

Matan – Judaism and the ISMs Judaism and Environmentalism

The Genesis of Pollution

By Arnold J. Tognbee

Sept. 16, 1973

LONDON — For about two hundred years the advance of the Industrial Revolution has been accelerating. At the same time, it has been increasing in potency. In the nineteenth century, its triumphs were applauded by its beneficiaries — though not by its more numerous victims. Within the last quarter of a century, however, everyone, including the beneficiaries, has rather suddenly become aware of large and sinister entries on the debit side of the account. The manufacture and use for genocide of two atomic bombs in 1945 made it impossible for us to shut our eyes any longer to the truth that technology is a morally neutral instrument for enhancing human power, an instrument that can be put to work either for good or for evil. We then realized that, even if we were to achieve the difficult feat of making it impossible for atomic energy ever to be used again in warfare, its use for peaceful purposes would confront us with having to dispose innocuously of poisonous atomic waste — a by-product of industrial production far more noxious than coal smog or gas fumes. For atomic poisoning is merely one arresting example of a phenomenon that is older and more general. Since the outbreak of the Industrial Revolution, man has been progressively polluting his environment. What is the explanation of the improvidence that has now alarmed us and put us to shame? The superficial explanation is that man, like every other living being, is greedy: that the capacity and the impulse to try to exploit the rest of the universe is another name for life itself. Man's greed differs from that of other living beings not in the strength of the impulse but in the degree of the capacity. Our ancestors became human in the act of inventing tools, and within the last two centuries we have discovered how to increase the potency of our tools enormously. We have achieved this by harnessing one after another of the physical forces of inanimate nature, from water power to atomic energy. Here, manifestly, we have the immediate cause of both the genocide at Hiroshima and Nagasaki and the worldwide pollution that threatens to bring comparable catastrophes to human life, on an even broader scale.

All this is obvious, but it is equally obvious that it is only the latest chapter of a long and unfinished story. We must push our inquiry further back. In combating intolerance and violence, the pioneers of the Enlightenment were not challenging the Christian doctrine about the relation between God, man, and nature.

This doctrine is enunciated in one sentence in the Bible. "And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish 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 moveth upon the earth." (Genesis I, 28). According to the Bible, God had created the world; the world was his, to do what he liked with it; he had chosen to license Adam and Eve to do what they liked with it; and their license was not canceled by the Fall. The tenant who had parked in the Garden, rent-free, was now rack-rented: "In the sweat of thy face shalt thou eat bread ..." (Genesis III, 19). But as an offset, the disgraced human tenant, expelled from the Garden of Eden and let loose on the wide world, was not prohibited from easing the payment of his punitive rent to God by harnessing natural forces to do his work for him. Genesis I, 28, gave the license; Genesis III, 19, provided the incentive. In 1663, this read like a blessing on the wealth of Abraham in children and livestock; in 1973, it reads like a license for the population explosion and like both a license and an incentive for mechanization and pollution. Some of the major maladies of the present-day world — in particular the recklessly extravagant consumption of nature's irreplaceable treasures and the pollution of those of them that man has not already devoured — can be traced back to a religious cause, and that this cause is the rise of monotheism.

Hava Tirosh Samuelson, Judaism and the Environment

Along with Christianity, Judaism has been indicted as one cause of our current environmental crisis. In his famous essay, Lynn White Jr. alleged that the anthropocentrism of the Judeo-Christian tradition "made it possible to exploit all nature in a mood of indifference to the feelings of natural objects."¹ According to White, the biblical command "to fill the earth and subdue it" (Genesis 1:28) is the proof that the Judeo-Christian tradition puts humans above the rest of creation and regards all other forms of life as subordinate. The many environmentalists who endorsed White's views have thus charged that Judaism and Christianity are directly responsible for the kinds of human conduct that have brought about the depletion of the planet's natural resources.

