Preventing Environmental Damages

*Hebrew/English Source Sheet*

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I. Three Scriptural Bases for Not Damaging Others

**Leviticus 19:14**
Don’t put a stumbling block before the blind.

**Yad Rama to Tractate Bava Batra 26a**, translation by Y. Neril
"...it is forbidden to cause something that from it brings damage to people, whether because of [the commandment] 'Do not put a stumbling block in front of the blind,' or whether because [of the commandment] 'Love your neighbor as yourself'"
Now we get to two sentences warning us against doing any injury at all to others, in the widest application of the word injury...’And before a blind man you shall not place a stumbling block.’ This is a sentence of the most far-reaching import. It warns against carelessness in word or deed through which the material or spiritual well-being of our fellow man could in any way be endangered. By 'blind person' is understood not only the actual blind, but also those who are, in any way, spiritually or morally blind, dazzled by passion or ignorance.... Thus the whole great sphere of the material and spiritual happiness of our neighbor is entrusted to our care. Our care and consideration must be exercised for the benefit of our neighbor to prevent his coming into any material or moral harm through our means.

But you shall fear your God, I am Hashem. And in all these matters, we are not to feel ourselves under the judgment of our fellowmen, to be before a human tribunal, but to be placed under the Eye of God, the All-seeing One Whose constant presence teaches us the most conscientious watch over ourselves and self-criticism of all our behavior.


Leviticus 19:18

Love your neighbor as yourself.

Rabbi Samphson Rafael Hirsch, commentary to Leviticus 19:18, in The Pentateuch: vol. 1: Genesis

Love your neighbor’s well-being as if it were your own; I am God, is the summarizing final maxim for the whole of our social behavior, in feelings, word, and deed.

Hillel’s interpretation of this as: “That which is hateful to you don’t do to someone else” imposes complete equality of all as the guiding principle of all of our deeds, makes everyone take to heart the weal and woe of everybody else, changes selfishness...into consideration and love of one’s neighbor. The concept of “your neighbor” extends the ideas beyond the narrow confines of your fellow men to the idea of fellow creatures, so that in fact this sentence does contain the contents of the whole Torah, which indeed is nothing else, but the teaching of avoiding everything which is contrary and hateful to the happiness and well-being of ourselves and to that of the fellow creatures who enjoy existence down here in this world

Proverbs 3:17

[The Torah’s] ways are ways of pleasantness and all its paths are peace.

Rabbi Samphson Raphael Hirsch, commentary to Proverbs 3:17
Even the paths of our own individual endeavors are shaped and guided by the spirit of the G-d given Torah towards fulfillment, without causing offense or danger to others, and with the preservation of both our outer and inner peace.

**Discussion questions:**
1. What Torah teachings are considered the Scriptural basis for avoiding damages to others?
2. According to these sources, what is our responsibility to other people? Why?
3. Can you think of any other sources in the Torah that point to the same values?

II. Damages Related to Water

Mishna, Tractate Baba Batra, Chapter 2, Mishna 1, translation by Dr. Akiva Wolff

A person may not dig a cistern next to the cistern of his neighbor, nor a water channel, nor a cave, nor an irrigation ditch, nor a washing trough – unless he distances [the outside wall of his structure] from the outside wall [of his neighbors cistern] three handbreadths and seals [his structure] with plaster.

Shulchan Aruch, Choshen Mishpat 155:21

A person must distance his outhouse from his neighbor's drinking well so that it is clear that the liquid from the outhouse is not reaching the well. Rama [wrote] (Rabbi Moshe Isserlin): And some authorities disagree and maintain that one must distance one's outhouse as far as necessary to avoid damage, even if the public road separates the two houses.

**Discussion questions:**
1. Under what circumstances is a person allowed to build a cistern, outhouse, or other water-utilizing structure?
2. How do these rules affect the overall water resources available to the community?
3. How do these rules limit a person’s actions and constrain personal or economic benefit? Do you think this is appropriate?

III. Damages Related to Smell and Smoke

Mishna, Tractate Baba Batra, p. 25a, translation by Dr. Akiva Wolff

Carcasses, graveyards and tanneries (which are all sources of noxious odors) must be distanced from the city at least 50 cubits…
Mishna, Tractate Tamid 2:3, translation from Judaic Classics Library:
They [the priests] then began to take up the logs to lay the fire. Were all kinds of wood suitable for the fire? All kinds of wood were suitable for the fire except vine and olive wood. What they mostly used, however, were boughs of fig trees and of nut trees and of oil trees.

