

Human Rights and Ecology

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By David Seidenberg

Why aren't Jewish human rights and social justice organizations engaged with environmental issues? Are human rights somehow in competition with ecology?

The Problem

THE INTERSECTION BETWEEN ECOLOGY and human rights is a deep one. It's not only found in opposing the building of a toxic waste incinerator near a poor community, or fighting the exposure of children to endocrine-disrupting pesticides. It goes beyond issues of environmental justice, or the impact of pollution on people's quality of life, beyond those places where human rights and the environment are obviously congruent.

Nor is it in the perceived moments of conflict between human rights and the environment, such as the false choice between making jobs and saving a forest, as in the fight between Redwood activists and Pacific Lumber. Most of the time, these conflicts arise from economic assumptions that don't account for the real value of an intact ecosystem.

A deeper intersection is found in the great human tragedy that could accompany global warming. If predictions hold and the rising sea creates millions of refugees from coastal areas (God help us), then shelter, which should be a right, will become an impossibility. Any government trying to protect the most basic human needs and rights would find itself in extreme crisis under such circumstances, and many governments will be tempted to discard human rights in the name of national emergency. It is this kind of scenario, this kind of vanishing point in the distance, that makes me think: How can anyone ever talk about human rights without talking about the earth? But this is not the deepest connection.

Where we find the deepest depths, so to speak, is not the places where human rights and ecology coincide or conflict, but where human rights, in its most general formulation, makes us blind to our place in the earth—it's not the *effect* of global warming, but, on the spiritual level, its cause. It is this: Human rights are grounded in the essential equality of human persons ("All men are created equal," or the less familiar UN Declaration, "All human beings are born free and equal in dignity and rights"). This notion of rights, beautiful in isolation, appears to rest on the *essential inequality* of all other species and non-human individuals, of ecosystems, even of the earth itself, making everything else subservient to human desires.

The root of this perspective on humanity is one of the great contributions of Judaism: we are called to affirm the sacredness of every person, Jewish or not, enemy, friend, or neighbor. That is the world I want to live in, a world that respects human rights, and grounds them in what makes each of us human—but what is it that makes us human?

Our Humanity

MANY OF US DOING ECOLOGY THINK about the question in this way: our humanity emerges from our relationship with all life—not just with other human beings—and from our connection to the earth. One can experience this in the inspiration we feel from other animals, in our love (our *biophilia*, as E.O. Wilson calls it) for the diverse beauty of all living things, even in the human capacity to

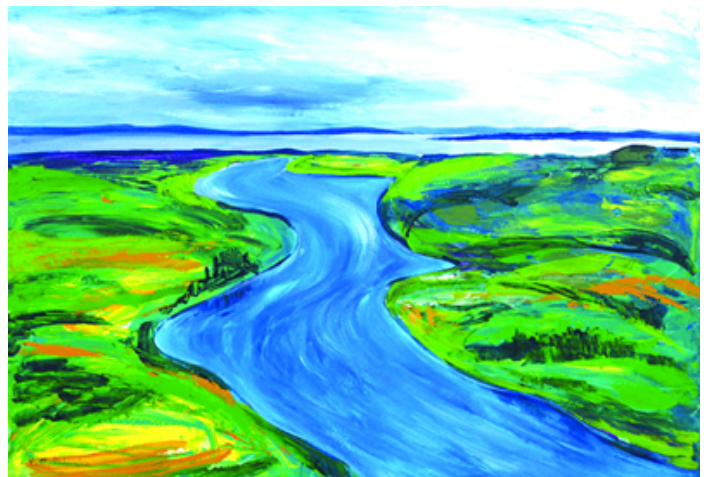
live in almost every ecosystem existing on this planet. "Fill the earth and *connect* with her," one might say.

Human diversity arises from ecological diversity. The reason why there are different human cultures and religions is not only or primarily political, it's that each society finds unique ways to teach the generations how to live in harmony with a particular place through rituals and stories. Hence, we wave a *lulav* (palm branch) and live in a *sukkah* (temporary hut) on the fall full moon. Hence, the Torah teaches that *adam* (the first human) is so-called because it was created from the *adamah* (earth or soil).

This way of seeing our humanity is not only embodied in Jewish practice, it is also part of Jewish thought. This is the inner teaching behind the midrash: "Everything that was created in the world, God also created in the first human." In Kabbalah this teaching goes deeper: "Adam, the first human, was created at the end [of the sixth day] so that he would include everything else in his likeness and image" (*Shnei Luchot Habrit*); "Adam is the whole, and all creatures are Adam, and he is called by the name of them all" (Yosef Ashkenazi).

If education is a human right, must it not also be a human right to live connected to the world that teaches and nurtures us to become human? If freedom of speech is a human right, is it not also a human right to hear the speech of the fields or forest?