Christian thinkers have arisen to defend Christianity against this challenge, thereby articulating a Christian-based environmental ethics.² The Jewish response to White's charges emerged at the same time, but environmentalism has generally remained a marginal concern of Jewish thinkers.³ In the second half of the twentieth century, the physical and spiritual survival of the Jewish people, rather than the survival of the planet, have been paramount for Jews.

בראשית פרק א פסוק כו
וַיֹּאמֶר אֱלֹהִים נַעֲשֵׂה אָדָם בְּצַלְמֵנוּ כְּדְמוּתֵנוּ וַיְרַדְדוּ בְּדִגְתַּי הַיָּם וּבְעוֹף הַשָּׁמַיִם וּבַבְּהֵמָה וּבְכָל הָאָרֶץ וּבְכָל הָרֶמֶשׂ הֶרְמֵשׂ עַל הָאָרֶץ:

בראשית פרק ב פסוק טו

disposable (adj.)

1640s, "that may be done without;" see **dispose** + **-able**. Sense of "free to be used as the occasion may require, available" is from 1650s. **Meaning "designed to be discarded after one use" is from 1943, originally of diapers, soon of everything;** replaced *throw-away* (1928) in this sense. First recorded use of *disposable income* (which preserves the older sense) is from 1766.

דברים פרק כ

(יט) כי תצור אל עיר זמים רבים להלחם עליה לתפשה לא תשחית את עצה לנדח עליו גרזן כי ממנו תאכל ואתו לא תכרת כי האדם עץ השדה לבא מפניך במצור:
(כ) רק עץ אשר תדע כי לא עץ מאכל הוא אתו תשחית וקרת ובנית מצור על העיר אשר הוא עשה עמך מלחמה עד רדתה:

רש"י דברים פרק כ פסוק יט

כי האדם עץ השדה - הרי כי משמש בלשון דלמא. שמא האדם עץ השדה להכנס בתוך המצור מפניך להתיסר ביסורי רעב וצמא כאנשי העיר למה תשחיתנו:

אבן עזרא דברים פרק כ פסוק יט

כי ממנו תאכל ואתו לא תכרות, כי האדם עץ השדה, והטעם: כי חיי בן אדם הוא עץ השדה. וכמוהו: כי נפש הוא חובל (דברים כד, ו), כי חיי נפש הוא חובל. ואתו לא תכרות. דבק עם לבא מפניך במצור. הנה לא תשחית עץ פרי שהוא חיים לבן אדם, רק מותר שתאכל ממנו, ואסור לך להשחיתו כדי שתבא העיר מפניך במצור

ספר החינוך מצוה תקכט

שורש המצוה ידוע, שהוא כדי ללמד נפשנו לאהוב הטוב והתועלת ולהדבק בו, ומתוך כך תדבק בנו הטובה ונרחיק מכל דבר רע ומכל דבר השחתה, וזהו דרך החסידים ואנשי מעשה אוהבים שלום ושמחים בטוב הבריות ומקרבים אותן לתורה, ולא יאבדו אפילו גרגר של חרדל בעולם, ויצר עליהם בכל אבדון והשחתה שיראו, ואם יוכלו להציל יצילו כל דבר מהשחית בכל כחם, ולא כן הרשעים אחיהם של מזיקין שמחים בהשחתת עולם והמה משחיתים, במדה שאדם מודד בה מודדין לו, כלומר בה הוא נדבק לעולם, וכענין שכתוב [משלי י"ז, ה'], שמח לאד לא ינקה רע, והחפץ בטוב ושמח בו נפשו בטוב תלין לעולם, זה ידוע ומפורסם.

רמב"ם הלכות מלכים פרק ו

הלכה ח

אין קוצצין אילני מאכל שחוץ למדינה ואין מונעין מהם אמת המים כדי שייבשו, שנאמר לא תשחית את עצה, וכל הקוצץ לוקה, ולא במצור בלבד אלא בכל מקום כל הקוצץ אילן מאכל דרך השחתה לוקה, אבל קוצצין אותו אם היה מזיק אילנות אחרים, או מפני שמזיק בשדה אחרים, או מפני שדמיו יקרים, לא אסרה תורה אלא דרך השחתה.

