

Compassion and Self-Concern in Halakhic Environmental Decision-Making

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Abstract

The prevailing stance in Jewish orthodoxy is that environmental issues are extra-legal and not under the purview of *halakhah* (Jewish law). While considered important, environmental protection falls only under “*midat haḥasidut*” (extraordinary piety). This ultimately translates into environmental protection being treated as non-obligatory and only under the purview of righteous behavior rather than obligation. This has created a significant barrier to halakhically driven environmental decision-making. I argue that this worldview emerges from the process of conceptualizing the prohibition of *bal tashḥit*—“waste not,” the prohibition against wastefulness originating in Deuteronomy 20:19. This verse gave rise to two worldviews: one which was prioritized of not destroying the environment out of compassion for the non-human world, and another marginalized worldview that emphasized a self-concerned environmentalism which equates harm to the environment as self-harm. Privileging this latter worldview creates a pathway to advance Jewish legal discourse and align it with mainstream environmentalism.

Keywords

waste not – Deuteronomy 20:19 – extraordinary piety – compassion – self-concerned environmentalism – environmental decision-making

1 Introduction

The moral imperative to take environmental action is at the heart of faith-based environmentalism. The claim that the environmental crisis is moral, or

spiritual, and needs to be addressed on these terms is expressed in academic literature, among environmental activists and faith leaders, and perhaps most vocally by faith-based environmental organizations (Appolloni and Eaton 2016; Assisi Declarations, 1986; Elijah Declaration 2019; Gardiner 2006; Gore 2007; GreenFaith 2021; Hazon 2019; Hitzhusen and Tucker 2013; Interfaith Power and Light 2021; Islamic Declaration on Global Climate Change 2015; Kearns 1996; *Laudato Si* 2015; Saul 2018; Smith and Pulver 2009; Watling 2009; Zoloth 2016). At the Big Bold Jewish Climate Fest (2021) the moral framing of the climate crisis was given a spotlight on the mainstage where well-known activists spoke on a Jewish responsibility to act. Yet, Taylor, Van Wieren, and Zaleha (2016:350) point out that most claims about a greening of religion “speak[s] more of the *promise* of what is unfolding, rather than about its significance or effectiveness.” They argue that the assumption that people of faith will act in a pro-environmental manner because religion compels people to be morally upright is yet unproven, even though there are those who clearly act based on such religious motivations.

Despite the strong moral case to act pro-environmentally, Ariel Evan Mayse (2019) points to a persistent problem in Jewish legal discourse: the dearth of thinkers addressing what many believe to be the most important issue of our time, namely, the climate crisis (Taylor 2019). Why is this so? Awareness of environmental issues is one reason, and complexity of the problems is another, but more fundamentally the challenge is one of worldviews. Within the world of traditional *halakhah* (Jewish law), environmentalism has come to be understood as falling into the category of “*midat haḥasidut*”—extraordinary piety. Acting with compassion towards the non-human world is good and should be strived towards on a moral level. Simultaneously, because these are pious acts they are not considered essential but rather extralegal, and thus wholly voluntary. I, therefore, argue that a strictly moral approach to environmental challenges within an Orthodox Jewish framework will probably fail to yield widespread environmental action. Moral obligation on its own is not enough, but it can animate and inform the halakhic system that champions the sanctity of life. Once environmental damage is viewed as life damaging, the full force of the Jewish legal system could come into effect to remedy these processes.

In this paper I discuss unique barriers and challenges to halakhically-driven environmental decision-making. I will demonstrate how the few extant decisions that tackle environmental issues are shaped by a worldview that holds environmental issues as extralegal. Therefore, these are binding only by virtue of individual goodness. I will in turn argue that the worldview that gave rise to environmentalism being equated with extraordinary piety in fact arose

from the conceptualization of *bal tashhit*—“waste not,” the Jewish prohibition against wastefulness. I will give a brief introduction to the biblical origins of “waste not” that produced two parallel worldviews that emerge from the key verse (Deuteronomy 20:19). I will highlight key texts and thinkers that contribute to the conceptualization of these in separate and often opposing directions. I will then demonstrate the affinity between self-concerned environmentalism and mainstream environmental discourse. Finally, I will argue that the direct nature of the harm to humans resulting from environmental damages requires prioritization of a self-concerned environmental ethic more appropriate to our time in informing halakhically-driven environmental decision-making.