This is the first step in overcoming the blind spot: recognizing that we become human through our roots in and communion with all the species and all the beauty around us. If we have the potential to become holy, then this too is holy.



"After The Sunrise" by Israeli artist Betty Rubinstein

Beyond Equality

THE SECOND STEP: EVERY MODERN DECLARATION of human rights acknowledges that we have rights because we are "equal." From a rabbinic perspective, that's far too incomplete. God's image is not only what makes us equal in relation to God; it is also what makes us unique, hence unequal, to each other.

The *Mishnah* states: "Why was the first human created alone? When a human coins a hundred coins with one seal—all of them look the same. The Holy One coins every person with the seal of the first human, yet no one resembles his fellow, and therefore everyone should say: 'For my sake the world was created.'"

The point is not just that every person is a unique expression of God's image, nor is it that everything exists to "serve" you. It's that every person stands, as it were, at the beginning of creation, as

unique as the first created human, unique in relation to the whole of creation. The beginning of a new species—this is the uniqueness that is as meaningful as the world itself.

Lenn Goodman (in *Judaism and Ecology*) explains this well:

The human case is recognized as a special case of ... nature at large and the species it contains. For the Mishnah predicated the special sanctity of each human life on the likeness of each human being to a world or a natural kind. Note the order of the argument. Not: Thou shalt respect and protect nature because it is the abode of human beings, but rather: Thou shalt respect and protect human lives because they are, in their own way, miniature worlds and complete natural kinds.

In other words, in context, the statement “For my sake the world was created” is rooted in the immeasurable value of creation. What may have sounded denigrating of the world is quite the opposite.

Similarly, we read in the *Zohar* that the faces of the ox, eagle, and lion of Ezekiel’s chariot represent the spectrum of all animals *as well as* the diversity of human faces. With the addition of the fourth side of the chariot—the human face—they stand for the four letters of the name of God, YHWH. Human diversity, human uniqueness—the source of what we could call human rights in Judaism—corresponds to, is known through, the diversity and uniqueness of all the species of creation, and of creation entire. This diversity is the face of God. The fullness of being human is, simply, known in and through the diversity of the whole.

Jubilee and Land Rights

THE LAST STEP: WE HAVE TALKED ABOUT RIGHTS as though they were a given, but the concept of rights is not explicit in Judaism or the Torah. Rather, we have obligations to other human beings that are immutable, for example, the obligation to give food to whomever is hungry, which would imply that each person has a right to ask for food and a right to be fed. If Boaz has an obligation to let Ruth glean in the field, then Ruth has a right to glean in the field.

In essence, human needs, such as hunger, comprise the basis for human rights, and they trump other societal norms, such as “property rights.” Property in particular, especially movable wealth, has rather a low standing on the scales of the law in Judaism compared to basic human needs. This contrasts with much of Anglo-American law, which, for example, allowed the export of food from Ireland to England while people in Ireland were starving, because forcing merchants to sell food cheaply in Ireland would have impinged on their property rights.

Property in Judaism entails a responsibility upon its owner to use something well (i.e. by leaving the corner unharvested and letting strangers glean), rather than giving the owner a right to dispense with it however he or she wishes. The lower status of property rights is the norm with one exception: No matter what a person did with their family’s ancestral land, however it was sold, they could never lose that “property” forever. In the Jubilee year it would return, if not to that person, then to their descendants.

The point of this observation is not how strong the right to ancestral property is. It’s not even human rights, though we will see how they emerge. It’s that the only thing that is framed unequivocally as a right in the Torah is concerned with the human connection to land.

The Jubilee year itself, along with the six Sabbatical or *Shmitah* years that preceded it (one every seventh year), was a time when no one was allowed to farm the land, because the land “desired” her rest, her Shabbat. It is the land that has the right to rest, the right not to be bought or sold forever. Of all things in the Torah that can be construed as rights, this is the only one that clearly fits our modern concept of a right. We know that because God’s covenant with the Israelites is this: the land will get to rest for a full year of Shabbat no matter what we plan or do. Let her rest and you can rest with her; don’t let her rest and you will be thrown into exile, while she still gets to enjoy her Sabbaths.

That’s what we might call an inalienable right.

The rights of the land provide the only context in the Torah where the most basic human needs are also expressed as rights: a person has a right to be freed from slavery, to be freed from debts, to be provided for in whatever he or she lacks. Most importantly, every family had its equal share of the land, a unique portion of the land of Israel that could never be lost permanently, and this relationship existed *without* people owning the land in our modern sense, and without people having the right to do anything they wanted to the land. In God’s voice: “You cannot sell the land in perpetuity, for the land belongs to me, and you are strangers and squatters alongside me.” (Leviticus 25)

The Jubilee is the foundation of human rights in the Torah. The advent of Jubilee is when we “call out ‘Liberty!’ in the land, to all those dwelling in her.” This is the sequence: the land rests, freedom blossoms, the people have peace.