הלכה ט

כל אילן סרק מותר לקוץ אותו ואפילו אינו צריך לו, וכן אילן מאכל שהזקין ואינו עושה אלא דבר מועט שאינו ראוי לטרוח בו, מותר לקוץ אותו, וכמה יהא הזית עושה ולא יקוצנו, רובע הקב זיתים, ודקל שהוא עושה קב תמרים לא יקוצנו.

הלכה י

ולא האילנות בלבד, אלא כל המשבר כלים, וקורע בגדים, והורס בנין, וסותם מעין, ומאבד מאכלות דרך השחתה, עובר בלא תשחית, ואינו לוקה אלא מכת מדרות מדבריהם.

ט"ז יורה דעה סימן קטז ס"ק ו

וכתב הרא"ש שם וכן אם היה צריך למקומו מותר עכ"ל ומזה התרתי לאחד שהיה לו קרקע עם אילנות לקוץ האילנות אף על פי שיש בהם פירות כדי לבנות בית דירה עליה

שולחן ערוך הרב חושן משפט הלכות שמירת גוף ונפש ובל תשחית סעיף יד

וכן המקלקל שאר כל דבר הראוי ליהנות בו בני אדם עובר בלא תעשה שנאמר לא תשחית את עצה וגו' (ואם הזהירה תורה על של נכרים שנלחמים עמהם קל וחומר לשל ישראל או אפילו משל הפקר).

Rabbi Yehoshua Pfeffer

Application of the Prohibition

The Torah prohibition of *bal tashchis* is mentioned specifically about fruit trees, concerning which we are commanded "do not destroy its trees." However, even somebody who destroys just the fruit transgresses the prohibition, as Chazal (Sifri) derive from a *kal va-chomer*: "If we are warned against destroying a fruit-producing tree, how much more so are we warned concerning the fruit themselves."

Moreover, in the Gemara we find the application of the prohibition to all things beneficial, including animals (*Chullin* 7b), vessels and utensils (*Shabbos* 129a), food (*Shabbos* 140b) and clothing (*Kiddushin* 32a).

However, because the principle prohibition is stated in the case of fruit trees, only actually destroying a fruit tree is punishable by Torah lashes. One who destroys other things is punished by rabbinic *malkos*, as the Rambam writes: "Not trees alone, but rather anybody who smashes household goods, tears clothes, demolishes a building, stops up a spring, or destroys articles of food, transgresses *bal tashchis* – yet he only receives lashes on a rabbinic level" (*Laws of Kings* 6:10).

Although some write that the Rambam includes other items only as a rabbinic prohibition (*Noda Biyhuda, Yoreh De'ah* 10), the consensus of commentaries is that the destruction of all beneficial things is a Torah offense, though the Torah punishment applies only to the destruction (of fruit trees) specified by the verse (*Mishneh Le-Melech, Minchas Chinuch, Semag, Lavin* 229; *Semak* no. 175; *Tosafos, Bava Metzla* 32b).

Cutting Down Trees for a Purpose

The prohibition against destroying a fruit tree is not absolute, and there are instances in which it is permitted to do so. Chazal (*Sifri, Devarim* 204; *Bava Kama* 91b) derive from a textual interpretation that where there is a need to cut down trees to build a bulwark, one must first seek barren trees. But if these cannot be found it is permitted to cut down a fruit-bearing tree for the purpose.

A number of early commentators on the Torah add different instances in which it is permitted to cut down fruit trees as part of a military campaign. After explaining that Jewish soldiers must trust in Hashem that they will be victorious and will ultimately come to eat the fruit of the trees, Ramban writes that it is permitted to raze a forest to the ground if this is required to prevent the enemy from gathering wood or from hiding therein.

The Chizkuni likewise adds that trees can be cut down to prevent enemy soldiers from fighting guerilla warfare, and the Rashbam adds that trees can be cut down to allow soldiers to come close to the besieged city.