2 Barriers to Halakhic (Pro-)Environmental Decision-Making

While there are several barriers to pro-environmental behavior that transcend faith-based circumstances (Kennedy et al. 2009), Veldman, Szasz, and Haluza-DeLay (2014) list a number of barriers unique to religious contexts. Among the various barriers are lack of interest by the leadership, a focus on positive imaginaries of the future instead of doomsday scenarios, a concern with the otherworldly in place of worldly concerns, and environmental worldviews as being antithetical to their understanding of religion. Ronen Lubich (2019) has delineated the ways in which these barriers and others arise within the Jewish Orthodox context. His list of barriers include environmentalism perceived as definitively secular, politically liberal, akin to nature worship, and an ideology that raises animals to the same level as humans. While the relationship between religious worldviews and pro-environmental behavior is still evolving and often poorly understood, evidence points to political identity being more significant than religiosity *per se* in determining people’s approaches to the environment. The more conservative one’s political identity, the greater the apathy shown to environmental issues (Boyd 1999; Guth 1995; Sherkat and Ellison 2007; Tarakeshwar et al. 2001; Vincentnathan, Vincentnathan, and Smith 2016; Warner 2008). This is significant for Orthodox Jewish communities, because by and large Jewish orthodoxy tends towards conservative praxis. Yet, these are not the only barriers to pro-environmental behavior in traditional Jewish communities. Here, I expand the list of barriers.

2.1 *Conflicting Worldviews*

Yisrael Rozen, who headed the Tzomet Institute for Halakhah and Technology writes: “My position is that these [environmental] issues are not distinctly *halakhic* (legal). It is difficult to prosecute and legislate, and one cannot be compelled to uphold ecological norms using ‘halakhic coercion’” (Rozen 2005, 211). Rozen wrote subjectively, but his position is commonplace.

Yeshayahu Green (2013), an ultra-Orthodox blogger on environmental issues, solicited followers to share opinions on the following question: “Is it necessary / possible to view recycling as something connected to the obligation to care for creation, or is it not part of this requirement?” One of his respondents, with whom Green declared that he agreed with every word, began by claiming that a damaged environment compromises the ability of humans to fulfill their ultimate purpose of inhabiting the land. He adds:

[O]ne must avoid the tendency among many [Jewishly] uneducated people to consider the ‘protection of nature’ as a sacred value and an end in itself. This is not the view of the Torah. Rather, the purpose of the entirety of creation and all its creatures is certainly for the benefit and use of humans, and not the opposite. Meaning, the protection of nature is a means and not an end. Therefore, when weighed on the scales of rationality it is abundantly clear that the end is not ‘protecting nature’ *per se*, but rather the protection of the existence of the world and humanity.¹

Though the comments by Green’s anonymous respondent raise significant ontological questions they are ultimately not our focus. For us, what is important to glean from these statements is consistency in the primacy of the worldview that environmental protection has no intrinsic merit and is derivative of and contingent upon self-concern. This is entirely consistent with the mainstream paradigm of environmental concern, something I will discuss later in this paper.

There is a longstanding debate among scholars of Judaism regarding the relationship between ethics and *halakhah*. Much of the debate surrounds the question of whether Judaism recognizes ethics outside of its own legal system. While this debate is beyond the scope of this paper, one aspect is highly relevant: whether ethics have actionable consequences. Meaning, do ethics have the same imperative as the law to compel individuals to act in a prescribed

1 This quote originates from an anonymous respondent translated from the original Hebrew and is slightly modified for clarity.

way? Joseph Soloveitchik, a highly influential 20th century Orthodox rabbi, basing his position on Maimonides' *Book of Commandments*, Positive commandment 8, viewed moral action as obligatory through the concept of *imitatio Dei* (Kaplan 2012). Eugene Korn (2002:12), however, argues that Maimonides' position was not considered formal law and was meant to develop personal virtues but not "any specific behavioral requirement." A key proponent of the actionability of ethics was Aharon Lichenstein (1975), a prominent scholar and theologian, and student and son-in-law of Joseph Soloveitchik. Lichtenstein's position was derivative of his argument that law and ethics are part of the same system and are not separate entities. Nevertheless, these voices are outliers and the authoritative position within orthodoxy is that supererogation is not legally enforceable (Korn 2002, Reifman 2017). Thus, by viewing protective measures toward the environment as acts of extreme piety and by and large beyond the letter of the law (*lifnim mishurat hadin*), environmental protection becomes unenforceable. It is worth clarifying that if environmental harm is related to another category of law such as damages it can indeed be enforceable. Ethical framing of environmental issues is extremely important. In the context of traditional Judaism, however, until environmental protection is perceived as coming under the scope of *halakhah*, ethical framing will likely have a very limited impact on behavior.