What Must Be Done

“THE MISHNAH SAYS ‘FOR MY SAKE the world was created,’” begins a teaching from Rebbe Nachman of Breslov. He interprets: “If the whole world was created for my sake, then I better pray for the whole world!” Prayer, in the midrashic and Hasidic realm, is what the Jews use instead of weapons to change the world. It is words used for a higher purpose, spoken because they come from truth, rather than because they are useful. Prayer is found in what we call protest, in the very highest sense.

This article is, among other things, my own protest to the Jewish community: If you care about human rights, about social justice, start caring about the environment! With the exception of a few groups like American Jewish World Service and the Shalom Center, none of the social justice organizations, and, especially, none of the activist ones like Progressive Jewish Alliance, are doing anything for the earth. Instead they say, “We agree with the sentiment but we don’t have time to spare for that.” [The situation remains the same in 2010.]

This is the blind spot: We care about the earth but people come first. As if there could be people without earth! It’s a blind spot that overwhelms our compassion for the more-than-human world around us.

Last year [2007], with all the many tragedies in the world, with all the criminal negligence of the United States in Iraq and all the terrorism there, two comparatively minor things happened that shocked me. Both illustrate this blind spot.

A Garden

THE FIRST WAS THAT AN EXTRAORDINARY community garden, serving the very poorest Los Angeles neighborhoods, was bull-dozed by its Jewish owner and sold to build a warehouse, even though the city had offered to buy the land for the same

price. Why eminent domain was not used I can't say, but I can say that not one organization in the Jewish community of Los Angeles, not one, raised even a peep. No rabbi, not even this one, said to the owner, "You are violating Jewish law, the rules of the 'adjacent owner,' and the principle of *darkhei shalom*, the injunction to do even what is not obligatory in order to make peace in the world."

I can only guess about other people's motives, but I think that because the debate was falsely cast as one between property rights and untenanted squatters, and between Jews and anti-Semites (one gardener, out of hundreds, said something anti-Jewish and was roundly condemned by his fellow gardeners), that we said: Those people are not our people. The Jews said: We care about property rights more than the "*naches*" (pride, pleasure) of poor people gardening.

But gardening is more than pleasure. Should people have a "right to garden"? Not in so many words, but people do have a right to connection with the earth, and a right to food security and to opportunities that allow them to be self-sufficient. And the city, if it has an obligation to protect the rights of its citizens, also has an obligation to foster sustainable community and to nurture projects that model a sustainable future.

Does the land have a right to be gardened? The right of the land, even land that is no longer part of a native ecosystem, is to be used for its best purpose. Isaiah said: "[T]he God who formed the land ... did not create her to be waste (*tohu*); for settling upon (*lashevet*) did the One form her." What counts as settling and what counts as waste can be debated, but going from being the site of gardens to being the foundation of a warehouse is definitely a descent towards *tohu*.

Keeping Our Heads in the Sand

THE SECOND SHOCK FOR ME was the General Assembly (GA), the national conference of the Jewish Federations, also held in Los Angeles two falls ago [2006]. What shocked me was the program: out of dozens of sessions, not one, not a single one, was about our responsibility to the environment, or what the Jewish community should be doing, or any aspect of the earth or ecological problems—not even with respect to the land of Israel. This in the year when the whole United States (with the exception of a certain house in Washington) finally awakened to the reality of global warming.

What did happen, besides the usual array of professional development topics—how to raise money, how to partner with rich people, how to create a good budget, along with some discussions of social justice programming—was this: session after session about Israel's summer war in Lebanon against Hezbollah: why it was right; why it was actually successful, despite appearances; how to sell it to the American public. (By the time the GA happened, the Israeli public had already made these "talking points" irrelevant.)

Everyone I talked to in the GA or its member organizations said the same thing: Why do you expect better?

What I want to know is: How can you possibly care about "the land of Israel" or the Jewish people, and not care about the earth or about what happens to the land?

The problem is, people do care about what happens to the land, in only one way: they care who owns it, who controls it. We know what happens if that's all you care about: human rights get violated in every direction, on every scale. A village's ancestral olive trees

are torn up; Palestinian *shahadin* detonate suicide bombs; Israeli soldiers demolish civilian houses; civilian casualties pile up.

But what also happens is this: the earth gets poisoned, by pollution, and, the Torah teaches, by violence. Every war is a war against the earth, whether a full-scale war conducted by the United States in Iraq, or by Israel in Lebanon, or the low-level conflict between Jewish settlers and Palestinians, where water resources are commandeered by those with power and centuries-old trees are uprooted.

