Jewish Environmental Values: The Dynamic Tension Between Nature and Human Needs

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Does Judaism address the relationship between persons and nature? Put with such directness and simplicity, the obvious answer is a rousing and unequivocal, Yes! Indeed, the question is not whether Judaism addresses this issue, but what precisely it is that the Jewish tradition teaches. [2]

The framework for Judaism's teachings on the environment emerges from the dynamic tension between two verses at the beginning of Genesis. In Genesis 1:28, God blesses the newly created humans, "...Be fruitful and multiply and replenish the earth and subdue it; have dominion over...every living thing...." This apparent grant of absolute power was seized upon by Arnold Toynbee and some environmentalists as a basis for the extraordinary assertion that the Bible was at fault for human exploitation of nature. [3] Toynbee and others, in their selective reading of the Bible, did not even bother to take note of its language just one chapter later. In Genesis 2:15, God takes the newly created human,"... and placed him in the garden of Eden, to cultivate it and to guard it." This verse imposes upon humans a stewardship relationship to the world in which they live. [4]

Are these two verses contradictory or complementary? The obvious approach of all Jewish biblical commentators was to assume that the two verses could be reconciled by arriving at a synthesis of the two extreme indications. Thus, for example, one modern Jewish commentator, Malbim, points out that the verse in Genesis 1 is no more that a blessing, not a directive. Thus, he contends, the point is simply that if humanity heeds God's commands, then God will allow the land and its contents to be subdued by obedient humanity. [5] The religious teaching according to Malbim, therefore, as according to Rabbi Samson Raphael Hirsch [6], is in reality the proposition that God, not humanity, is the continuing owner of all of the Earth.

Rabbi Joseph B. Soloveitchik suggests, more sharply, that the two verses represent two aspects of the nature of human beings which are in a constant state of tension. In Rabbi Soloveitchik's approach, there resides the awareness that there is unavoidable dynamic tension between the capacity to exercise control over nature and the duty to act toward nature with a sense of fiduciary responsibility. [7]

Truth be told, the various commentators -- ancient, medieval, and modern -- who have discovered the essential complementary character of these two verses drew their awareness not from any apologetic need to defend the ethical integrity of Torah, but from their recognition that much in the rest of biblical legislation requires this particular understanding of these verses.

First, on a symbolic level, the human's right to exploit nature is severely circumscribed in the Bible. For example, one of the most essential religious institutions of Jewish civilization is the Sabbath. The central character of the Jewish Sabbath is formed by the biblical proscription against melacha (usually translated as "work") on the Sabbath day. Jewish tradition insists that the notion of melacha does not relate to the physical effort expended, nor solely to the creative result of the behavior. Rather, the Rabbis insist, the prohibition is addressed to the attempt to prevent the productive transformation of objects, whether natural or man-made. Therefore, while it may be permissible to rearrange the furniture within one's home, it would not be permissible to turn on a light switch or drive a car, though the former clearly involves greater expenditure of energy than the latter two prohibited acts. The point is that the essence of the prohibition against melacha (productive work) on Shabbat is to teach that the productive manipulation of the environment is not an absolute right. [8]

Let's look at another instance of such symbolic limitation. The laws of the sabbatical year teach that not only are the powers of the individual subsumed under the general rights of the community, but also that individuals do not have the right of exclusive dominance over their own property. These teachings emerge from the biblical indications that persons have a duty to allow their land to lie fallow during this entire year. Beyond which, according to rabbinic understanding of the Bible, there is no absolute right of exclusion during this year, that is, persons may enter upon the property of
another in order of take growing crops which they need to sustain themselves and their families. [9]

Such teachings come as no surprise to us. The Hebrew language itself conveys the same powerful message through the absence of a single word through which the concept of absolute ownership can be conveyed. All Hebrew words which are commonly used to express ownership in reality only express the notion of possession.

Phrases like *yesh li*, or *shayach li*, or even *ba'al*, do not convey the sense of absolute ownership, but of possessory or other complex relationships (We would hope that any husband understands what Judaism struggled so hard to convey, that his Hebrew title, *ba'al*, conveys a complex pattern of duties, rights, and responsibilities, but certainly not ownership!). The language here is the handmaiden of theology; we cannot speak of human "ownership," because our theology does not believe that there is rightfully any such notion. God is the "owner" of all, and we humans have simply possession rights in various degrees of complexity.

It is not only on the symbolic plane and on the linguistic plane that the teachings of Torah address the relationship between humankind and nature. On the direct practical level, there are dozens of Torah laws which regulate in great detail what we may and may not do to the environment. The Torah prohibits the crossbreeding of different species of animals, [10] as it bans the transplanting of branches of differing species of fruit trees, [11] and the intermingling of seeds in planting. [12]

The Torah, there and elsewhere, teaches us the lesson of the inviolability of nature, of our need to make symbolic and real affirmation of nature's original order in defiance of humankind's manipulative interference.