Talmud, Tamid 29b, translation adapted from Judaic Classics Library translation.
They [the priests] then began to take up the logs to lay the fire, aside from of olive tree and grapevine [quote of the Mishna]. Why were these excepted? — R. Papa said: Because they have knots; R. Aha b. Jacob said: Because of the settlement of the Land of Israel.

Rabeinu Gershom to Tractate Tamid p. 29b, translation by Yonatan Neril
What is the reason? Is it not because they are ash producing? It is that they make too much smoke.

Babylonian Talmud, Tractate Bava Kama, p. 82b, translation by Yonatan Neril
Ten things were said in Jerusalem: One cannot make [large] ovens in the city...because of smoke.

Rashi to Tractate Bava Kama, p. 82b, translation by Yonatan Neril
'Kutra'—smoke which blackens walls, which is an ugly thing.

Maimonides, Mishneh Torah, Hilkhot Kinyan, Laws of Neighborly Relations 11:1, translation by R’ Yonatan Neril
Anyone who has made a threshing-floor in their area, or set up a bathroom, or any work which involves dust, ash, or such things, must distance [those enterprises] so that the ash or smell of the bathroom or dust will not reach their fellow, in order not to damage them...

Shulchan Aruch, Choshen Mishpot 155:36, translation by Dr. Akiva Wolff
…All four of these damages [smoke, bad odors, dust [particulates] and groundshaking] are exempt from hazaka.\(^1\) Even if a neighbor tolerated them for a number of years, he can always change his mind and force the owner [of the source of these damages] to distance them from him.

**Discussion questions:**

1. According to these texts, what types of restrictions were put in place to prevent damages from smell and smoke?
2. How does Jewish tradition rank the importance of aesthetic quality (whether something is beautiful or smells nice) as compared to health? Do you agree with this ranking?
3. How could this apply to modern challenges related to environmental damage?

**IV. Contemporary Rabbinic View on Damages to Neighbors**

Rivash (Rabbi Yizhak bar Sheshet), Responsum 196, translation by Dr. Akiva Wolff

One may not save their own property from damage at the expense of their fellow’s damage.

Rabbi Ezra Batzri, (Jerusalem, contemporary), Monetary Laws, section 2, page 376, note 9, translation by Dr. Akiva Wolff

And behold, this law [of distancing damages], to our great sorrow is disregarded and many people suffer damage, and even have their lives shortened, (may G-d save us), as the experts inform us, and we should sound the alarm on this. Especially responsible are those that are involved in community affairs, who should not be silent on this matter. New factories in particular, should be inspected carefully to know what type of damages they are likely to cause to the community and factories should not be permitted to be established until they are known to be observing the law of distancing of damages properly, and to have all the necessary devices for ensuring that their wastes will not damage the environment…

[We are obligated] to go according to the laws of nature that Hashem established in his world and his creation, and to be careful from natural pitfalls and to protect ourselves and others from things that are likely to cause damage; and if we don’t operate thusly, even if we think we are acting out of faith, this is the council of the evil inclination… Because these matters [smoking in public or causing other harmful forms of pollution to others] are not to be considered as inconsequential, heaven forbid. They are matters of Jewish law that stand up at the heights of the world and in the future there will be an accounting on them [on those who violate these prohibitions]…

Every person is obligated to be very extremely careful with the conditions and rules of safety that are known today [even if not written in the Talmud], because these are not just matters of good behavior or piety towards neighbors, but rather these are clearly mandated by law and a person is obligated to observe the rules of safety according to the custom of the locale and according to the recommendations of the experts. Everyone who observes halacha and wouldn’t violate Torah law is obligated to observe all laws of

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\(^1\) Hazaka is the principle in Jewish law that once an action has been established three times (in this case, for three years), the action becomes legally significant.
protecting others and safety rules … as if they [the safety laws] were written in the Talmud and the Shulchan Arukh.

Discussion questions:
1. How do you understand the statement that these are matters that “stand up at the heights of the world and in the future there will be an accounting for them”?  
2. According to these texts, what responsibilities do we have to prevent damages today?  
3. How can we make these teachings better known and understood in the Jewish community and our society?

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