
Statement by the World Jewish Congress

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Living in God's world

The present paper is concerned with the vast and complex problem of protecting our natural environment from pollution and destruction, so that we can live in God's world while enjoying its beauty and deriving from it the maximum physical and spiritual benefit.

In Jewish sources, the rationale for man's obligation to protect nature may be found in the biblical expression, "For the earth is Mine" (Lev. 25:23). The Bible informs us that the Earth is not subject to man's absolute ownership, but is rather given to man "to use and protect" (Gen. 2:15).

From biblical sources that refer to man's "dominion" over nature, it would appear as though man was granted unlimited control of his world, as we find in Genesis 1:26:

And God said, "Let us make man in our image, after our likeness; and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle and over all the earth, and over every creeping thing that creeps upon the earth."

And again in Genesis 1:28:

And God blessed [Adam and Eve]: "Be fruitful, and multiply, and fill the earth and subdue it; and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that creeps upon the earth."

Rav Kook (see footnote 1) has an insightful understanding of the idea:

There can be no doubt to any enlightened or thoughtful person, that the "dominion" mentioned in the Bible in the phrase, "and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that creeps upon the earth," is not the dominion of a tyrant who deals harshly with his people and servants in order to achieve his own personal desires and whims. It would be unthinkable to legislate so repugnant a subjugation and have it forever engraved upon the world of God, who is good to all and whose mercy extends to all He has

'Consider the work of God; for who can make that straight, which man has made crooked?'

– Ecclesiastes 7:13

'When God created Adam, he showed him all the trees of the Garden of Eden and said to him: "See my works, how lovely they are, how fine they are. All I have created, I created for you. Take care not to corrupt and destroy my universe, for if you destroy it, no one will come after you to put it right."

– Ecclesiastes Rabbah 7

created, as is written, “the earth is founded upon mercy” (Ps. 89:3).(see footnote 2)

Three things that grant man tranquility

The Sages of the Talmud gave expression to the environment’s effect on man’s spirit in their statement:

Three things restore a man’s consciousness: [beautiful] sounds, sights, and smells. Three things enlarge a man’s spirit: a beautiful dwelling, a beautiful wife, and beautiful clothes. (see footnote 3)

The Sages of the Talmud also noted that the environment undergoes more damage in large cities than in small towns. In explaining a law of the Mishnah, (see footnote 4) that a spouse may not compel his mate to move from a village to a large city, the Talmud cites the reasoning of R. Yosi ben Hanina, (see footnote 5) “Life is more difficult in the city.” Rashi explains: (see footnote 6)

Because so many live there, and they crowd their houses together, and there is no air, whereas in villages there are gardens and orchards close to the homes, and the air is good. (see footnote 7)

Protection of the environment and the love of man

In addition to the rules governing man’s relations with his fellow man, which are based upon the biblical imperative “Love your neighbor as yourself” (Lev. 19:18), norms were established for man’s treatment of plants, animals, (see footnote 9) and even the inanimate elements of nature.

When approaching the subject of environmental protection, we must be careful to maintain the proper balance between protection of the environment and protection of man. The proper balance in this context is certainly not one of equality between man and nature. The relationship between man and nature is one of ownership—albeit limited. In our enthusiasm for protecting the environment, we must not forget man’s interests or his role in the scheme of creation. Love of nature may not take precedence over love of man. We must avoid at all costs the error of those who were known as lovers of animals yet perpetrated the worst crimes imaginable against their fellow men.

The proper balance must also be maintained between individual interests and the interest of the public. Sometimes an individual’s act may harm the community, as when a person builds a factory that pollutes the environment with industrial waste. Sometimes, however, it is the community that is interested in a factory although it constitutes a serious infringement upon an individual’s ability to enjoy his own home and surroundings.

When discussing the quality of the environment, we must remember that the environment also comprises the people living in it—individuals and community. Protection of the environment, by itself, cannot solve conflicts of interest, though it can extend the range of factors considered when seeking solutions to problems. Solutions must, in the final analysis, be based upon economic, social, and moral considerations.