2.2 *Lack of Halakhic Decisions (Pesak)*

It is possible that the challenge of worldviews mentioned above results in a dearth of legal decisions on environmental issues. It is telling that there is only one article in the Journal of Halacha and Contemporary Society on topics related to the environment. There is an additional one on *bal tashhit* ("waste not"), that only deals with fruit trees and not the general prohibition against wastefulness (Gartenberg and Gluck, 1999). The sole article on environment by Eli Turkel (1991) mentions contemporary *poskim* (legal decisors), but they deal mainly with torts or with smoking, topics which are beyond the scope of this article. An article on the Jewish Law website concerning environment deals with comparing Jewish law and secular law. Yet it contains not even one example of a modern, let alone contemporary, ruling on the environment (Friedman and Klein, n.d.). In fact, Shalom Spira (n.d.) writing in the commentary section of the Jewish Law website issues a call for an "halakhically authentic 'green' movement, the foundations of which still need to be built." If one were to look for an Israeli example, one could point to Yisrael Lau (2004), the former Ashkenazi Chief Rabbi of Israel, who wrote of being invited to the Queen of England's Golden Jubilee celebrations. Together with other religious leaders he was asked to speak of the Jewish approach to environmental protection. In his summary

of the event, he delighted in discussing the rich Jewish sources that provide a framework for environmental protection. He did not, however, extend this to any discussion of *halakhah le'maaseh* (practical application of Jewish law). This, unfortunately, is paradigmatic of the state of contemporary Jewish environmentalism.

The vast majority of the literature celebrates (or critiques) Jewish approaches to environmental protection, but does not go beyond this to advance the discourse in creating a mechanism for the everyday challenge of sustaining the environment. For instance, the rabbis of the Talmud legislated regarding the proximity of polluting industries such as tanneries to urban areas. Ariel Evan Mayse (2020) suggests that tort law is a promising framework through which to advance an halakhically-driven environmentalism. This would require a translation into halakhic rulings of the environmental impacts to include modern technologies that did not exist in the time of the Talmud such as airplanes or cellular phones. And yet, even if such an updating were to happen, *halakhah* is not well equipped to handle the challenges of indirect harm, particularly if it is several degrees removed from the initial action. First one has to appreciate that these have an impact on the environment, and subsequently also on humans. How do laws about not harming others or oneself translate into an environmental concern about which laundry detergent one uses, or provide answers to whether one should eat organic or conventionally produced food? While some of these issues are addressed through moralistic appeals, there is strong hesitance to elevate these arguments to the level of legal rulings. For instance, David Rosen, the former Chief Rabbi of Ireland and prominent interfaith interlocutor, argued that the issues of animal welfare should relegate the consumption of meat to being forbidden for halakhic reasons (2017). He states: "It should be evident to anyone with eyes in his or her head that virtually all animal products on the market today are the result of practices that categorically contravene Jewish law and ethics." And yet, despite this profound statement, his appeal remains a moral one, and not a legal one as he has not issued any formal legal ruling on the subject. This is slowly changing, but as we have demonstrated, even when legal rulings are issued, if environmental protection is considered to fall under the category of extraordinary piety, then the rulings will not necessarily result in more than an appeal to people's goodness and token observance. Additionally, without members of religious communities requesting legal guidance regarding environmental protection, it is unlikely the halakhic decisors will provide any leadership. Manfred Gerstenfeld (2001) highlighted the importance of being proactive about soliciting more legal rulings almost two decades ago: "As rabbinic authorities provide further responsa, more contemporary *halakhah* will become available. This is

a necessary instrument in the development of Jewish environmental public policies.” What was true twenty years ago is still true today only more urgently so. Very little has been done to advance *halakhic* discourse on environmental issues.

2.3 *Lack of Awareness*

Among the communities that are influenced by *piskei halakhah* (legal rulings), and among the *poskim* (legal decisors) themselves there is considerable ignorance of the issues. Below are two examples:

2.3.1 Electricity

Shlomo Zalman Auerbach was considered one of the most important halakhic decisors of the 20th century. His son, Avraham Dov Auerbach (1935–2021), the former head rabbi of the city of Tiberias and an important legal decisor in his own right, gave a halakhic opinion concerning the inefficient burning of an oil lamp or a candle. He maintained that such inefficient burning was forbidden by the prohibition against wastefulness since additional oil or wax was used without need. He claimed that the prohibition against wastefulness, however, did not apply to the unnecessary or wasteful use of electricity (Shtasman 1999:7:11:33). Apparently, Avraham Dov Auerbach understood that since there is no loss of light in the room each time the electricity is turned on there is, therefore, no waste. He maintained that the monetary cost of the additional electricity used is not actually lost or wasted because it is transferred to the utility company. This position does not consider the production of electricity at all. This halakhic decision seems to be entirely incognizant of how electricity is produced and how waste can be part of the production process. In Israel, only a tiny percentage of electricity is produced by renewable resources.

