

"A JEWISH VIEW OF THE ENVIRONMENT AND ECOLOGY"

Introduction.

* פותחים בכבוד האכסניא--Technion/Haifa/Pres. Tadmor....

* Thank Technion and Jesselson Family...

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The advance of science and technology has resulted in extensive harm to the environment. While there is considerable controversy as to the extent of this injury, and as to whether this artificial imbalance is significantly more than nature's own traumatic eruptions, it is widely accepted--ever since Rachel Carson's *The Silent Spring*-- that there is indeed a very real problem that must be attended to. To take but one example--the elimination of species from the earth:

In the next half century--less than one human lifetime--the Earth could lose blue whales, giant pandas, tigers, black rhinoceroses and millions of lesser-known species. Entire ecosystem types... could be damaged beyond repair...

Human are only one of the Earth's 10, 30 or even 100 million species...[T]he world is always changing... We are now in a period of extraordinary biodiversity loss....

In *The Diversity of Life*, Harvard University's Edward O. Wilson estimates that 5-20% of tropical forest species will be extinct in the next 30 years, or somewhere between a half million and 20 million species. ... A paper in the July 21, 1995 edition of *Science*... estimated that current extinction rates are 100-1,000 times their pre-human levels.

--from "Threats to Biological Diversity: A Scientific and Political Overview," *COEJL*/Summer 1996

add: As Jews we should be particularly sensitive to the disappearance of whole species, because one imperiled species of the family of Homo sapiens is--the Jewish people...

The environmentalist movement, like all other high-minded and serious efforts to improve the lot of mankind or the world as such, tends to become overly fashionable, and falls into the hands of moralizers and cause-seekers who do not fear exaggeration or one-sidedness. As a result, there is developing a reaction against the alleged excesses of the movement--and it is a "movement" that, indeed, environmentalism has become--as, for instance, the advocacy of recycling garbage. In an article in the NY Times Magazine Section of June 30, 1996, John Tierney writes:

Believing that there was no more room in landfills, Americans concluded that recycling was their only option. Their intentions were good and their conclusions seemed plausible. Recycling does sometimes make sense -- for some materials in some places at some times. But the simplest and cheapest option is usually to bury garbage in an environmentally safe landfill. And since there's no shortage of landfill space (the crisis of 1987 was a false alarm), there's no reason to make recycling a legal or moral

imperative. ... Recycling may be the most wasteful activity in modern America; a waste of time and money, a waste of human and natural resources.

"Americans," he adds, "have embraced recycling as a transcendental experience, an act of moral redemption. We're not just reusing our garbage; we're performing a rite of atonement for the sin of excess."

The ecology issue has, moreover, inspired a new pollution problem--a fall-out of silliness in the theological environment. This breaks into two opposing tendencies--one highly critical of the Bible for purportedly supporting the relentless abuse of the natural environment, and the other coopting the Bible as an uncritical ally of environmentalism. This latter trick is achieved by a strategy of putting their ideas into the mouth of the Bible. Thus, at the recent World Ecology Conference, it was maintained that all of nature is "sacred." (I declined to participate in the conference because of that statement.) There is something atavistically pagan about this worship of the earth; the first verse of the Torah immediately establishes the incommensurability of Creator and creation when it tells us that God created the heaven and earth.

The former view is more interesting, but at least equally wrong-headed. It seems only a short while ago that we were indoctrinated with the idea that the Bible is a benighted enemy of progress, an impediment to the search for knowledge and the advancement of science. Now religion, and specifically Judaism, is accused of offering warrant for man's technological rapaciousness and extravagant exploitation of nature. And the attack focuses on one word: that word is *subdue it*, "in the verse in Genesis 1:28--*פְּרוּ וּרְבוּ וּמְלֵאוּ אֶת-הָאָרֶץ וּבְשָׁטָהּ וּבְדָגַת הַיָּם וּבְעוֹף הַשָּׁמַיִם וּבְכָל-חַיַּת הָרֶמֶשׂ עַל-הָאָרֶץ* : ...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 creeping thing that creepeth on the earth."

This is the passage that, it is asserted, is the sanction for the excesses of science and technology, the new ecological villains.