In our survey, we examine Jewish sources that relate to our topic. We shall mention the

limitations imposed on acts that do harm to nature, one's neighbors, and society at large.

A number of the subjects we investigate are rooted in the laws governing relations among neighbors and the laws of torts. These laws are numerous and complex, and a comprehensive discussion of them all is far beyond the scope of the present survey. We shall, however, attempt to cover briefly a number of the guiding principles in these areas. And even if we do not find solutions for all the problems raised, we hope that we can at least refine the questions and pose challenges for further analysis of the issues.

Protecting nature

Man and his environment

"I recall the early days, from 1905 onward, when it was granted me by the grace of the blessed Lord to go up to the holy land, and I came to Jaffa. There I first went to visit our great master R. Abraham Isaac Kook (of blessed memory), who received me with good cheer, as it was his hallowed custom to receive everyone. We chatted together on themes of Torah study. After the afternoon service, he went out, as was his custom, to stroll a bit in the fields and gather his thoughts; and I went along.

"On the way, I plucked some branch or flower. Our great master was taken aback; and then he told me gently, "Believe me. In all my days I have taken care never to pluck a blade of grass or flower needlessly, when it had the ability to grow or blossom. You know the teaching of the Sages that there is not a single blade of grass below, here on earth, which does not have a heavenly force telling it Grow! (see footnote 10) Every sprout and leaf of grass says something, conveys some meaning. Every stone whispers some inner, hidden message in the silence. Every creation utters its song (in praise of the Creator)." Those words, spoken from a pure and holy heart, engraved themselves deeply on my heart. From that time on, I began to feel a strong sense of compassion for everything." (R. Aryeh Levine. see footnote 11)

Rav Kook's attitude toward each individual plant and to the creation in general is based upon a comprehensive philosophical approach to man's relationship with nature. This position was well articulated by the noted mystic R. Moshe Cordovero (see footnote 12) in his work *Tomer Devorah*:

One's mercy must extend to all the oppressed. One must not embarrass or destroy them, for the higher wisdom is spread over all that was created: inanimate, vegetable, animal, and human. For this reason were we warned against desecrating food stuffs ... and in the same way, one must not desecrate anything, for all was created by His wisdom—nor should one uproot a plant, unless there is a need, or kill an animal unless there is a need. (see footnote 13)

The sabbatical year

The idea of conservation may be found in the biblical institution of the sabbatical year (Lev. 25:1–5):

“And the Lord spoke unto Moses on Mount Sinai, saying: Speak unto the children of Israel, and say unto them: When you come into the land which I give you, then shall the land keep a sabbath unto the Lord. Six years shall you sow your field, and six years shall you prune your vineyard, and gather in the produce thereof. But in the seventh year shall be a sabbath of solemn rest for the land, a sabbath unto the Lord; you shall neither sow your field nor prune your vineyard.

“That which grows of itself of your harvest you shall not reap, and the grapes of your undressed vine you shall not gather; it shall be a year of solemn rest for the land.” (See footnote 14.)

Maimonides, (see footnote 15) in his Guide of the Perplexed, suggests a reason for the sabbatical year:

“With regard to all the commandments that we have enumerated in Laws concerning the Sabbatical year and the Jubilee, some of them are meant to lead to pity and help for all men—as the text has it: “That the poor of the people may eat; and what they leave, the beasts of the field shall eat ...” (Exod. 23:11)—and are meant to make the earth more fertile and stronger through letting it fallow. (see footnote 16)

In other words, one of the goals of ceasing all agricultural activity is to improve and strengthen the land.