2.3.2 Disposable Dishes

The consumption of single use plastics has skyrocketed over the past few years but has received scant attention in halakhic discourse. Moshe Yitzhak Vorhand (2000:2:22), one of the few to address the issue from the standpoint of Jewish law claimed that to throw away disposable plastic after a single use would not be a violation of *bal tashhit* (“waste not”). For Vorhand, the *raison d’être* of single use plastics is to be used only once and then discarded. Thus, there is no legal obligation to try to prolong the life of single use plastics by washing and reusing them. Vorhand addressed the question from the stance of a legal decisor. Someone with environmental awareness would address this topic quite differently, likely asking whether the very existence of single use plastics was a violation of “waste not”.

The lack of environmental awareness that accompanies Auerbach and Vorhand's legal opinions can only be rectified through education (for a more detailed discussion of these sources see Yoreh 2019b:228–233).

2.4 *The Magnitude of the Issues*

Environmental protection is legislatively very challenging. What constitutes damaging the environment? If indeed it is prohibited to cause environmental harm, how does one negotiate human life? Ultimately, most human behavior has an impact on the environment. The rabbis of the Talmud used two expressions to reject legislation that was too difficult to sustain “*gezerah she'ein hatzibur yakhol la'amod bah*,” (Babylonian Talmud, *Baba Kama* 79b and *Baba Batra* 60b) and “*la shvakt hayei lekhol birya*,” (Babylonian Talmud, *Berakhot* 61b, *Baba Kama* 91b and *Baba Batra* 92a) loosely translated respectively as “an edict which the public cannot uphold” and “this does not allow a person to live.” Needless to say, there cannot be any legislation, halakhic or civil that does not leave room for human life to flourish. Yet, if human wellbeing takes precedence every single time, how does one protect the environment whose degradation paradoxically harms human wellbeing?

2.5 *Environmental Damage as Normative*

Dashu bah rabim, shomer peta'im Hashem, (Babylonian Talmud, *Yevamot* 72a and Psalms 116:6) is an expression originating in the Talmud that can be loosely translated as “many people act in this way, therefore God protects the naive.” Actively pursuing a lifestyle that values environmental protection requires knowledge, desire, opportunity and financial capability. Most people balance some combination of these factors. For instance, even if people have the knowledge that eating organic is better for the environment and have the desire to do so, the (financial, geographic, etc.) opportunity might not present itself. In such a landscape it would undermine *halakhah* to categorize such individuals as transgressors. As such, this rabbinic expression which has been applied in the past to cigarette smoking is relevant for all other environmental issues as well and as a result bypasses the need to be proactive about environmental protection.

3 Contemporary Halakhic Worldviews

Below are a few more examples of how viewing environmental obligations as extralegal devalues the environment relative to other concerns in the decision-making process.

3.1 *Lag BaOmer*

Lag BaOmer, the thirty third day of the counting of the Omer (the days counted from Passover leading up to the Festival of Weeks), is a minor Jewish festival. Though it is not halakhically mandated, a widespread tradition practiced especially by children in Israel, is to light bonfires. With so many bonfires burning simultaneously across Israel, some burning plastic, the air quality is badly affected and deteriorates significantly. While the situation appears to be trending in a positive direction, air pollutants are still much higher than on a normal day (Ministry of Environmental Protection, May 23, 2019). In particular, volatile organic compounds which can be breathed in and cause lung related illnesses and carbon dioxide, the primary cause of anthropogenic climate change have become perennial environmental issues related to this festival. Both Yuval Cherlow (2008), the head of the Petah Tikvah Yeshivah and one of the founders of Tzohar (an organization whose purpose is to bridge the gap between religious and secular Jews), and Shlomo Aviner, the head of the Ateret Yerushalayim Yeshiva in Jerusalem, were asked separately about the environmental harm caused during this festival. Cherlow was asked whether it would not be preferable from an environmental perspective to spend the day studying rather than lighting bonfires, while Shlomo Aviner was asked somewhat more tersely if the *Lag BaOmer* bonfires were commensurate to vandalism due to the damage caused by them and thus created an ecological disaster.

Cherlow responded that of course it would be preferable to spend the day studying mystical sources than partaking in bonfires. He added, however, that before spending time on finding ways in which to diminish the small connection that children have with their heritage and the Hebrew calendar and before trying to alter *halakhah*, one should act to rectify other considerable environmental issues such as disposable dishes and lessening travel. In this regard, it is important to note that lighting the bonfires is only a custom and is not halakhically mandated. The issues that arise from burning the bonfires, however, such as damage to human health and the environment, are issues that concern *halakhah*.