It does not take much scholarship to recognize the emptiness of this charge. The Torah's respect for nonhuman nature is evident in the restrictions that follow immediately upon the "subdue" commandment: man is permitted only to *eat* herbs and greens, not to abuse the resources of nature. Vegetarianism yields to carnivorousness only after the Flood when, as a concession, God permits the eating of meat to the sons of Noah. Even then, the right to devour flesh is circumscribed with a number of protective prohibitions, such as the warnings against eating blood and taking human life. The laws of *kashrut* preserve the kernel of that primeval vegetarianism by placing selective restrictions on man's appetite for meat. His right to "subdue" nature is by no means unlimited.

Man's commanding role in the world brings with it a commensurate responsibility for the natural order. He may rule over nature, not ruin it. Adam is punished for his sin by the diminution of nature's potencies: thorns and thistles, sweat of the brow, enmity between the species, complications in the relations between the sexes, the ultimate victory of earth over man. And in the eschatological vision of Isaiah, the restoration of man to

primordial harmony in and with nature is the prophet's most powerful metaphor for the felicity of the Messianic redemption. וְגַר זֶאֱבֵב עִם כֶּבֶשׂ, "And the wolf shall dwell with the lamb ... וְלֹא יִגְרְעוּ וְלֹא יִשְׁחָתוּ בְּכָל-הָהָר קָדְשִׁי, They shall not hurt nor destroy in all My holy mountain."

Biblical legislation manifests a keen sensitivity to the integrity of the natural environment. Thus, its concern for the ecological balance in territory from which a large population has been banished because of warfare is evidenced in the following passage in which the Israelites are told of their eventual inheritance of the Land of Canaan from its original inhabitants: "I will not drive them out from before thee in one year, lest the land become desolate, and the beasts of the field multiply against thee. Little by little will I drive them out from before thee, until thou be increased and inherit the land."

Similarly, we find Biblical legislation to enforce pollution abatement in the commandment to dispose of sewage and waste by burial in the ground, rather than by dumping into streams or littering the countryside.

Perhaps the most powerful expression of the Bible's concern for man's respect for the integrity of nature is the Sabbath, which was never understood by Judaism as solely a matter of rest and refreshment. It pointed primarily to the relationships between man, world, and God. The six workdays were given to man in which to carry out the commission to "subdue" the world, to impose his creative talents on nature. But the seventh day is a Sabbath; man must cease his creative interference in the natural order, and by this act of renunciation demonstrate his awareness that the earth is the Lord's and that man therefore bears a moral responsibility to give an accounting to its Owner for how he has disposed of it during the days he "subdued" it. The Sages of the Mishnah interpreted the words of the Psalmist, מִזְמוֹר שִׁיר לַיּוֹם הַשַּׁבָּת, "a song for the Sabbath day" (Ps. 92), as מִזְמוֹר שִׁיר לַעֲתִיד לָבוֹא לַיּוֹם שְׂכּוּלוֹ שַׁבָּת, "a song for the hereafter, for the day which will be all Sabbath." Thus, for the Rabbis the weekly renunciation of man's role as interloper and manipulator, and his symbolic gesture of regard for the integrity of the natural world, was extended into a perpetual Sabbath; hence, a peaceful and mutually respectful coexistence between man and his environment.

This respect for the ultimate inviolability of Nature extends not only to Nature as a whole but to its major segments as well. The original identity of species must be protected against artificial distortion and obliteration. This confirmation of the separateness and noninterchangeability of its various parts may be said to lie at the heart of some of the less rationally appreciated commandments of the Torah, the אִיסוּר כְּלָאִים-- those prohibiting the mixing of different seeds in a field, of interbreeding diverse species of animals, of wearing garments of mixed wool and linen. Here the Bible demands a symbolic affirmation of nature's original order in defiance of man's manipulative interference. Perhaps never before have these laws been as meaningful as in our times when the ecology of the entire planet is in such danger, when entire species are threatened with extinction, when man has become capable of "ecocide."