Another reason for the sabbatical year which emphasizes man’s relationship with his environment is suggested by the author of Sefer haHinnukh in his explanation of the obligation to declare all produce ownerless (so that anyone may enter any field and take from its produce) during the sabbatical year. (see footnote 17)

To the reasons for the Sabbatical Year, Rav Kook adds restoration of the proper balance among man, God, and nature. In the Sabbatical Year, according to Rav Kook,

“man returns to the freshness of his nature, to the point where there is no need to heal his illnesses, most of which result from destruction of the balance of life as it departs ever further from the purity of spiritual and material nature.” (Introduction to Shabbat haAretz, 8–9) To establish in our hearts and make a strong impression on our thoughts that the world was created as a new entity out of nothing, “that in six days God made the heaven and the earth.” (Exod. 20:11)

“... and on the seventh day, when He created nothing, he decreed rest for Himself ... And, therefore, the Holy One commanded [us] to declare all produce of the earth ownerless during this [sabbatical] year in addition to cessation of agricultural work, so that man will remember that the earth which yields its produce for him each year, does not do so on its own strength or of itself, but rather there is one who is Master over the land and its owners, and when He wishes, He commands that the produce be ownerless.”

It is worth noting that the institution of the sabbatical year is practiced into modern times within observant circles; the last sabbatical observed was in 1993–94 (corresponding to the Hebrew calendar year 5754).

Altering creation

In addition to refraining from overexploitation of the earth's resources, we must also be mindful of preserving the natural balance of creation. This is the approach taken by R. Avraham ibn Ezra¹⁸ in his explanation of the biblical prohibition against mixing species. In Leviticus (19:19) we find:

You shall keep my statutes. You shall not let your cattle gender with a diverse kind; you shall not sow your field with two kinds of seed; neither shall there come upon you a garment of two kinds of stuff mingled together.

One aspect of preventing changes in the creation finds expression in the effort to avoid causing the extinction of any animal. The presumption that everything that was created was created for some purpose denies us the possibility of eliminating from the world any species. So writes Nahmanides concerning the prohibition of mixing species: (see footnote 19)

"The reason for the prohibition against mixing species is that God created all the species of the earth ... and gave them the power to reproduce so that their species could exist forever, for as long as He wishes the world to exist, and He created for each one the capacity to reproduce its own species and not change it, forever. ... And this is the reason for sexual reproduction among animals, to maintain the species; so too among humans, it is for the purpose of being fruitful and multiplying." (see footnote 20)

Prohibition of wasteful destruction

An additional expression of man's obligation to preserve his natural environment may be found in the commandment against wasteful destruction, *bal tash'hit*. In general, the commandment prohibits the destruction of anything from which humans may benefit. It applies to the destruction of animals, plants, and even inanimate objects. (see footnote 21)

Instructive remarks are found in Sefer haHinnukh's discussion of the prohibition against cutting down fruit-bearing trees. The discussion opens with a discourse on the scope of the commandment:

"We have been prevented from cutting down trees when we lay siege to a city in order to press and bring pain to the hearts of its residents, as is said, "you shall not destroy the trees thereof ... and you shall not cut them down" (Deut. 20:19). Included in this prohibition is destruction of every type, such as burning or tearing a garment, or breaking a vessel for no reason.²²

The author of Sefer haHinnukh then goes on to explain the reason for the prohibition:

"It is known that this commandment is meant to teach us to love the good and the useful and cling to them, and in this way goodness will cling to us, and we will avoid all that is bad and decadent. And this is the way of the pious: They love peace and rejoice in the good fortune of others, and bring everyone near to the Torah, and do not waste even a mustard seed, and they are pained by all destruction and waste that they see. And they save anything they can from destruction with all their might. But the wicked are different. They are the allies of those who destroy, they rejoice in destruction of the world and they destroy themselves: "with the kind of measure a man measures, so shall he be measured ..." (Mishnah Sotah 1:7)

The source of the prohibition against wasteful destruction is the biblical prohibition of cutting down fruit-bearing trees, which will be discussed below. The prohibition of wasteful destruction, however, is more comprehensive than the prohibition of destroying fruit-bearing trees, and it extends to anything that has use. In other words, the prohibition includes the destruction of manmade objects, and is not restricted to the preservation of nature.