There are some important notes to take away from Cherlow's response. While he does not deny the fact that the bonfires have an environmental impact, he does see them as having utility in educating the younger generations and instilling them with Jewish and national pride. For instance, even though there is no universal consensus, many halakhic decisors consider it permissible to engage in acts that would otherwise transgress the prohibition against wastefulness (*bal tashhit*) if they are done for educational purposes (Yoreh 2019b, 197–198). Cherlow does not go quite so far as to explicitly state that the bon-

fires are permissible for their educational content, but he does come close to such an implication. By stating that efforts should be made in other areas of greater environmental concern he does not reject the fact that ultimately the bonfires should be addressed. Cherlow rightly opines that there are more pressing systemic environmental issues. Undoubtedly, disposable dishes which are used daily are a more urgent concern than *Lag BaOmer* bonfires which happen only one day a year. Nevertheless, the fact that Cherlow felt compelled to marginalize the impact of the bonfires by comparing them to other environmental issues instead of dealing with them on their own merit is telling and indicative of the secondary status of traditional environmental legislation.

Aviner, responding to the charges of vandalism, agreed that the bonfires might result in a transgression of the prohibition against wastefulness, and that rabbis often warn the public about this. Thus, even though he does not prohibit the bonfires outright, he openly admits that the bonfires can lead to significant transgression. He then went on to claim that environmentalists at times exaggerate the importance of the environment, and that in the case of the *Lag BaOmer* bonfires the damage perpetrated is mainly marginal. His polemic against environmentalists that follows is worth quoting. "It is always worth weighing whether there should not be a preference of investing in more important things instead of [spending] money and resources on the environment. Moreover, there are people who are looking for their place in society and because they do not occupy themselves with the essentials such as education, military, or establishing families, they can claim to fight for the sake of the environment." It is quite possible that Aviner is on the defensive and is responding to the accusatory nature of the question posed. Nevertheless, he deviates from the question posed and criticizes the environmental movement and its members with an *ad hominem* attack. He concludes his responsum by stating that a cost/benefit analysis must always be conducted, and even though the bonfires are not mandated by Jewish law, there are those who do find spiritual release in them. Like Cherlow, he sees a hierarchical aspect at play. The environment is lower down in the hierarchy when considering the human utility of the bonfires. Interestingly, both Cherlow and Aviner, for their own quasi-halakhic reasons, will not go so far as to prohibit making bonfires. Even though they acknowledge the potential damage to health and property caused by the bonfires results in the transgression of actual *halakhah*. This approach is likely derivative of not associating the damage done to the environment as harming humans—in this case through the resulting air pollution. If the issue at hand is viewed as moral and not legal, there is a clearer pathway to not prohibiting these types of actions. Once it is understood that harming the environment is

commensurate to harming oneself or others, it is likely that prioritizing human utility over the environment will no longer be so simple, especially for quasi-halakhic reasons.

3.2 *Transit*

Another recent responsum in which we can observe worldviews determining the outcome of the decision is through a question posed to Barukh Efrati, the head of the rabbinical organization Darkhei Emunah (2017). Efrati was asked by an individual who was considering buying a car whether there is a legal obligation to sacrifice comfort and take transit for the sake of environmental protection. Efrati responded that as a rule, if there is no direct harm to humans there is no prohibition against taking the more comfortable mode of transportation, even if there are other slightly less polluting options. Efrati's terse response is straight to the point. He offers no encouragement to opt for the environmentally responsible choice. Instead, he makes it clear that the only criteria that need to be weighed regarding environmental choices is direct harm/benefit to humans. When looking at the values that come to light through this decision, indirect harm caused to other humans or compassion for the environment are insufficient legal reasons to overrule interests of comfort.

4 Self-Concern and Compassion in Discourse on Wastefulness

Wastefulness is an umbrella concept for many, if not most, of the environmental challenges we face today. Among the multiple definitions of "wasteful" offered by the Oxford English Dictionary, two particularly stand out. A wasteful person is defined as: "Addicted to waste; given to useless or excessive expenditure; regardless of economy in the management or use of resources; prodigal, extravagant, thriftless." The outcome of such behavior is connected to the other definition of interest which is that an action that is wasteful is one "That causes devastation, desolation, or ruin; that destroys or lays waste." These definitions are tied directly into consumption. Someone who consumes excessively is wasteful; wastefulness causes destruction. When wasteful consumption is magnified to a global scale, the result is devastating.

As Laura Hartman (2016: 316) put so succinctly, "Arguably, the human impact on the environment may boil down to one thing: consumption." Thomas Wiedmann et al. (2020:1) upon review of a large body of literature on the link between affluence and environmental impacts conclude that "the consumption of affluent households worldwide is by far the strongest determinant and the strongest accelerator of increases of global environmental and social

impacts.” In the Fifth Assessment Report to the Intergovernmental Panel on Climate Change, Marc Fleurbaey et al. (2014) declare that fossil-fuel-based consumption is the greatest driver of climate change. They argue that in order to shift toward sustainable development economies need to go through a process of dematerialization, whereby material resource consumption is decoupled from economic growth.

