

# Human Rights and Ecology: A Jewish Perspective

A version of this article was first published in *Tikkun* (July/August 2008) and updated in 2013 for [shmitaproject.com](http://shmitaproject.com) and [neohasid.org](http://neohasid.org).

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*Why haven't Jewish human rights and social justice organizations engaged with environmental issues? Are human rights unconnected to ecology? Or are they somehow in competition with ecology? The roots of human rights in Judaism—in the idea of God's image and in the Jubilee year—show us that human rights depend on ecology. We cannot uphold human rights without understanding our connection to the land.*

## The Problem

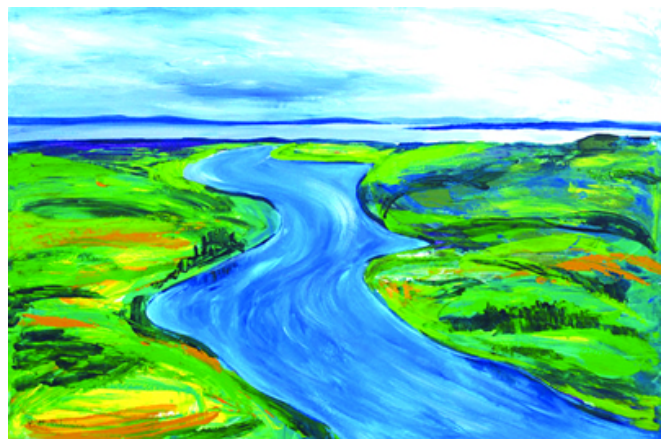
THE INTERSECTION BETWEEN ECOLOGY and human rights is a deep one. It's not only found in opposing the building of a toxic waste incinerator near a poor community, or fighting the exposure of children to endocrine-disrupting pesticides. It goes beyond issues of environmental justice, or the impact of pollution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



"After The Sunrise" by Israeli artist Betty Rubinstein

The root of this perspective on humanity is one of the great contributions of Judaism to the world: 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/he/she 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* 1:15a); “Adam is the whole, and all creatures are called Adam, and Adam is called by the name of them all” (Yosef Ashkenazi, *Commentary on Genesis*, 38b).

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.

## 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* in Sanhedrin (4:5) states: “Why was the first human created alone? When a human coins a hundred coins with one seal—all of them look the same. Yet the Holy One coins every person with the seal of the first human, and no one resembles his fellow. 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. (p.228)

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.

In a similar vein, we read in *Tikkunei 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. (70, 121a) With the addition of the fourth side of the chariot—the human face—they stand for the four letters of the name of God, YHVH. 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 the Rights of the Land**

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 (e.g. 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 (which happened every forty-nine years) 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 that the only thing that is framed unequivocally as a right in the Torah is concerned with the human connection to land. It is the land that has the *right* not to be bought or sold forever. The human right to return to one’s land flows from the land’s right not to be sold. 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 25:23)

The Jubilee year itself, along with the Sabbatical or *Shmitah* years that preceded it, was a time when no one was allowed to farm the land, because the land “desired” her rest, her Shabbat. 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 as something intrinsic, something that cannot be denied or deferred. 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, though every family had its equal share of the land, a unique portion of the land of Israel that could never be lost permanently, 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.

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.” (25:10) This is the sequence: the land rests, freedom blossoms, the people have peace.

### **Keeping Our Heads in the Sand**

If there’s a Jewish solution, it’s also true that the problem of ignoring the earth is a Jewish problem.

Our community is masterful at bringing the force of religion to bear on human rights and social justice issues. But very few of our social justice organizations recognize that the human relationship to the earth is the basis for fulfilling those needs. (Two exceptions are American Jewish World Service and The Shalom Center.) Too often, people will say, of course they care about the earth, but their priority is social justice, because “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.

This blind spot affects us when we think about Israel too. People care about what happens to the land, but only in one way: they care who owns it, who controls it. But how can we possibly care about “the land of our forefathers” and not care about the earth or about what happens, on a human and ecological level, to the land?