In the book of Deuteronomy (20:19), among the laws concerning the waging of war, we find:

When you shall besiege a city a long time, in making war against it to take it, you shall not destroy the trees thereof by wielding an axe against them; for you may eat of them, but you shall not cut them down; for is the tree of the field man, that it should be besieged by you?

The Bible thus warns that even in time of war, it is forbidden to destroy fruit-bearing trees.

The author (see footnote 23) of haKetav vekaKabbalah explains the prohibition: (see footnote 24)

“It is not proper to use some created thing for a purpose diametrically opposed to the purpose for which it was created, as has been stated (see footnote 25) concerning Exodus 20:22: “for if you lift up your sword to it, you have profaned it”—the altar was created to prolong the life of man, and iron was created to shorten the life of man; thus it is not fitting that something which shortens man’s life be used upon that which lengthens it. So too a tree, which was created to make fruit to nourish men and animals, should have nothing done to it that destroys man.

The relationship of God, man, and nature is depicted in the biblical expression, “For man is a tree of the field.” (see footnote 26) Various interpretations have been given to this relationship: Even plants are subject to divine Providence; both man and the tree are God’s creatures. Sifrei asserts, “This shows that man’s living comes from trees.” (see footnote 27)

The Sages also compared the death of the tree to the departure of man’s soul from his body: (see footnote 28)

“There are five sounds that go from one end of the world to the other, though they are inaudible. When people cut down the wood of a tree that yields fruit, its cry goes from one end of the world to the other, and the sound is inaudible ... When the soul departs from the body, the cry goes forth from one end of the world to the other, and the sound is inaudible. (see footnote 29)

On the basis of this passage, R. Menahem Recanati (see footnote 30) comments that when man wreaks destruction in the material world, destruction is wreaked in the metaphysical world as well and that this is what was meant by “For man is a tree of the field.” (see footnote 31)

Polluting the environment: Smoking

Smoking constitutes a serious environmental pollutant and danger to health. Public awareness of this problem has led to legislation against smoking in public places. (see footnote 32)

Jewish legal authorities have considered whether it is prohibited to smoke in places where the smoke might bother others. One authority who absolutely prohibits smoking in public places is

R. Moshe Feinstein. (see footnote 33) It is his opinion that even if smoking were irritating only to those who are hypersensitive, it would nevertheless be prohibited to smoke in public places. (see footnote 34) Precedent for this holding is the talmudic case of R. Yosef, who was hypersensitive to noise. If it is possible to restrain particular actions on the basis of hypersensitivity, R. Feinstein reasons, certainly it is possible to do so where there is pain or injury. Thus, where smoking is harmful to others, it is certainly prohibited. see footnote 35)

Beauty

On seeing creatures that are beautiful or exceptionally well-formed or goodly trees, one says, “Blessed are You, O Lord our God, King of the universe who has such as these in His world.” If one goes out into the fields or gardens during the month of Nisan [i.e., the spring] and sees the trees budding and the flowers in bloom, he says, “Blessed are You, O Lord our God, King of the universe, who has made Your world lacking in nought and created therein beautiful creatures and goodly trees for the benefit of mankind.” (see footnote 36)

Aesthetic beauty appears in Jewish sources not only as a value worthy of fostering in the life of the individual and the community, but also as the basis for a variety of legal obligations. The obligations derive from biblical regulations and from rabbinic legislation.

In the Pentateuch (Num. 35:2–5), (see footnote 37) we find instructions regarding city planning, which required designation of open spaces free of all obstruction. Rashi describes the purpose of the open strip as being “for the beautification of the city, that it have air.” (see footnote 38)

Later rabbinical legislation expanded the applicability of this rule to include cities other than those mentioned in the Bible. (see footnote 39)

Current activities

The ideas of environmental protection and land conservation in the Jewish faith currently find application on a number of levels.

In Israel, the year 1994 was declared the “Year of the Environment.” One of the many results of this declaration was that the environment was selected as the central theme of the Israeli educational system.