The extent of our wastefulness is governed by the systems (political, societal, economic, ethical, etc.) we create around our consumption of resources. Since their inception, religious frameworks have attempted to govern consumption either through legal systems or by moralizing it. In the case of Judaism, the framework of how to consume is prescribed through *bal tashhit*—“waste not.” Elsewhere, I discuss at length the emergence of “waste not” as an environmental ethic as it is conceptualized throughout history (Yoreh 2019b). While there are other environmental ethics and laws that exist within Judaism (the Sabbath and sabbaticals, animal welfare, tort laws, etc.) none is as comprehensive as “waste not.” As such, when we consider how religion approaches environmental protection, a good starting point is to look at the ways it conceptualizes wastefulness. Below, I argue that the worldview that gave rise to environmentalism being equated with extraordinary piety in fact arose from the process of conceptualization of “waste not,” the Jewish prohibition against wastefulness.

4.1 *Biblical Origins of “Waste Not”*

Bal tashhit (“waste not”), the prohibition against wastefulness and wanton destruction, has its roots in Deuteronomy 20:19, where it begins as a prohibition to cut down enemy fruit trees during warfare. Two translations follow:

New Jewish Publication Society (NJPS)

When in your war against a city you have to besiege it a long time in order to capture it, you must not destroy its trees, wielding the ax against them. You may eat of them, but you must not cut them down. Are trees of the field human (*ki ha'adam etz hasadeh*) to withdraw before you into the besieged city?

King James (KJV)

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 forcing an axe against them: for thou mayest eat of them, and thou shalt not cut them down (for the tree of the field is man's life) (*ki ha'adam etz hasadeh*) to employ them in the siege:

The rationale for this anti-scorched-earth policy is in the enigmatic highlighted Hebrew phrase “*ki ha’adam etz hasadeh*.” Two common interpretations of this phrase emerged in the midrash (the earliest rabbinic commentaries on the Bible from the first few centuries of the Common Era) and were adopted by some of the most important biblical exegetes. The first interpretation, adopted by Rashi (11th century) and reflected in the NJPS translation, asks rhetorically whether trees are like (enemy) humans that they should be cut down. The second interpretation, adopted by Abraham ibn Ezra (12th century) and reflected in the KJV translation, views the phrase as an assertion; the human is a tree of the field, the tree being an essential food source. The first interpretation is concerned with human compassion for the non-human, the second is concerned with human survival.

Drawing from social psychologist Shalom Schwartz’s work on universal human values (1992), Paul Stern and Thomas Dietz (1994) divided the values associated with environmental concern into three categories: concern for oneself (egoism), concern for others (social altruism) and concern for the biosphere (biospheric altruism). For our purposes, and like Stefano De Dominicis, P. Wesley Schultz, and Marino Bonaiuto (2017), we can collapse these categories into two, egoism and social/biospheric altruism. These categories mirror the ones found in the midrash on Deuteronomy 20:19 and developed within the Bible commentary tradition over its lengthy history; we either protect the trees for their sake or for ours. The role of these distinct categories on environmental decision-making will be discussed in the continuation.

5 Righteous Compassion

The following three texts are critical in shaping the way in which “waste not” has come to be understood today. I argue that they also define the way in which environmentalism has come to be seen from a Jewish legal perspective.

5.1 *Talmud*

Rabbi Eliezer, a 1st–2nd century sage from Judea, offered the following insight on two contrasting worldviews about self and substance (Babylonian Talmud, *Sanhedrin* 74a):²

2 The quotes from the Talmud are slightly modified from the Soncino translation.

Rabbi Eliezer said [Deuteronomy 6:5]: “And you shall love the Lord your God with all your heart and with all your soul, and with all your might.” Since “with all your soul” is stated, why is “with all your might” stated? And, if “with all your might” is written, why also write “with all your soul?” For the man to whom life is more precious than wealth, it is written “with all your soul”; while he to whom wealth is more precious than life is bidden, “with all your might” [i.e. substance].

While the focus of this gloss is philotheia, it suggests that people are complex beings and that not everyone has the same set of priorities when it comes to possessions. Where the righteous fall on this spectrum is clarified by another teaching in the Talmud, this time by Rabbi Eleazar, a 2nd century sage from Judea (Babylonian Talmud, *Hullin* 91a): “‘And Jacob was left alone’ [Genesis 32:25]. Rabbi Eleazar said: ‘He remained behind for the sake of some small jars.’ Hence [it is learnt] that to the righteous their money is dearer than their body; and why is this? Because they do not stretch their hands out to robbery.” In the biblical narrative being referred to above, Jacob returns to the camp site that his family left in haste fearing a vengeful vendetta against him by his brother Esau. But why return to the camp site at such great risk to his life? The notion being espoused here is that the righteous believe that every possession they come into having is divinely bequeathed to them. They do not take what they cannot be certain belongs to them, and once they are certain that something does belong to them, it is dearer to them than their own body. This position is reminiscent of the slightly morbid joke my grandfather used to tell about a person who drives their luxury car off a cliff but manages to escape. A passerby notices that their hand was severed in the accident and points it out to the person, who replies: “oh no, I lost my fancy watch!”