Interestingly, one of the major Biblical sources of the laws forbidding such intermingling of species is immediately preceded by the famous commandment, "Thou shalt love thy neighbor as thyself." Reverence for the integrity of identity is common to both laws. Respect for the wholeness of a fellow man's autonomy must lead to respect for the wholeness of all the Creator's works, mute nature included. This autonomy of nature is known in rabbinic literature as *sidrei bereshit*, the "orders" of creation." The rabbinic attitude to these "orders of creation" is manifest in the following passage:

Our Rabbis taught: once there was a man whose wife died and left him with a nursing child. He had no money to pay a wet-nurse. A miracle happened, and he developed two breasts like a woman and he nursed his child.
 אמר ר' יוסף: בא וראה כמה גדול אדם זה שנעשה לו נס
 כזה א"ל אביו: אדרבה, כמה גרוע אדם זה שנשתנו לו סדרי בראשית
 Said R. Joseph: "Come and see, how great is this man that such a miracle should have been performed for him."
 Said Abaye to him: "On the contrary, how lowly is this man that for his sake the orders of creation should have been altered."

The "orders of creation" are the manifestations of the act of creation, the juridical warrant for divine ownership of the universe, and whosoever interferes with them is אדם גרוע, "a lowly person."

The Biblical norm which most directly addresses itself to the ecological situation is that known as *בל תשחית*, "thou shalt not destroy." The passage reads:

When thou shalt besiege a city a long time, in making war against it to take it, thou shalt not destroy the trees thereof by wielding an axe against them; for thou mayest eat of them, but thou shalt not cut them down; for is the tree of the field man that it should be besieged of thee? Only the trees of which thou knowest that they are not trees for food, them thou mayest destroy and cut down, that thou mayest build bulwarks against the city that maketh war with thee, until it fall.

These two verses are not altogether clear and admit of a variety of interpretations. But this much is obvious, that the Torah forbids wanton destruction. Vandalism against nature violates a Biblical prohibition. Those few cases in Scriptural history in which this norm was violated, are special cases. Thus, in the war against Sennacherib, Hezekiah stopped all the fountains in Jerusalem. He was taken to task for it by the Talmudic Sages: the Sifre considered this a violation of the Biblical commandment equal to chopping down a fruit tree, and In another incident, Elisha counseled such a scorched earth policy; Maimonides considered this a temporary suspension of the law for emergency purposes (*horaat shaah*), a tactic permitted to a prophet, but an act which is not normative.

At first blush, it would seem that the Biblical prohibition covers only acts of vandalism performed during wartime. The Halakha, however, considers the law to cover all situations, in peacetime as well as in war; apparently, the Torah merely formulated the

principle in terms of a situation in which such vandalism is most likely to occur and in a most blatant fashion. Indeed, while Maimonides forbids the destruction of fruit trees for use in warfare, other authorities such as Rashi and Nahmanides specifically exempt the use of fruit trees, for such purposes as bulwarks, from the prohibition; what the Torah proscribed is not the use of trees to win a battle, which may often be a matter of life and death, but the wanton devastation of embattled areas so as to render them useless to the enemy should he win, e.g., a "scorched earth" policy.

The specific mention in the Biblical passage of destroying by "wielding an axe" is not taken by the Halakha as the exclusive means of destruction. Any form of despoliation is forbidden by Biblical law, even diverting the irrigation without which the tree will wither and die. Again, it was assumed that the Torah was enunciating a general principle in the form of a specific and extreme case.

Similarly, the mention of "fruit trees" was expanded to include almost everything else. Thus, Maimonides (Laws of Kings 6:10) rules: ולא האילנות בלבד, אלא כל המשבר כלים, וקורע בגדים, והורס בנין, וסותם מעין, ומאבד מאכלות דרך השחתה, עובר בלא תשחית. "And not only trees, but whoever breaks vessels, tears clothing, wrecks that which is built up, stops fountains, or wastes food in a destructive manner, transgresses the commandment of *bal tashhit* ('thou shalt not destroy')." Likewise, is it forbidden to kill an animal needlessly or to offer exposed water (presumed to be polluted or poisoned) to livestock.

In order to understand the relevance of the Halakha on *bal tashhit* to the problem of ecology, it is important to test certain underlying assumptions of the halakhic conception. First, then, it should be pointed out that there is present no indication of any fetishistic attitude, any worship of natural objects for and of themselves. This is obvious from the passage just cited, wherein other objects, including artifacts, are covered in the prohibition. The halakhic prohibition against despoliation is not because of any reverence for nature itself as possessing sanctity, as much as respect for it as the creation of the Creator. Furthermore, non-fruit-bearing trees are exempt from the law of *bal tashhit* as are fruit trees that have aged and whose crop is not worth the value of the trees as lumber. Also, fruit trees of inferior quality growing amidst and damaging to those that are better and more expensive, may be uprooted.