Likewise, Torah prohibits various forms of activities which would involve cruelty to animals. [13] We may not harness together animals of different strengths; [14] we may not pass by an animal which has collapsed under its load, but are duty bound to help it; [15] we may not slaughter a mother and its young on the same day [16] as we may not take the fledglings while the mother bird hovers over them. [17] Some eighteen different laws of the Torah call upon us to live in awareness of the fact that God's creatures require our care and deserve our attention.

All of God's creation, and even the increments which other humans have made to God's world, are entitled to be protected from wanton destruction. Thus do the Sages understand the import of the verse in Deuteronomy, [18] which literally would ban only the destruction of fruit-bearing trees during war. [19] Maimonides, too, understands the law this way in his listing of the 613 biblical commandments, [20] as well as in his fuller treatment of this legal issue in his magnum opus, the *Mishneh Torah*. [21]

What, however is the underlying attitude of Torah in all of this protective legislation? Is the Torah teaching us that all substances within nature have a right to exist which cannot be violated by humans? The fact is that much of contemporary environmental thinking seems to be moving precisely in that direction. There is an increasing rejection of the stewardship model in favor of an absolutist assertion as to the integrity of nature. Would Torah agree to such a proposition?

The law of *Lo Tash'chit*, the biblical prohibition against the wanton destruction of nature, may provide us with an instructive illustration. The passage in Deuteronomy reads as follows: "When you besiege a city for a long time, fighting against it to conquer it, you shall not destroy the trees thereof by wielding an axe against them; for is the tree of the field a person that it should be besieged by you? Only trees which you know not to be fruit bearing trees, may you destroy and cut down; and you may build bulwarks against the city that wars against you, until it is subdued." [22]

The language of Rambam, as well as the language of the early *Halakhic Midrash* on which his codification of this law relies, is powerful in its generality. Rambam insists that this prohibition does not only apply to fruit bearing trees, but to all objects which either exist in nature, or which have been manufactured by human beings. [23] The level of protection provided for seems to be vast, all-inclusive, and without exception. Yet careful analysis of the passages in the Talmud dealing with this law reveal a vital and different subcurrent.
The Gemara in Bava Kamma, with remarkable understated radicalism, suggests that protection even of fruit-growing trees may be overridden by economic need. [24] The Gemara in Shabbat contends that destruction for protection of health is permissible. [25] Elsewhere, the Gemara in Shabbat goes even further in indicating that personal aesthetic preference is sufficient to justify what would otherwise constitute a wasteful use of natural resources. [26] The Gemara of Shabbat in yet a third location, to top off these indications, contends that the gratification of a psychological need is sufficient to override the prohibition of Lo Tash'chit. [27] Indeed, in the context of all of these exemptions, it is difficult to construct a case in which violation of Lo Tash'chit would be actually be present.

To rephrase the situation, the talmudic texts recast the prohibition of Lo Tashchit as a prohibition against the wasteful use of resources, while expanding the range of human needs which are sufficient to constitute a destructive act as non-wasteful. This is a powerful counterbalancing of human needs against the autonomous rights of nature, in which the former clearly wins out.

It is this view which is in turn codified by Rambam in his selection of the term derech hash'chata ("in a wasteful fashion"), which suggests that only wasteful destruction falls within the purview of the prohibition. [28] This position is adopted as well by the Tosafists, who take even further the exemption for psychological need in their contention that destruction in expression of anger is not violative of the law of Lo Tashchit. [29] The dynamic tension between the two verses, ve kivshuha and le'avda v'leshamra as understood by Rabbi Soloveitchik, are simply playing themselves out in the realm of Halakha. 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.

Can we then safely turn our attention away from the environment and simply refocus on human needs which are, in any case, so vast and demanding? After all, in America as elsewhere, the problems of poverty and homelessness, starvation and AIDS, war and crime, are certainly pressing and make legitimate demands on our time and our resources. How can we turn our attention to the snail darter and the spotted owl, to species preservation and the chemical components of the atmosphere, if we haven't even yet begun to address hatred and inhumanity within our own species?

A reasonable response to this questions begins with the recognition that the life of mitzvot is just that, a life of commandments, plural, not a life of mitzvah, singular. The life of mitzvot does not have a single, overriding, all important value to be sustained singly, beyond all others. Even belief in God, if it is a mitzvah, is just one of 613.

The life of mitzvot is like a small garden with 613 flowers, each of which needs to be cultivated and cherished so that the magnificent beauty of Jewish life in its entirety may be achieved and appreciated. The task before the Jewish people, as the task confronting all of humanity, is not to discard or disregard the garden of ultimate values and replace it with this single new overriding concern: environmentalism. Our task is to discover within the garden of 613 flowers those few or many which demand of us attention to the problems of the environment. And those flowers certainly exist.

I would like to propose two challenges and thereby two stages in our responsibility to environmental issues.

"Hatzalah" (short-term rescue): Jewish law posits a duty of rescue of persons based on the biblical mandate, "You shall not stand idly by the blood of your neighbor" (Leviticus 19:16). [30] This demand, almost unique in the annals of legal history, [31] makes it a crime for a Jew to fail to intervene in the rescue of an innocent person from injury or death. As is indicated by the conjunction of verses, this duty is based on the underlying principle of "You shall love your neighbor as yourself" (Leviticus 19:18). It is precisely in consequence of our duty to love the other that we bear also the responsibility to rescue her from danger.

