

CLASS 6

5. Renewable Energy – Torah considerations for supporting Renewable Energy practices

A) דינא דמלכותא דינא – *The law of the government is law*

-Gemara, Nedarim 28a, Gitin 10b, Bava Kama 113b, Bava Basra 54b:

אמר שמואל דינא דמלכותא דינא.

Shmuel said, the law of the land is law.

-Rambam, Hilchos Gezeilah 5:11-14

-Shulchan Aruch, Choshen Mishpat 369 – **The Laws of *Dina d'Malchusa Dina***

-Rema, Shulchan Aruch Choshen Mishpat 3:4, 68:1, 74:7, 162:1, 207:15, 236:9, 259:7, 356:7

-Rema, Shulchan Aruch Choshen Mishpat 369:11

... דלא אמרינן דינא דמלכותא אלא בדבר שיש בו הנאה למלך או שהוא לתקנת בני המדינה אבל לא שידונו בדיני עכו"ם דא"כ בטלו כל דיני ישראל...

We do not apply “the law of the land is law” except in a matter which has some benefit to the governing body or a matter which is for the benefit of the citizens of the country. But it does not mean that people should judge according to the law system of the non-Jews.

Shach, Choshen Mishpat 73:39

... אפי' לשאר פוסקים דסוברים דאמרי' ד"ד בכל דבר היינו דוקא מה שאינו נגד דין תורתנו אלא שאינו מפורש אצלינו אבל לדון בדיני העכו"ם בכל דבר נגד תורתנו חלילה ודאי לא יעשה כן בישראל...

Even according to those who maintain that we apply “the law of the land is law” in all matters (and not only in matters that benefit the government, such as taxation), this is limited specifically to matters that do not contradict the law of our Torah....

B) Pollution

-Gemara, Bava Kama 82b

עשרה דברים נאמרו בירושלים... ואין עושין בה בבשונות...

Ten enactments were made [to preserve the purity, sanctity, and beauty] in Jerusalem... and we do not make industrial ovens in Jerusalem (because of the smoke they produce).

(See also Rabbeinu Gershom to Tamid 29b.)

C) *Laws of Shemiras ha'Nefesh* – preserving our health

“ונשמרתם מאד לנפשותיכם” (דברים ד טו)
“לא תעמד על דם רעך” (ויקרא יט טז)

Rambam, Hilchos De'os 4:1

הואיל והיות הגוף בריא ושלם מדרבוי השם הוא, שהרי אי אפשר שיבין או ידע דבר מידיעת הבורא והוא חולה, לפיכך צריך להרחיק אדם עצמו מדברים המאבדו את הגוף, ולהנהיג עצמו בדברים המברין והמחלימים.
Since the body's being healthy and wholesome is among the ways of God, because it is not possible for one to be ill and to understand or to know anything of the knowledge of the Creator – therefore one must distance oneself from things that harm the body, and accustom oneself in things that make one healthy and revitalized.

(See below regarding passive smoke from cigarettes and the like.)

D) **Nezikin** – laws of damages

-Gemara, Bava Basra 23a, 25b

-Rambam, Hilchos Nizkei Mamon 13

-Tur and Shulchan Aruch, Choshen Mishpat 155

-Tzitz Eliezer 15:39 (regarding passive smoke from a cigarette smoker)

-Igros Moshe, Choshen Mishpat 2:18 (“ “)

... וא"כ כ"ש בעישון סיגארעטן שאלו שאין יכולין לסבול הוא צער ממש בעצם לא ענין קפידא ואיסטניסות בעלמא, וגם לא רק צער בעלמא אלא גם מזיק ממש להם כידוע שאסורין המעשנים לעשן שם אף אם היה ברשותם ובביתם אם היה שייך שיגיע להם העשן ויצטערו ויוזקו. אבל הוא עוד גרוע דהא המעשנין עושין מעשה מזיק בידיים ממש דהרי עושין בפיהם עשן המזיק להאין מעשנין הנמצאים שם, ואף שאחד המעשן לא היה מזיק כלום דהיה מתבטל העשן בבית גדול כביהמ"ד מ"מ כיון שכל מעשן יודע שיש עוד הרבה מעשנין הרי יודע שעשנו יזיק כבר והוי מזיק בידיים....