Bal Tashchis for Other Purposes

It is likewise permitted to destroy things where a beneficial human purpose is achieved.

For instance, it is permitted to break a glass cup at a wedding in memory of the Destruction of the Temple. Although this is an act of destruction, the constructive purpose of recalling the Temple permits the act (see *Berachos* 31a; *Rema, Orach Chaim* 560:2).

In the same way, it is permitted for a mourner to rend his garments when mourning a lost relative – though it is forbidden to tear noticeably more than is required, and only for exceptional Torah scholars is it permitted to tear extra garments (see *Bava Kama* 91b and *Tosafos s.v. over, Mo'ed Kattan* 24a).

The prohibition cannot be specified exactly, but the general rule is that where the destruction is beneficial and required it is permitted, but it is forbidden if excessive.

We also find in the Gemara (*Shabbos* 105b) that one of the Amora'im performed acts of destruction for educational purposes, demonstrating his extreme disapproval of his children's improper behavior.

The Gemara writes that the Amora was careful to break vessels that were in any case due to be broken, leading some authorities to rule that it is forbidden to break intact vessels for educational purposes (*Chinuch, Semak*) – though it is clear from *Tosafos (Kiddushin* 32b) that he maintains that it is permitted to break even intact vessels for this purpose.

Financial Benefit Alone

Even for financial benefit alone, we find permission to cut down fruit trees. The Gemara clarifies this ruling, explaining (in the name of Ravina) that if the value of the tree as raw material (for building etc.) is greater than its value as a fruit tree, one is permitted to cut it down (*Bava Kama* 91b).

The Gemara demonstrates this principle from the case of Shmuel, who cut down a date palm that caused damage to a nearby vine (the taste of the wine was adversely affected by the palm tree). Another anecdote mentioned by the Gemara is the case of Rav Chisda, who cut down date palms because their yield was no longer profitable.

The Rambam notes these examples in his rulings on the subject (*Laws of Kings* 6:8-9), and rules in a responsum (Blau Edition no. 112) that it is permitted to cut down a palm tree that threatened to damage a Muslim mosque that stood nearby. (Another problem was that people threw stones at the tree, injuring passers-by.) In the words of the Rambam, "The Torah only prohibited cutting down in a destructive manner [as it says]: 'You shall not destroy its trees.'"

Refraining from Cutting Down Trees

At the same time, the matter of cutting down trees should not be taken lightly.

The Gemara notes the case of Rava bar bar Chanan, who refused to cut down the trees at the edge of his field, in spite of the damage that they caused to his neighbor's vine (birds used to come down upon the trees and damage the vine). Rava claimed that it was forbidden to cut down the trees, and even noted the words of Rav Chanina who said, "My son died only because he cut down a fig tree before its time" (*Bava Basra* 26a).

Tosafos explain that although it is permitted to cut down a damaging tree (as we saw above), there is room to distinguish between differing levels of damage: In the case of Rava the damage was not severe, and therefore he properly refused to cut down the trees.

Based on a ruling of the *Rosh*, the *Taz (Yoreh De'ah* 116:6) writes that it is permitted to cut down a fruit tree if a person needs the space – for instance for extending his house, or for some other purpose. However, the *Netziv (Shut Meshiv Davar* Vol. 2, no. 56) writes, based on the Rambam, that one should be stringent where possible (he later cites the *Rosh*, yet still leans towards stringency), and the *Chasam Sofer (Yoreh De'ah* 130) writes that where it is possible to relocate the tree with its roots, one should refrain from cutting it down.

In a similar vein, the *Chavas Yair* (no. 195) writes that one should not cut down fruit trees for reasons of comfort alone, and adds that wherever possible the branches should be cut and not the entire tree, even if they will have to be cut again every few years.

Saving from Waste

Does the prohibition of *bal tashchis* obligate us to actively seek to prevent waste and destruction?