Possessions in this context can be seen as a catchphrase for the non-human elements of creation. We can see an idea emerging from here that only the righteous can transcend normative preoccupation with their personal wellbeing to be concerned with non-human substance.

5.2 *Sefer HaHinukh*—The Book of [Moral] Education (13th Century, Spain)

The Book of [Moral] Education offers morally inclined rationalizations of Maimonides’ list of the 613 commandments in Jewish law. In its depiction of the parameters of “waste not” the book states the following:

This is the way of the righteous and people of deeds who love peace and delight in the goodness of human beings and draw them near to the Torah;

they do not waste even a grain of mustard in this world. Their instinct when encountering wastefulness and destruction is to try to prevent it with all their strength.

The rationale offered by *Sefer HaHinukh* does not suggest that the created non-human world has any intrinsic value. Rather, by not wasting it, the non-human world provides a mechanism through which humans can build their moral characters. By showing the non-human world compassion through avoiding wastefulness, humans are engaging in righteous behavior. This rationalization takes a considerably different approach than the one we saw above in the Talmud. In the Talmud the righteous are described as having more concern for substance than self. *Sefer HaHinukh* turns that notion on its head. The reason for such a mindful adherence to “waste not” by the righteous is precisely because of self-interest. They are so concerned with inculcating themselves with moral uprightness that even a grain of mustard can blemish their character.

5.3 Samson Raphael Hirsch (19th Century, Germany)

Samson Raphael Hirsch, considered one of the fathers of modern orthodoxy, in his magnum opus *Horeb* offers a philosophical rationalization of Jewish law. He calls *bal tashhit* (“waste not”) “the first and most general call of God ... when you realize yourself as master of the earth ... Regard things as God’s property and use them with a sense of responsibility for wise human purposes. Destroy nothing! Waste nothing! ([1838] 1968, 279)” This is consistent with Hirsch’s commentary on Deuteronomy 20:19. There he asserts that the verse needs to be read through an ethical lens of responsibility meant to balance the dominion granted to humans over the rest of creation. The framework he suggested is again one of human compassion. Avoiding waste is the direct result of a profound realization of mastery which must be accompanied by a sense of responsibility. Though humans have the capacity for great destruction, a sense of responsibility is meant to elicit compassion for the rest of creation. Even though Hirsch is referring to a legal responsibility that emerges from a law, his gloss is more a reflection of moral responsibility, how one ought to act, rather than how one must act.

These three sources represent some of the most salient and defining ways in which “waste not” developed over history. More importantly, these positions resonate with environmentalism motivated by altruism. Human compassion, righteousness, moral responsibility are all categories that are characterized by an “above and beyond” approach to what is legally required; they are extraordinary. They also contrast with the much more common self-interested world-

view; there are very few people who would risk their life for trinkets. The level of detail in observing “waste not” described in these sources is nearly impossible to achieve, making full adherence to the law by and large unattainable. The purpose of these examples is to demonstrate that although over-concern with the non-human parts of creation (read environment) can yield significant environmental protection, righteousness is not normative. One may ask if self-interest is a surer path to environmental protection. The evidence suggests that perhaps not.

6 Self-Concerned Wastefulness—*Bal Tashhit DeGufa Adif*

The second interpretation of “*ki ha’adam etz ha’sadeh*”, that humans are literally the tree of the field because their sustenance is dependent on them, evolved in a very different direction. Whereas the two interpretations may have started out as complementary, when problematized in real-world settings a hierarchical structure emerged. Early rabbinic sages such as Rabbi Akiva and Rabbi Eleazar understood the prohibition against wastefulness to include within it the prohibition against self-harm (Yoreh 2019b). This non-binary worldview asserts that destroying material goods is commensurate to destroying oneself, or framed more broadly, environmental destruction is self-destruction. Later rabbinic sages were challenged by this worldview and created an alternative worldview of a hierarchical binary between human and non-human. They accomplish this by severing the connection between prohibition against wastefulness and the prohibition against self-harm. Instead, they suggested a new relationship between humans and non-humans, one which established the superiority of humans and created a human-non-human binary. The sages took the concept of *bal tashhit* (“waste not”) and added to it two simple words “*degufa adif*” (lit. is preferred for the body) that confirm this new hierarchical relationship. When used in conjunction with each other, these words combine to mean that the prohibition against “wasting” the body takes precedence over wasting material. This new concept is only ever used to justify wastefulness of material as not transgressive whenever it is done for the sake of human wellbeing. Sages who had undergone bloodletting and developed a chill gave instructions to have furniture destroyed and turned into firewood as no other wood was immediately available. When pressed on the issue of wastefulness one sage retorted that their wellbeing took precedence over the waste. This notion was ultimately given a formal name. *Bal tashhit degufa adif*— “waste not” with regard to one’s body takes precedence—and thus the hierarchy of self over substance became entrenched (Babylonian Talmud, *Shabbat* 129a, 140b).