... Accordingly, all the more so the smoking of cigarettes [is forbidden in public places], because those who cannot tolerate the smoke it is a real harm to them and not simply a matter of sensitivity, and, moreover, it is an active form of damage to them, as is well-known. Even smoking in one's own property or home is forbidden if the smoke will reach others and harm them. And it is even worse, because the smokers are doing an active form of damaging.... And even though one smoker might not do harm because the smoke dissipates in a large room like a study hall, nevertheless since every smoker knows that there are many others, he knows that his smoke will cause harm and he is thereby considered to be actively doing damage to someone else....

-Shevet ha'Levi, 1:295 (“ “)

... ד. ולענינינו למדנו, דעל חכמי הזמן להריע ולעורר על הסכנה העצומה המונחת בעישון סיגריות וכו' דבר שנתברר בחקירה ודרישה למעלה כל ספק שמאות אלפים מתים טרם זמנם בעישון סיגריות, וכן ידוע מאד שגורם

גדול למחלה החמורה בריאות וגם בלב, ועוד הרבה כיוצא בזה, כאשר יוצא מדו"ח הרופאים מכל מדינות העולם.
ה. ע"כ ברור להלכה דאיסור גמור להתחיל בעישון בימי הבחורות וגיל צעיר, ועל ההורים ומורים ומחנכים מוטל חוב גמור ע"פ התורה למנעם מזה.
ו. כל מי שכבר הרגיל עצמו למנהג לא טוב הזה, ישתדל מאד למען עתידו לרדת מזה בהדרגה ואז טוב לו.
ז. חלילה לעשן במקומות ציבוריים שגם הריח בעצמו הוא מזיק גמור כאשר נתבאר בחקירה.

... 4. ... It is upon the sages of our time to publicize the profound danger inherent in the smoking of cigarettes and the like. It is a matter which has been proven through scientific research beyond any doubt – that hundreds of thousands of people die [each year] before their time due to cigarette smoking, and it is also very well-known that it is a primary cause of severe illness of the lungs and the heart, and causes many other ailments, as has been proven by doctors in all countries of the world.

5. Therefore it is clear that it is absolutely forbidden by Halachah to begin smoking when one is young, and an absolute Torah obligation rests upon the parents, teachers, and educators to prevent them from this.

6. Anyone who has already become addicted to this bad habit should make every effort, for this sake of his future, to wean himself from it.

7. It is forbidden to smoke in public places, because the smoke itself is extremely damaging to health, as research has proven....

E) Appreciating and using the blessings God gave us

Rabbi M. M. Schneerson, public lecture, April 1981

(see endnotes for source and original recorded lecture)

... The Blessing of the Sun reminds us: Many countries, the U.S. included, have already begun – albeit in a very small way, on a small scale – to harness solar energy, the heat and warmth of the sun, to use it as a source to generate energy, to power factories, and so forth.

The southern regions of this country receive abundant sunlight, intense heat from the sun. It is quite easy to harness the energy from the heat of the sun's rays and transport it for use throughout the country.

This requires far less time relative to the time required to develop the other energy sources for heat, warmth, and so on. And this can be achieved when it is based on God's help, upon faith in God, ignoring any obstacles which will come from people who may have personal gain from opposing it....

We recently recited in the Blessing of the Sun: "Nothing is shielded from its heat" (Tehillim 19:7) – there is not a single corner of the earth that is hidden from the sun's warmth.... When this potential is fully harnessed it can even generate a surplus, allowing the U.S. to export the energy to other nations as well. And once America is freed from this subservience, it can

proceed with stronger influence – and there won't even be a need for force: The mere knowledge of our independence will nullify the pressure, because they will have nothing with which to threaten once they will see that no heed was paid to those who wished to prevent such independence.

And this should be done as a fulfillment of God's command to fully utilize the resources He provides, especially the resources He has given this Nation of Kindness, for it to use for the individual good and for the common good, for the good of this entire nation and the entire world, to promote true goodness which is "Good for God and good for the creations" (Gemara, Kidushin 40a). There's no doubt that this will ultimately be achieved....