

Environmental Legislation

Before Moshe parts from his people, he concerns himself with their environmental concerns. Before leaving, he gives them a lesson in town planning. Like many other mitzvos, this too is imparted as an adjunct of another mitzvah; in this case, the rights of the Levites in Eretz Yisrael.

We know that the Levites received no proper inheritance in the Land. They lived throughout the Land, on the tithes of other Jews. Why they were made dependent on other people's good will is a subject in itself. Our *parshah* discusses the Levites' dwelling towns. As it says, "Command the sons of Yisrael and give to the Levites, from their acquired inheritance, towns in which to dwell" (*Bamidbar* 35:2).

The *Sefer HaChinuch* explains: "Because the tribe of Levi is the best of the tribes and dedicated to service in Hashem's House and has no portion with Yisrael in the inheritance of fields and vineyards. But they still needed towns in which to dwell; they, their sons and small children, and all their livelihood" (mitzvah 408).

Thus the Levites were given forty-eight towns throughout the Land (*Bamidbar* 35:7). In addition, the Torah gave them fields all around: "And you shall give fields for the towns, around them, to the Levites, and the towns shall be for them to settle, and the fields shall be for their animals and their property and all their lives" (*ibid.* 2-3).

These fields were measured "from the wall of the town a thousand cubits (almost 500 meters) around" (*ibid.* 4). The next verse adds: "And you shall measure from outside the town ... two thousand cubits, and the town in the middle" (verse 5).

This is no contradiction. The towns had two green belts. The outer one was for agricultural use, while the inner one remained empty. Rashi (verse 2, based on the Talmud) explains: "*Umigrash* (a space) an empty place outside the town all around to be a beautiful enhancement (*noy*) for the town. And there is no permission to build a house or plant a vineyard or sow seeds there."

This is perhaps the earliest record of town planning legislation. The Torah provides for people's basic right to enjoy some open air and a landscape untouched by human artifacts. This law cries out against overcrowding and pollution. This "open air" law is the first instance of concern regarding urbanization. Three thousand years ago, the Torah gave us the concept of the green belt that characterizes modern town planning.

Furthermore, we find that the Gemara (*Kesuvos* 110b) rules that a husband who married his wife in a village cannot force her to move to a big town. "Because everyone dwells

there and it is crowded, and the houses are close together, and there is no air there. But in a small town, there are gardens and orchards close to the houses, and the air is pleasant" (Rashi).

Another interesting halachah derived from our *parshah* is discussed in *Nedarim* (80a). The Gemara there investigates how two towns divide the water of a spring that flows from one town to the other. The Gemara's first rule is that, "[In the event of a conflict between] their lives and others' lives, their lives take precedence over others' lives." In other words, the people of the first town have first rights to the water. If there's only enough water for the animals of the first town, the Gemara rules similarly, "Your animal and the animal of others, your animal has precedence."

What happens if there's enough drinking water for the people and animals of both towns, but not enough water for both towns to wash their clothes? This is a matter of controversy. The Sages say that the essential needs of the second town take precedence over the laundering needs of the first town, while Rabbi Yosi rules that the people of the first town can wash their clothes with the water even if this will leave no water for the essential needs of the second town.

What is the rationale of Rabbi Yosi's surprising opinion? The Gemara explains that lack of laundering leads to *shimumisa*, and the Ran explains: "When a person's clothes have a great deal of dirt engrained in them because he doesn't wash them constantly, and wears them when they are loathsome, it brings him to *shimum v'timhon lev* (lassitude and oversensitivity)."

When Rabbi Yosi's disciples were asked the source of this novel concept, they said that Rabbi Yosi learned it from the verse of our *parshah*: "And you shall give fields for the towns, around them to the Levites, and the towns shall be for them to settle, and the fields shall be for their animals and their property and for all their livelihoods (*chayasam*)" (*ibid.* 2-3).

They explained that the seemingly superfluous word *chayasam* comes to include laundering clothes, which is essential for a person's wellbeing and life. Thus Rabbi Yosi could truly say that one's laundering takes precedence, just as one's life takes precedence.

This Talmudic discussion clarifies beyond all doubt the supreme importance that halachah invests in the cleanliness of a person and his environment. The Torah's wisdom decreed environmental laws long before they were conceived by modern minds. ■

Parshas HaShavua



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