### **Whose Land? Whose World?**

ACCORDING TO THE MISHNAH, “Everyone should say: ‘For my sake the world was created,’” quotes Rebbe Nachman of Breslov. (*Likutei Moharan* 1:5) He interprets: “If it’s true that the world was created for my sake, then I need to repair the world in every moment, and to pray for the whole world!”

If I think the world is *my* world, created for my sake, then it is my responsibility. According to Nachman, the idea of possession leads not to using whatever we want, not to controlling, but to praying. This is what it means to be a nation of priests: we have the responsibility to pray for the whole world.

Prayer, in midrash and in the Hasidic realm, is what 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 can be found in what we call protest, whenever we protest for what is just.

This article is my protest to the Jewish community, and my prayer for the world. We cannot stay blind to the needs of the earth. We cannot pay attention only to human needs. And we cannot pay attention only to who controls the land.

### **A Garden**

A RELATIVELY MINOR INCIDENT took place in 2007, when I was first working on this article, that well illustrates our blind spot. An extraordinary community garden, serving the very poorest neighborhoods in Los Angeles, was bulldozed by the land’s Jewish owner and sold to build a warehouse. This happened even though the garden became a celebrity cause, even though the city offered to buy the land for the same price. Why eminent domain was not used I can’t say, but I can say that of the hundreds of Jewish organizations in LA, not even one raised 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*.

### **A Negev Without Bedouin**

ANOTHER POIGNANT EXAMPLE OF THIS for me is the situation of the unrecognized Bedouin villages 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. Those tribes joined the northern tribes, which were there before the state was established, in an area called the Siyag or Siyaj.

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.

Because the Bedouin in these villages were deemed squatters, they were not given public services, or registered to vote, or protected by zoning laws. That's over half a century without the institutions of medical care, without running water or electricity. That's over half a century during which various heavy industries and toxic waste dumps were built in Ramat Hovav, close to the unrecognized village of 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.

Many of these Bedouin villages have standing demolition orders. Though there have been several proposals over the years to recognize the majority of the villages, the Israeli government has not taken action on them. Instead, in 2007, the government began to carry out demolitions as part of its plan to "Judaize" the Negev, with the Jewish National Fund (JNF) set to inherit their land for afforestation and development.

Unfortunately, the problem is still ongoing. In the fall of 2010, the government demolished the village of Al-Arakib, which pre-existed the state of Israel, seven times. Just in October 2012, the objections of Umm al-Hiran to being erased from the map were overruled by Israel's National Council for Planning. Any plan that forcibly relocates tens of thousands of Bedouin from ancestral lands to municipalities would destroy the Bedouin's way of life. The demolition of these villages to make room for new Jewish developments is an outright expression of racism that some would even characterize as ethnic cleansing.

The human rights issues related to the Bedouin are pretty clear, as are the environmental justice issues, so this is one case where we shouldn't have to think too hard about the potential conflict between human rights and ecology. Even here, though, the connection between ecology and human rights gets confused by political rhetoric. For example, one of Israel's leading environmentalists, Alon Tal, has long advocated that the Bedouin should be hemmed in and moved off the land, classifying them, bizarrely, as one of Israel's top ten "environmental hazards." Here's a case when both environmentalists and human rights advocates need each other to come to a sane understanding of the issues.

The struggle over Bedouin rights is a kind of low-intensity war for control over the land. We now too well what happens if control is what you care about: human rights get violated in every direction, on many levels. The earth gets poisoned by pollution, and, the Torah teaches, by violence.

### **God's Jubilee or the State's?**

ONE MORE 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 periods of ninety-nine years. At the end of the ninety-nine years, the land, in theory, will go back to the state.

If you recall the message of 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 these lands—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, everywhere 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.

The rights of the land itself are always relevant to the question of social justice, 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.

Our humanity is rooted in the earth, and human rights are grounded in the rights of the land. The way we treat the 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. "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.

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