A Negev Without Bedouin

THE MOST POIGNANT EXAMPLE OF THIS for me is what is happening now to the Bedouin in the Negev desert. The reality is simple: the Israel Defense Forces (IDF) moved all the Bedouin tribes living in the southern Negev to territory in the northern Negev in the 1950s, and created a closed military zone out of their ancestral lands.

To most people, it would look like the government of Israel implicitly accepted responsibility for helping the Bedouin create a new home by the very act of moving them. But since the Bedouin are not "our" people, not Jews (even if they are "our Arabs," serving in the IDF), Israel never recognized the Bedouin's right to live in the very places that the IDF had moved them to.

Many of these Bedouin villages have standing demolition orders. Because the Bedouin were deemed squatters, they have never been given public services. That's over half a century now of not providing medical care, running water, or electricity. Only a rudimentary medical clinic built by Bustan in 2004 shamed the government into bringing medical care to the area of Wadi el-Naam. That's over half a century during which various heavy industries, power plants, and toxic waste dumps were built close to Wadi el-Naam, because officially, the village wasn't there, and unofficially, the government wanted to drive the Bedouin from the land and "concentrate" them in government-planned townships where they had no land claims. After being touched personally by the work of Bustan in the Negev when I visited in 2003, this issue has become my own cause.

This past summer [2007] the government began to carry out its long-standing blueprint to "Judaize" the Negev by demolishing some of these "illegal" villages in order to develop the Negev for Jews. The village of A-tir, in the area of projected growth for a new Jewish middle-class desert suburb to be called Yatir, was demolished, along with Um el-Hiran, which is to be replaced by Jewish Hiran.

[Most recently, in the fall of 2010, the government demolished the village of Al-Arakib *seven times*. The Jewish National Fund (JNF) is set to inherit this land for afforestation and development. The newly created Jewish Alliance for Change has created a campaign directed at JNF to stop this.]

At the same time [2007], the Right is pressing the Knesset to pass the so-called 'JNF law' allowing the Israel Lands Authority (ILA) to exclude non-Jews from acquiring property in this and any other settlements that are built on state or JNF land. (Likud's Moshe Arens called the bill "undemocratic.") The ILA "needs" the law because as it stands right now, those homeless Bedouin families from A-tir could apply to live in the suburb that was the excuse for sacrificing their homes. The plan for helping the Bedouin? Give them construction jobs to build the homes they can't live in. [The law that eventually passed in 2009 allowed the ILA to exchange JNF land acquired by Arabs for other state land that was passed to the JNF.]

The human rights issues are clear here, as are the environmental justice issues, so this is one case where we don't have to think too hard about the potential conflict between the two. But the rights of the land itself are equally relevant, if we accept Leviticus as a valid picture of a just society. The land needs to be unfettered, unpolluted, respected rather than controlled. It has the right to sustain life, and not just to support buildings. Respect human rights if you want to live on the land. Respect the right of the land to rest, to be relieved of your control, if you want to take care of the people.

This respect cannot happen in a war of control.

God's Jubilee or the State's?

ONE LAST EXAMPLE, AGAIN FROM ISRAEL, the only place where the Jubilee has modern legal significance: According to Israel's government, the state follows the Jewish tradition of releasing the land in the Jubilee year. However this happens in a rather curious manner. The state more or less owns all the lands, through the ILA and the Jewish National Fund, and it leases land to (Jewish) developments and *kibbutzim* for ninety-nine years. At the end of the ninety-nine years, the land, in theory, goes back to the state.

If you recall our discussion about Leviticus, this custom is the exact inverse of the Torah's injunction. In the Torah, every family has a share, which they must release but which they can always go back to. Under the modern law, no one owns a share of the land, no family, no group, no individual. Instead, everything belongs to the State (and nothing belongs to God).

Choose

WE NEED A NEW RELATIONSHIP WITH THE EARTH, a new covenant, here and in Israel. The midrash teaches that the Torah, the blueprint of creation, was given in the desert to show that Torah is not our possession but is ownerless, available to all, Jew or non-Jew. The Torah itself gives us the covenant of the Jubilee cycle, which teaches that the land is our partner, not our possession. Our humanity is rooted in the earth, and the ground for human rights is found in the rights of the land. The way we treat our ecosystem *and* the people living within it is what creates a good partnership with the land. How we implement this in each place and society will differ, but the principle is the same: pursue justice for the earth and the people. Then the land thrives, the people thrive, and human rights grow from out of our relationship with the earth. "Choose life"—not just human life, but the abundance of all life—"that you may live"—for the good of all life, the earth's good, is your life.

An activist, author and scholar on environmental issues, Rabbi David Seidenberg teaches on Jewish texts and spirituality throughout North America, and through his website neohasid.org. He created the savethenegev.org campaign.