In honor of the Year of the Environment, the book *Environment Reflections and Perspectives in Jewish Sources* was published. The book analyses the ideas of man’s relation to the environment, as well as the vast legislative material in this area, from Scripture, the Mishnah, and Talmud (second through fifth centuries) through the well-known codifiers, such as Maimonides and the Shulhan Arukh, and the rich responsa literature. The book also traces how principles of environmental protection were given expression in ordinances passed in Jerusalem’s new neighborhoods constructed outside the city walls in the late nineteenth and early twentieth centuries.

Booklets on the Jewish sources concerning environmental protection were also prepared for use in the school system.

The Israeli legislature, the Knesset, has enacted laws in such relevant areas as air and noise

pollution, water pollution, recycling of waste, dangerous substances, protection of wildlife and vegetation, and establishment of nature preserves. It is the hope of the Jewish people that these activities further strengthen the awareness of environmental issues in Israel and throughout the world.

Summary

Man and creation

The philosophical basis for man's relationship with his environment in general and the plant kingdom in particular was emphasized in early sources, in the Midrash, and in various philosophical works. The classic Jewish attitude to nature is a direct consequence of the belief that the entire universe is the work of the Creator. Love of God was taken in the broadest sense to include love of all His creations: the inanimate, plants, animals, and man. Nature in all its beauty is understood as having been created for man, and it is, therefore, wrong for man to spoil it. Man's connection to nature can restore him to his original character, to a natural state of happiness and joy.

Balancing interests

Protecting the environment involves protection of the natural balance, which includes, among other factors, the balance between man and the creation. But balance in this context does not mean equality. Balance may entail granting preference to man and his welfare, both physical and spiritual, and spiritual welfare may even take precedence over physical welfare.

Conflicts of interest must be resolved by a careful weighing of values, a process that may sometimes result in absolute rejection of one value in favor of another. Nevertheless, in spite of man's preferred status, preservation of the environment need not necessarily be the value rejected. In some cases, it is man's interest that will be rejected in favor of the environment, particularly when the benefit to man is marginal, and damage to the environment is significant.

Man's ownership is not absolute

Man's control over the world is restricted. "For the earth is Mine" (Lev. 25:23): only the Creator may be considered to enjoy absolute ownership of His creation. Man is commanded not to spoil the creation, but rather to improve and perfect it. Man's rights in property are restricted. He may not use his possessions in ways likely to harm others. Principles were set forth for protecting the public domain, be it those areas "owned" by the public or areas, such as the ozone layer that protects us from the harmful rays of the sun, that belong to no one but serve all.

Attitude toward man

"Love thy neighbor as thyself" (Lev. 19:18), the basis for all Jewish ethics, is applied to protection of the environment in the obligation to exercise care not to harm others, and particularly in the obligation to avoid doing harm to the community. In proper relationships between man and his fellow man, and between man and his environment, the legal and ethical boundaries between "mine" and "not mine" become blurred.

Determining legal principles

In typical fashion, Jewish sources were not satisfied with merely emphasizing “environmental values,” but also established concrete legal obligations. Jewish legal sources contain extensive discussion of the environmental issues that concern modern society, and point the way to protection against smoke, odors, pollution of air and water, and damage to the natural landscape.

Legal perspectives

The basic principles of environmental protection, and the actions that flow from these principles, are based upon scripture, and upon the reasons proposed for various commandments. The development of these principles continues in the post-biblical legal discourse of the Mishnah, Talmud, codes, and responses.

In addition to various legal categories—such as torts—with implications for protection of the environment, both biblical law and subsequent legislation contain regulations aimed directly at environmental issues. Some of these restricted the rights of the individual vis-à-vis his environment, while others, on the contrary, extended his rights by permitting use of the public domain for personal needs. Special regulations were enacted for Jerusalem, because of that city’s unique status.

Extreme forms of nuisance

From the area of torts law, we learn of the serious view taken by the Sages toward damage to the environment.