What must be determined is whether the Halakha here is concerned only with commercial values, perhaps based upon an economy of scarcity, and possibly, even more exclusively, on property rights; or whether there are other considerations beyond the pecuniary that, although they are formulated in characteristic halakhic fashion *sui generis* and without reference to any external values, nevertheless may point indirectly to ecological concerns.

It is at once obvious that commercial values do play a central role in the law. Thus, the fruit tree may be destroyed if the value of the crop is less than its value as lumber, as mentioned above, or if the place of the tree is needed to build a house thereon. Such permission is not granted, according to the later authorities, for reasons of esthetics

or convenience, such as landscaping. However, the economic interest is not overriding; thus, it must yield to considerations of health, so that in case of illness and when no other means are available to obtain heat, fruit trees may be cut down and used for firewood. Even when the criterion is a commercial one, it is clear that it is the *waste* of an object of economic value per se that the Halakha considers unlawful; it is not concerned with property rights as such, nor does it seek, in these instances, to protect private property.

The *Hinnukh* explains all of *bal tashhit* as teaching the ideal of social utility of the world, rather than of purely private economic interest: the righteous will not suffer the loss of a single seed "in the world," whereas the wicked rejoice "at the destruction of the world."

Ecology as a movement often acts as a quasi-religion, one which blinds itself to the cost that it imposes on society: severe restraints upon industry with resultant economic harm to society. The question then is, at what price do we implement the ecological imperative? The Halakha offers guide-lines but no stock answers to this; the solution changes depending upon the circumstances. I do not doubt that there are different answers for advanced countries where the price may just be affordable, to backward Third World countries where such an ideal is a romantic luxury. And the answers will change, similarly, in accord with changing, responsible scientific judgments as to the extent of the dangers posed to human health and life.

A most cogent point is made, in this respect, by the late R. Abraham Isaiah Karelitz, זצ"ל, author of חזון איש. Maimonides, codifying the law of the Sifre, decides that *bal tashhit* includes the prohibition to divert an irrigation ditch which waters a fruit tree. What, however, if the tree were watered manually, by filling a pail with water and carrying it to the tree: is the passive failure to do so considered a breach of *bal tashhit*? חזון איש decides that it is not in violation of the law, because all sources indicate that the commandment of *bal tashhit* is directed not at the owner of the tree or object, but at the entire people. Were the law addressed to individual proprietors, one could then demand of them that they continue to irrigate their trees in any manner necessary, and the failure to do so would constitute a transgression. However, the law is addressed to all Israel, and hence it is negative in nature, prohibiting an outright act of vandalism, such as diverting a stream from a tree, but not making it incumbent upon one actively to sustain every tree. What we may derive from this is that the prohibition is not essentially a financial law dealing with property (ממון), but religious or ritual law (איסור) which happens to deal with the avoidance of vandalism against objects of economic worth. As such, *bal tashhit* is based on a religio-moral principle that is far broader than a prudential commercial rule per se, and its wider applications may well be said to include ecological considerations.

Support for this interpretation may be found in the decision codified by R. Shneur Zalman of Ladi, applying the law of *bal tashhit* even to ownerless property (*hefker*). His reasoning is that if the Torah disallowed needless destruction of property of an enemy in war time, it certainly forbids destruction of ownerless property. Here again we find that we are dealing with a religio-moral injunction concerning economic value (not property),

rather than an economic law which has religious sanction.

Let us move now from Halakha, with its specific prescriptions focused upon man's empirical conduct, to the larger, theological formulations of man's relationship with nature.

Unquestionably, Judaism, in contradistinction to paganism, refuses to ascribe the quality of holiness to nature and natural objects as such. Nature is profane. Harvey Cox was correct when, in his *The Secular City*, he wrote of the "disenchantment with nature" as one of the major contributions of Biblical faith. The God of the Bible, as we said earlier, is beyond, not within, nature: "In the beginning God created heaven and earth."

Nevertheless, upon further examination one does notice the development in a certain period of the history of Jewish thought of a view affirming the holiness of nature-- but in a form and a significance utterly different from that of pagan thought. I refer to Hasidism, which emphasized the immanence of God, His "withinness" in the world...