A common related question is raised in connection with catered events, at which there is often plenty of food left over. Dealing with the leftovers and ensuring that they are not wasted (but rather given to charity) can involve a considerable expenditure of time and effort, and the question is whether there is an obligation on the *baal ha-simcha* to make the required arrangements. A number of authorities write that the prohibition of *bal tashchis* refers to active waste and destruction, and that there is no formal obligation against passive waste – meaning that a person is not duty-bound to actively prevent destruction and waste (*Minchas Yitzchak* Vol. 3, no. 45; see also *Chazon Ish on the Rambam, Laws of Kings* 6:8).

Yet, although there is no full obligation to prevent the caterer from throwing out leftovers, it is certainly virtuous and proper to ensure that the leftover food is given to a charity organization (or otherwise used), and not wasted.

The Chinuch emphasizes that as the level of a person's piety rises, so does his watchfulness for waste and destruction, and the effort he makes to prevent it: "The way of the righteous is to save things from waste by all available means." Chazal teach that Yaakov Avinu was careful not to leave behind small and seemingly insignificant vessels, and we must likewise be wary of all wastefulness.

The Chinuch concludes that somebody who is careful of this will be treated by Hashem with the same disposition: Just as he guards the things of the world, so he will be forever guarded from all harm.

ש"ת נודע ביהודה מהדורה תנינא - יורה דעה סימן י

ואמנם מאד אני תמה על גוף הדבר ולא מצינו איש ציד רק בנמרוד ובעשו ואין זה דרכי בני אברהם יצחק ויעקב ואיך ימית איש ישראלי בידים בעלי חיים בלי שום צורך רק לגמור חמדת זמנו להתעסק בצידה ואי משום שדובים וזאבים ושאר חיות הטורפים מועדים להזיק והרי אמרו שהזאב והארי כו' כל הקודם להרגן זכה, גם זה טעות הוא מתרי טעמי..... ואמנם גם זה אינו ענין לנדון דידן דהתם כשבאו לישב במקום בני אדם והם באו לידם בחול יהרגם ובשבת ידרסם לפי תומו, והרי כך אמרו שם במסכת שבת תנו רבנן נזדמנו נחשים הרגן בידוע שנזדמנו לו להרגן כו', אבל לרדוף אחריהם ביערות מקום מעונתן כשאין רגילין לבוא לישב אין כאן מצוה ואין כאן רק לרדוף אחר תאות לבו ועצת הנדמה כטביא. ומי שהוא איש הצריך לזה ופרנסתו מצידה כזו בזה לא שייך אכזריות והרי שוחטין בהמות וחיות ועופות וממיתים דגים לצורך האדם ומה לי טהורים שיאכל מבשרם ומה לי טמאים שיאכל ויפרנס עצמו מדמי עורותיהן וכל בעלי חיים ניתנו לאדם לכל צרכיו, אבל מי שאין זה לצורך פרנסתו ואין עיקר כוונתו כלל בשביל פרנסתו הוא אכזריות. ועד כאן דברתי מצד יושר ההנהגה שראוי לאדם להרחיק מזה ועכשיו אני אומר אפילו איסורא איכא שהרי כל העוסקים בזה צריכין להכנס ביערות ולהכניס עצמם בסכנות גדולות במקום גדודי חיות ורחמנא אמר ונשמרתם מאוד לנפשותיכם

David Vogel, How Green is Judaism? Exploring the Jewish Environmental Ethic

As this large body of writing suggests, classical Jewish texts have much to say about the relationship of man to nature. Whatever the merits of White's argument about the environmental implications of the Christian tradition, his criticisms do not apply to either the Torah or the teachings of Rabbinic Judaism.⁷ Ancient and medieval Jewish texts both express and are consistent with a strong environmental ethic. Far from providing a blanket endorsement to man's domination of nature for his own benefit, Judaism imposes numerous restrictions on how, when, and to what extent people can use the natural environment. Rather than simply expressing anthropocentric values, many of its ideas and principles either explicitly or implicitly evoke themes that are consistent with eco- or biocentric understandings of the relationship between people and nature.⁸ Indeed, the latter ethos, rather than representing a major new departure in or challenge to Western religious thought, is actually prefigured in both ancient and medieval Jewish religious texts.