Certain types of nuisance, such as smoke, foul odors, and noise, were classified as extreme, and those responsible for them were not permitted to claim “unchallenged practice” in their defense. In such instances, the injured party’s failure to protest does not establish the perpetrator’s right to continue his offensive practice. Since the damage in these cases is to the injured party himself—not to his property—and causes him to suffer, the law presumes that he never waives his right to restrain the perpetrator. A similar principle operates for aesthetic values of the city, where residents do not have the power to waive enforcement of ordinances protecting aesthetic standards.

A person can be held responsible not only for causing direct damage to the environment, but also for creating circumstances that lead to damage. So, for instance, even if a person makes no noise himself, but rather creates a situation that causes noise to be produced, he can be restrained.

Even where compensation cannot be had, because the damage is indirect, the person who creates the circumstances that cause the damage can be compelled to desist.

Various activities and facilities must be located so as to prevent their doing damage to their surroundings. The distances specified in the Mishnah apply to conditions that pertained at the time of that work’s compilation. As conditions change, however, distances must be adjusted accordingly.

Flexibility in establishing norms

Simple solutions do not exist for all problems. Just as in family law, where it is difficult to give precise definition to the types of behavior that ought to result from the relationship of love and respect between man and wife, patterns of behavior based upon love of nature and the creation cannot be readily translated into fixed, inflexible norms. Nevertheless, even where there is no set answer, the Sages developed criteria that can be applied to new and changing situations. Some questions will turn on the relative importance given to the welfare of the individual or the community on the one hand and environmental values on the other.

In mediating among competing values, the relative weight that should be assigned to the society's attitude to nature remains uncertain. It would seem important to ensure that there is not too great a gap between the attitude of the society and the obligations imposed by law, lest the demands be greater than the population can bear.

In our own time, the number of threats to the environment has increased greatly as a result of the growth of large urban centers and the development of industry. Smoke, industrial waste, untreated sewage, dumping sites in close proximity to residential areas, damage to the ozone layer, and various other ecological evils represent a real danger not only to the environment and the quality of life, but to life itself.

Today, the danger to the environment is many times greater than at any other time in history. Thus the increasing importance of the Jewish values and the approaches contained in Jewish legal sources. If the proper course is followed, man will not forfeit his opportunity to live a life of comfort in his environment, nor will the environment be uncomfortable with man.

Harmony in Four Parts

One man sings the song of his own soul, for it is there that his satisfaction is complete.

Another sings the song of his people, transcending the bounds of his own individual soul. ... cleaving with tender love to the Jewish people, singing her songs with her. ...

A third man's soul expands beyond the Jewish people to sing the song of man, his spirit embraces all humanity, majestic reflection of God ...

And a fourth is transported still higher, uniting with the entire universe, with all creatures, and all worlds, with all of these does he sing ... (see footnote 40)

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Notes

1. R. Avraham Yitzhak haKohen Kook (1865–1935) was the first chief rabbi of Palestine. Philosopher, scholar, legal authority, and mystic, he was one of the outstanding Jewish personalities of recent

generations.

2. "Hazon haTzimhonut vohaShalom, Afikim baNegev II," in Lahai Ro'i, ed. Yohanan Fried and Avraham Riger (Jerusalem, 1961), 207.

3. Berakhot 57b.

4. Mishnah Ketubot 13:10.

5. Ketubot 110b.

6. Rashi, ad loc., s.v. Yeshivat.

7. R. Yosi ben Hanina's opinion was codified as law: Maimonides, M. T., Ishut 13:17. See also Shul. Ar. Even haEzer 75:1.

8. Tosefta Baba Kama 2:10.

9. On the attitude to animals, see Nahum Rakover, Hagannat haHai (Tzed Hayyot), monograph no. 40 of Sidrat Mehkarim uSekirov baMishpat haIvri (Jerusalem, 1976).

10. See text to note 14 below.

11. R. Aryeh Levine was known as the "prisoners' rabbi." The passage appears in Simcha Raz, A Tzadik in Our Times, trans. Charles Wengrov (Jerusalem, 1976), 108–109.