Despite this strong immanentism, Hasidism never attributed holiness to nature; that would have placed the movement outside the pale of Judaism. The Hasidic emphasis on the closeness of God to man, His immanence, and hence the feeling of respect for the natural order and the readiness to discover in it the opportunities for *devekut* -- these Hasidic principles do not at all require or imply at bottom a Spinozistic pantheism. God is immanent, but also remains transcendent to the world. הוא מקומו של עולם ואין העולם מקומו, the Talmud taught. "He is the place of the world, but the world is not His place."

The most thorough critique of Hasidic immanentism was undertaken by R. Hayyim of Volozhin, the chief theoretician of the Mitnagdim, who embraced a nonimmanentistic view which posits an abyss between God and world and thus leaves the latter totally devoid of holiness. Nature is thus left completely profane.

Hence, while Hasidism does not directly declare nature as holy, it finds in it sufficient potentialities for the sacred to allow for a greater respect for and closeness to the natural world, while the Mitnagdic dualism so completely desacralizes nature as to leave it completely neutral and irrelevant religiously, to be viewed totally objectively and without any feeling of relationship whatever. The sense of human kinship with nature is evident in a saying of the Baal Shem Tov, founder of Hasidism, according to a disciples' notes: "A man should consider himself as a worm, and all other small animals should be regarded as *his friends in the world*, for all of them (i.e., man and the other species) are all created." For Hasidism, which is immanentistic, man has a kinship with other created beings, a symbiotic relationship with nature, and hence should maintain a sense of respect, if not reverence, for the natural world which is infused with the presence of God. The Mitnagdic view, emphasizing divine transcendence, leaves no place for such feelings, and conceives the Man-Nature relation as completely one of subject-to-object, thus allowing for the exploitation of nature by science and technology and -- were it not for the halakhic restraints which issue from revelation, and not from theology -- the ecological abuse of the natural world as well.

Taking the Hasidic and Mitnagdic positions as the two poles defining the limits of the Jewish attitude towards man's relationship with his natural environment, we may conclude that Judaism avoided either extreme -- the deification and worship of nature on the one hand, and contempt for the world on the other. Hasidism taught respect, possibly even awe, for nature, as the habitat of the Shekhinah, but it fell short of ascribing to it the inherent quality of sanctity. Rabbinic Judaism in the Mitnagdic version, completely and unequivocally denied to nature the dimension of holiness, but conceded that, in a certain sense, from the divine perspective of reality, one cannot conceive a world not utterly suffused with the Divine Presence. This theological tension is resolved, or at least committed to practice, with the aid of the Halakha: Nature is not to be considered holy, but neither is one permitted to act ruthlessly towards it, needlessly to ravage it and disturb its integrity.

Within this framework, it is important further to explore the axiological foundation for the moral imperatives that issue from ecology. "And subdue it" certainly implies a mandate to man to exercise his technological talents and genius in the upbuilding of the world and the exploitation of nature's resources. From the days of R. Saadia Gaon and R. Sabbatai Donnola, a tradition of interpretation has understood the Biblical term "the image of God" to include, if not primarily to signify, man's capacity for creativity: just as the Creator is creative so has His imaging creation been endowed with the same propensity. This creative urge is man's glory, his very God-likeness. In a remarkable passage we read that Tyrannus Rufus, the pagan Roman general, asked R. Akiva which was more beautiful (useful): the works of God or the works of man. Holding some stalks of grain in one hand, and loaves of bread in the other, R. Akiva showed the astounded pagan that the products of technology are more suited for man than the results of the natural process alone. So did R. Akiva proceed to explain the commandment of circumcision; both world and man were created incomplete, God having left it to man to perfect both his environment and his body. Similarly, the commandments, in general, were given in order that man thereby purify his character, that he attain spiritual perfection. Man, the created creator, must, in imitation of his Maker, apply his creative abilities to all life: his natural environment, his body, his soul.

When R. Shelomoh Eger, a distinguished 19th century Talmudist, became a Hasid, he was asked what he learned from the renowned Hasidic master R. Menahem Mendel of Kotzk after his first visit. He answered that the first thing he learned in Kotzk was, "In the beginning God created." But did a renowned scholar have to travel to a Hasidic Rebbe to learn the first verse in the Bible? He answered: "I learned that God created only the beginning; everything else is up to man."

