmental law, constructed from a database of all
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to the present.

See also:

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York/ Jerusalem: Feldheim, 1976), pages 500-525.

Yehuda Feliks, *Teva Va’Arets Ba’Tanakh: Prakim B’Ekologiya Mikrait* (Jerusalem: Rubin
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E.C. Freudenstein, “Ecology and the Jewish Tradition” in *Judaism* Volume 19 (1970)
pages 406-414

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