12. R. Moshe Cordovero (1522–1570) was the leading kabbalist of Safed in the period preceding R. Yitzhak Luria.

13. Tomer Devorah 3, ad fin.

14. See also Lev. 25:6–7 and Exod. 23:10–11.

15. Maimonides, R. Moshe ben Maimon (1135–1204), was born in Cordoba, Spain. He was the most distinguished Jewish authority of the Middle Ages.

16. Maimonides, The Guide of the Perplexed, trans. Shlomo Pines (Chicago: University of Chicago Press, 1963), III:39.

17. Sefer haHinnukh, commandment 84 (ed. Chavel, commandment 69). Cf. Sefer haHinnukh on the Jubilee Year, commandment 330 (ed. Chavel, commandment 326): 'God wished to teach His people that all belongs to Him, that ultimately all things are returned to the one to whom God wished to give them at the outset. For the world is His, as is written: "(Ex. 19:5).. for all the earth is Mine.'"

18. R. Avraham ibn Ezra (ca. 1089–1164) was a biblical commentator, poet, philosopher, and physician. He lived in Spain.

19. Nahmanides, Lev. 19:19.

20. See also Nahmanides, Tatyag Mitzvot haYotzim meAseret haDibrot, in Kitvei haRamban, ed. Chaim Chavel, vol. 2, 544.

21. See Encyclopedia Talmudit, s.v. Bal tash'hit; Nahum Rakover, A Bibliography of Jewish Law—Otzar haMishpat (Jerusalem: Harry Fischel Institute for Research in Jewish Law, 1975), s.v. Bal tash'hit, vol. 1, 285, and vol. 2, 278.

22. Sefer haHinnukh, commandment 529 (ed. Chavel, commandment 530).

23. R. Ya'akov Tzvi Mecklenberg (d. 1865), head of the rabbinic court of Koenigsberg.

24. haKetav vohaKabbalah, Deut. 20:19.

25. Mekhilta, Exod. 2:22; Rashi on the same verse.

26. Read as a statement rather than as a question.

27. Sifrei (ed. Finkelstein), 203.

28. Pirkei Rabbi Eliezer 34; see also commentary of R. David Luria, ad loc.
29. Just as there are sounds inaudible to human beings because of their high frequency, so the Sages know of additional sounds that humans are incapable of hearing.
30. R. Menahem Recanati was an early kabbalist active in Italy at the end of the thirteenth century and the beginning of the fourteenth century.
31. Commentary of Recanati, Shofetim. See also Yalkut meAm Lo'ez, Deut. 17.
32. In 1983, the Israeli Knesset enacted the Restriction of Smoking in Public Places Law, which was supplemented in 1994 by an executive order signed by the minister of health (Kovetz Takkanot, 21 July 1994, 1197–98). The executive order confines smoking in the workplace to specially designated areas where there are no nonsmokers, where there is adequate ventilation, and where smoking does not cause a nuisance to other parts of the workplace.
33. R. Moshe Feinstein (1895–1986) was considered the spiritual leader of American Orthodoxy and American Jewry's leading authority on Jewish law in recent years.
34. See Resp. Iggerot Moshe, Hoshen Mishpat II:18.
35. See M. Halperin, "haIshun—Sekirah Hilkhaitit," *Asia*, V (1986), 238–247; A. S. Avraham, *Nishmat Avraham*, Hoshen Mishpat 155:2; Dov Ettinger, *Pe' er Tahat Efer—haIshun biYemei Hol uveYamim Tovim leOr haHalakhah* (Jerusalem, 1989).
36. Maimonides, M. T., Berakhot 10:13.
37. See also Lev. 25:34.
38. Rashi, Sotah 27b, s.v. Migrash. Cf. Rashi's comments on Num. 35:2.
39. Maimonides, M. T., Shemitah veYovel 13:1–2, 4–5.
40. Orot haKodesh II, 444.