

ENVIRONMENTAL BEIT DIN: Group 4

HOUSING DEVELOPMENT COMMITTEE

Your task is to develop a proposal for land use. You will present your proposal before the mayor and the members of the other interest groups involved.

You see this land proposal as a perfect opportunity to build a recycling plant. You are currently shipping Anytown's recyclables out of town. Once the plant is built it would save you those costs.

Procedure:

1. Read the Jewish texts and find two examples supporting your group's mission that you can use in your presentation.
2. Decide on your plan for the land using the guide questions.
3. Select: presenters, scribe (to write presentation and draw on map), advocates (to answer questions), and any other roles you need.
4. Write your presentation using the Jewish texts to support your plan.
5. Be prepared to ask questions of the other groups about their use of texts and their plans for the land.

Questions to consider:

1. What effects will this development have on the roads and traffic patterns?
2. Will the schools have the necessary space to house more children without compromising the quality of education?
3. Do you risk overdeveloping the land by not leaving enough open space?
4. Is the land good for building? (i.e. could the houses potentially sink down to the pond/lake and stream beds?)
5. How do the Jewish texts support your proposal?

ENVIRONMENTAL BEIT DIN STUDY TEXTS

1. Devarim (Deuteronomy) 20:19-20

When in your war against a city you have to besiege it for a long time in order to capture it, you must not destroy its fruit trees, wielding an ax against them. You may eat of them, but you may not cut them down. Are the trees of the city human to withdraw from you into the besieged city? Only trees which you know do not yield food may be destroyed; you may cut them down for constructing siege works against the city that is waging war on you until it has been captured.

2. Devarim 20:19

It is forbidden to cut down fruit bearing trees outside a besieged city, nor may a water channel be deflected from them so that they wither, as it is said: "You must not destroy its trees."

3. Rambam (Maimonides), Mishnah Torah

A fruit bearing tree may be cut down, however, if it causes damage to other trees or to a field belonging to another man or if its value for other purposes is greater than that of the fruit it produces. The law forbids only wanton destruction.

4. Babylonian Talmud, Baba Kama 79b

You must not raise goats or sheep in the land of Israel because their grazing spoils the land.

[Sheep and goats graze so low to the ground that the plants are unable to regenerate. The plants die and the soil that once bore vegetation becomes a desert, incapable of putting forth vegetation. This law may be extended to mean that anything that spoils the land should not be grown in Israel.]

5. Bamidbar (Numbers) 35:2-5 with Rambam

All cities must have a *migrash* (open space) that surrounds them. The first 1000 cubits (approximately 500 meters) shall be for open space and the next 1000 cubits for grazing animals.

6. Mishna, Kiddushin 4:12

It is forbidden to live in a city that does not have a garden or greenery.

7. Mishna, Baba Batra 24b

Carcasses, cemeteries and tanneries must be kept at 50 cubits distance from a town. A tannery can only be set on the east side of town because the east wind is gentle and will not carry the fumes to town.

['Carcasses' refers to decaying flesh. In this case it probably refers to a dumpsite. Tanneries were the big industry in rabbinic time; tanning is a process by which a hide is made into leather. It is soaked in tannin which is toxic and a very foul-smelling process. This law may be extended to include modern industries that emit a variety of pollutants.]

8. Babylonian Talmud, Baba Batra 24b

Threshing floors must be 50 cubits outside the city-limits and away from neighbors' fields.

[A threshing floor was the place where the wheat was beaten out of its husk, the chaff. Chaff from a threshing floor can harm people. This law shows that an individual cannot do his own work without

thought of the good of the whole community.]

9. **Vayikra (Leviticus) 25:23-24** The land must not be sold beyond reclaim, for the land is Mine; you are but strangers resident with Me. Throughout the land that you hold, you must provide for its redemption.
10. **Isaiah 45:18**
[God]...did not create it [the earth] a wasteland, but formed it for habitation.
11. **Ecclesiastes 5:8** The advantage of land is paramount; even the king is subject to the soil.
12. **Isaiah 5:8**
Woe to those who add house to house and join field to field, till there is room for none but you to dwell in the land.
13. **Devarim 23:13-15** There will be an area beyond the military camp where you can relieve yourself. You will have a spade among your weapons; and after you have squatted, you will dig a hole and bury your excrement.
14. **Jewish folktale** Two men are fighting over a piece of land. Each claimed ownership and bolstered his claim with proof. To resolve their differences, they agreed to put the case before the rabbi. The rabbi listened but could not come to a decision because both seemed to be right. Finally he said, "Since I cannot decide to whom this land belongs, let us ask the land." He put his ear to the ground, and after a moment straightened up. "Gentlemen, the land says that it belongs to neither of you -- but that you belong to it."
15. **Bereishit (Genesis)2:15** And the Lord God took Adam, and put him in the garden of Eden, to work it and to tend (guard, watch) it.
16. **(Genesis 1:31) Midrash Bereishit (Genesis) Rabbah 10** The Rabbis said: even though you may think them superfluous in this world, creatures such as flies, bugs and gnats, have their allotted task in the scheme of creation, as it says: 'And God saw everything that God had made, and behold, it was very good.'
17. **BT Baba Batra 9a** Feeding the poor and hungry weighs as heavily as all the other commandments of the Torah combined.
18. **Avot de Rabbi Nathan, 31b** Rabbi Yohanan ben Zakkai used to say: if you have a sapling in your hand, and someone should say to you that the Messiah has come, stay and complete the planting, and then go to greet the Messiah.

19. Zohar, 2:127a

Rabbi

Shimon said, the shade spread over us by these trees is so pleasant! We must crown this place with words of Torah.

20. Baba Kama 30a

Our

Rabbis taught: The pious men of former generations used to hide their thorns and broken glass in the midst of their fields at a depth of three handbreadths below the surface so that [even] the plough might not be hindered by them. Rabbi Sheshet used to throw them into the fire. Raba threw them into the Tigris.

21. Leviticus Rabbah 25:3

How

can a person of flesh and blood follow God? God, from the very beginning of creation, was occupied before all else with planting, as it is written, “And first of all [*mi-keodem*, usually translated as “in the East”], the eternal God planted a garden in Eden (Genesis 2:8) Therefore ... occupy yourselves first and foremost with planting.

22. M Baba Batra 2:7

A tree may not be grown within a distance of twenty-five cubits (38 ft) from the town, or fifty cubits if it is a carob or a sycamore tree. Abba Saul says: any tree that bears no fruit may not be grown within a distance of fifteen cubits. If the town was there first the tree shall be cut down and no compensation given; if the tree was there first it shall be cut down and compensation given. [*According to Rabbi Ulla of the Gemara on that mishnah (BB 24b), the prohibition is for aesthetic and pragmatic reasons: to leave a clear space outside the wall. Both trees mentioned have many leaves and branches.*]

Some of this material was adapted from the COEJL website
<http://www.coejl.org/programbank/displayprog.php?id=206>