But if there is, in Jewish law, no duty to love nature or God's world, why then would I assert that we have a duty to rescue it? Firstly because it has become abundantly clear that the real risk in our continued pollution of the environment is not the Earth -- but rather it is humankind. The Earth will undoubtedly survive our depredations and will continue to swarm with life, but humankind may be
extinguished and end this stage of God's experiment on the Earth. If we love humanity, then we must now act to save it from ourselves.

Toynbee had suggested that the only way to proceed to reverse the Judeo-Christian teaching of human mastery over the environment was to revert to pagan, pre-Christian thinking as to the sacralization of nature. Aside from his failure to comprehend Jewish teachings on this entire matter, Toynbee's willingness to abandon the entire moral progress which humanity has made under Judeo-Christian influence is astonishing. What price environmentalism! We need not abandon monotheism nor adopt pagan beliefs. We need simply to teach Torah's duty to rescue humanity from ourselves because of our love of humanity, of ourselves.

A second path to the same conclusion is available through the awareness of our duty to love God. In Jewish law, the duty to rescue persons is extended to the rescue of their property. The mitzvah of the return of lost property is one manifestation of this responsibility. [32] Our duty to the beloved neighbor is to keep him whole in both body and property.

But, as we demonstrated earlier, an essential Jewish teaching is that the entire world belongs to God. If then we love God, we are duty-bound to protect and preserve God's property -- this entire Earth.

"Anavah" (Long-term rescue): The real cause of environmental pollution, the real reason that people have brought the Earth to its knees begging for relief, has nothing to do with people's excessive observance of the command of "subdue it!" It is not the Jewish teaching of the centrality of God's covenant with humanity which is at fault for human mistreatment of the environment.

The real cause of abuse is human failure to heed religious teachings against the exclusive importance of material goals. The real cause of our destruction of the environment is our total preoccupation with wealth and comfort. To the extent that science and technology have become the handmaidens of profit instead of truth, they have become part of the problem and need now to be redirected to being part of the solution.

The longer-term solution to environmental problems depends upon our ability to re-educate ourselves and our children towards humility - towards anavah -- and moderation. We need to devote ourselves to the elimination of material excess in our lives, in our homes, in our offices, in what we eat, and in the technology which we utilize so wastefully. Even our waste is wastefully disposed of. Only such a reorientation, in which material excess is replaced with deep spiritual awareness of the ultimate partnership between humanity and the Earth in the achievement of God's goals, can lay the foundation for a new and more healthy relationship between us and our environment.

The challenge ahead of us is the common challenge of science and religion together -- to discover and implement the means of assuring the physical survival of humanity on Earth, to discover and implement the means of assuring the spiritual survival of a more humble and more modest humanity on this, God's earth.

Notes

1. Rabbi Saul Berman is an Associate Professor of Jewish Studies at the Stern College of Yeshiva University. Reprinted with permission from Human Values and the Environment, a publication of the University of Wisconsin.


11. Leviticus 19:19, as per Maimonides, *Book of Commandments*, negative commandment no. 216.


20. *Sefer Hamitzvot*, negative commandment No. 57.

21. *Mishneh Torah*, Book 14, *Shofetim*, Laws of Kings 6:10. There is a substantial literature around the apparent discrepancy between Maimonides's very expansive position in *Sefer Hamitzvot*, as opposed to the reading of his position in *Mishneh Torah* which appear to hold that the prohibition, in its biblical meaning, applies only to fruit-bearing trees. In reality, all that differs in the later is Rambam's recognition of *Lo' Tash'chit* as a *Lav Shebiklallot*, a compound prohibition, in which the biblical penalty of lashes pertains only to that violation which is expressly mentioned in the Torah. The prohibition itself applies to all objects of value.


23. See notes 17-20.


28. See note 20.

29. *Kiddushin* 32a, Tosafot s.v. Rav Yehudah.

30. For a brief but fascinating study of the relationship between the verse itself and the law derived from it, see Baruch Levine, "On translating a Key Passage," *S'vara* 1:1, Winter 1990, pp. 71-73.


Nature is taken for conservation of the environment, and the need to continue to develop natural resources to sustain human life is taken into consideration. II. Educational Values

The values that entail the complexities of wider interactions between groups of people are termed as community values. For instance, treating all in a friendly and loving manner can be practiced by one individually with one’s neighbours. So far, we have seen various categories of values, yet, a three-tier hierarchy of values still remains to be discussed. 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. Anthropocentrism and Eco-centricism

When you besiege a town for many day Human nature is above any animal. We must understand that, because we have thermonuclear weapons, chemical weapons, biological weapons and on top of that, pollutants and plastics that don't degrade. Just like the chimps, right? Eh, maybe not. Creation of things that never existed before is part of why we are Children of God. We don't just interact with the natural world, we dominate it.