However, this doctrine which teaches man's discontinuity with and superiority to the rest of the natural order, must not be misconstrued as a sanction for man to despoil the world. First, while he is beyond the merely natural, he also participates in it; he is an intersection of the natural and the divine (or supernatural). The plurals in the verse, And

God said, "Let us make man in our image," are explained by R. Joseph Kimhi as addressed by God to the earth, or nature. Man, remains inextricable tied to nature even while he is urged to transcend it. Man is a creature, and the denial of his creatureliness turns his creative powers to satanic and destructive ends. Second, the very nature of the concept of the imagehood of man implies the warning that he must never overreach in arrogance. He may build, change, produce, create, but he does not hold title to the world, he is not the "King of the world," an appellation reserved for the Deity, because the original all-inclusive creation was exclusively that of God, and mortal man has no part in it. His subordinate role in the cosmic scheme means that nature was given to him to enjoy but not to ruin -- a concept reinforced by the law that before deriving any benefit or pleasure from the natural world, such as eating and drinking, one must recite a blessing to the "King of the world": an acknowledgment that it is God, not man, who holds ultimate title to the universe. Hence, without his blessing-acknowledgment, it is as if one stole from God.

Conclusion:

The charge that the despoliation of our natural environment has received its sanction in the Western world in the Bible and the Biblical tradition is thus seen, at least from the perspective of Judaism, to be groundless. Likewise, its mirror-image: To appeal to contemporary man to revert, in this twentieth century, to a pagan-like nature worship in order to restrain technology from further encroachment and devastation of the resources of nature, is a piece of atavistic nonsense.

Judaism -- exegetically, halakhically, and theologically -- possesses the values on which a balanced ecological morality may be grounded.

I concur with Rabbi Aharon Lichtenstein that,

In general, the *Halakha* can be said to be sympathetic to the ecological enterprise, giving priority to human over proprietary needs. It is ready to deny certain rights to owners in order to protect the material and psychological welfare of neighbors and society as such. This is reflective of the halakhic ethic in general, which places emphasis on responsibility and restraint and self-denial. Without such a foundation, all the ecological movements will come to naught. Any approach to the ecological problem that is successful must be based upon constraints on normal human concupiscence and on sensitivity to the needs of others -- whether of society or other creatures of the Holy One.

Perhaps the most succinct summary of what we have said concerning the role of Man and Nature before God is given early in the Biblical narrative where we are told of God placing Adam in the Garden of Eden -- which, from its description in Scripture, was a model of ecological health. "And the Lord God took the man and put him into the Garden of Eden לְעִבְדָּהּ וּלְשָׁמְרָהּ, to work it and watch over it." The undefiled world was given over to man "to work it"--a synonym of וּכְבָּשָׁהּ, to "subdue it," to apply to it his creative talents in order that it yield up to him its riches. But alongside the mandate to work and subdue it, he was commanded לְשָׁמְרָהּ, to watch it and keep it safe, to protect it even from his own rapaciousness and greed. Man is not only an *oved*, a worker and fabricator, he is also a

shomer, a trustee who, according to the Halakha, is obligated to keep the world whole as a fiduciary for its true Owner, and is responsible to return it in no worse condition than he found it.

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ABSTRACT

**“A JEWISH VIEW OF THE ENVIRONMENT AND
ECOLOGY”**

by NORMAN LAMM

The Biblical view of the relation of man to his natural environment--and, by implication, the entire Jewish tradition--has been criticized as offering warrant for the reckless despoliation of the planet.

This paper evaluates this criticism and finds it wanting, indeed, spurious. It analyzes the Biblical account of Creation to learn the fundamental approach of the Torah to the man-nature relationship, and then turns to the legal portion of the Torah to learn how basic principles were translated into normative *mitzvot*.

The paper then goes on to demonstrate that the halakhic tradition, based upon both Scripture and the Oral Law, took in consideration as well certain practical interests, such as economic need and self-defense, and that this pragmatic reconciliation of philosophic ideals and the claims of reality resulted in a balanced view on man's right to the usufruct of his labors and his duty to the integrity of the environment.