But while Judaism may be consistent with many contemporary environmental values and doctrines, its teachings are not identical to them. Specifically, Judaism does not regard the preservation or protection of nature as the most important societal value; it holds that humans are not just a part of nature but have privileged and distinctive moral claims; it believes that nature can threaten humans as well as the obverse; it argues that nature should be used and enjoyed as well as protected. In short, Judaism contains both "green" and "non-green" elements. It is inappropriate to overemphasize either the former, as have some Jewish environmentalists, or the latter, as have some environmental critics of Western religion.

In the Jewish tradition, humans have moral claims on nature and nature has moral claims on humans. But neither claim is absolute: nature exists both for the sake of humans and for its own stake. While the natural world must be respected and admired, its challenge to human interests and values must also be recognized. The key contribution of ancient and medieval Jewish texts to contemporary environmental discourse lies in the concept of balance—balance between the values and needs of humans and the claims of nature, and between viewing nature as a source of life and moral values and as a threat to human life and social values. The teachings of Judaism challenge both those who would place too low a value on nature as well as those who would place too high a value on it.

no health hazard in sacrificing them. It is noteworthy that a significant number of the animals currently protected by either American or international environmental law and whose endangerment has become a focus of considerable public concern are also forbidden to be eaten or sacrificed by Jews. These include lions, tigers, and the other animals of the cat family, elephants, bears, rhinoceros, dolphins (mammals), whales, eagles, alligators, and turtles.

These four ideas—that protecting the natural world is not the highest imperative, that human life is more important than nonhuman life, that nature is to be used and enjoyed as well as preserved, and that nature can threaten humans just as humans can threaten nature—should not be viewed as the outdated legacies of a preindustrial religion. They represent an important contribution to contemporary efforts to define and redefine the appropriate ethical relationship between people and the physical world in which they live and which God created.

Saul Berman

"It is not acceptable in Jewish law to make an assertion of the independent rights of nature. The rights of nature need to be carefully balanced, calibrated against human interests; and in that balancing, it will be the human interests which will have the priority."³⁴ In short, in Judaism, nature does not have rights; rather humans have responsibilities for the natural world

Rabbi Aharon Lichtenstein, "Ha-Adam v'ha-Teva," Hagut IV, 1980

Secular ecology is generally interested only in nature. It aspires to preserve a particular unit and framework, called nature. It emphasizes esthetics. **It seems that it would not be wrong to suggest that what generally hovers over this movement is an idolatrous worship of the land, one of the oldest and also one of the newest forms of idolatry in the world.** It is difficult not to hear echoes of the worship of the fertility gods of the ancient world. It is as if at any moment we expect to see those women who would cry over Tammuz in one season, and rejoice over his ascendancy at another time. The image of "the great mother," who hugs all of her descendants, hovers over everything.

The nature of Halakha is entirely different... The prohibition against wanton destruction does not come to bestow honor on nature in and of itself, but rather as a creation and possession of the Holy One, blessed be He... A proof for this point is the very fact that the prohibition does not discriminate between divine and human creation, between one who tears clothing and one who seals a spring. We are not interested in preserving nature, but rather in maintaining reality

קהלת רבה (וילנא) פרשה ז

א [י"ג] ראה את מעשה האלהים כי מי יוכל לתקן את אשר עותו,

בשעה שברא הקדוש ברוך הוא את אדם הראשון

נטלו והחזירו על כל אילני גן עדן

ואמר לו ראה מעשי כמה נאים ומשובחין הן וכל מה שבראתי בשבילך בראתי,
תן דעתך שלא תקלקל ותחריב את עולמי, שאם קלקלת אין מי שיתקן אחריך