This concept ends up acting as the counterbalance for the protective environmental measures offered by “waste not”. It is a concept that is only ever used to prioritize human interests when environmental damage is a consequence of those interests being acted upon. It is a concept that anchors us to a binary view of the world. The environmental damage that results is justified as an externality of the associated benefit to human welfare. The most environmentally challenging aspect of this concept is that it does not define parameters for what a reasonable amount of waste is relative to the associated human wellbeing that is derived from it. There is an almost inherent impossibility at play here. If a ratio is defined, how can it evolve when new science emerges? If a ratio is not defined, what will stop an individual from creating massive amounts of waste for a small measure of wellbeing? Nevertheless, it is important to not overlook a key element in this worldview, the notion of direct harm versus indirect harm, something I will discuss in the conclusion of this paper.

7 Human Wellbeing

How can the barriers mentioned above be overcome? Does it really make a difference which interpretation is championed and ultimately becomes the normative way to read Deuteronomy 20:19? The answer in my opinion is a resounding yes, because of the way environmental values have been incorporated into Jewish law. The value of human life is paramount in *halakhah*. All of Jewish law can be violated in order to save a human life excepting the prohibitions against idolatry, murder, and sexual immorality (Babylonian Talmud, *Sanhedrin* 74a). In other words, if environmental harm is equated with self-harm, the full weight of the *halakhah* would be activated to prevent it.

7.1 Plastic Disposables

This is illustrated by Shmuel Shapira, the head rabbi of the Israeli town of Kokhav Yair, who was asked whether plastic disposable dishes can be considered kosher in light of the considerable environmental damage they cause (2009). Shapira responded that even though Jewish law prohibits destruction, as it currently stands, there is no prohibition on the use of plastic. Since secular law permits the operation of factories which pollute, he reasoned that it is extremely difficult to know where to draw the boundaries from a halakhic perspective, particularly since Jewish law permits some environmental damage so as to produce a beneficial end. Shapira claimed that Jewish law tends to follow

the norms of what is acceptable around the world using smoking cigarettes as a case in point. Now that it is medically well-established that smoking is harmful to human health, most rabbinical authorities prohibit taking up smoking. If the relevant (read secular/medical) authorities determined that the use of plastic was harmful to human health the way cigarettes are, and mandated warnings similar to those that cover cigarette packages, then Jewish law would follow suit and also prohibit the use of disposables.

While it is interesting to see how Shapira interprets Jewish law and how it applies to what is one of the most persistent and challenging environmental issues of our time, it is more important to note his determination that concern over human health is a driving force behind halakhic innovation. This link cannot be overstated. It is essential. Once it becomes established that plastics are harmful to human health, but not before, claims Shapira, its use would be prohibited by Jewish law. While the ubiquity of plastic in so much of our daily lives makes this determination extremely complicated, Shapira at least suggests that there is a pathway towards a Jewish legal prohibition, not because of an overarching concern for the environment, but because of an all-encompassing concern for humans. The direct tension between individual wellbeing and environmentalism is highlighted in a study of environmental narratives in ultra-Orthodox communities (Yoreh 2019a). One of the respondents explicitly mentioned that he heard the wife of a faith leader mention that disposable dishes were “God’s gift to the Jewish woman” (145), because if homemakers had to clean up in addition to all their other responsibilities, their wellbeing would be compromised.

8 Self-Concerned Environmentalism

Self-concerned environmentalism is articulated by a wide range of voices within the environmental movement. In 2015 the United Nations General Assembly articulated 17 Sustainable Development Goals as part of the 2030 Agenda for Sustainable Development. While the critiques of these goals are numerous, they represent the global discourse surrounding environmental issues. The narrative accompanying these goals declares: “On behalf of the peoples we serve, we have adopted a historic decision on a comprehensive, far-reaching and people-centered set of universal and transformative goals and targets” (United Nations 2015). The framing of these goals makes it very clear that environmental protection is a byproduct of human sustainability and not an outpouring of human compassion. Greta Thunberg inspired climate marches which are swimming with placards articulating the impact of climate change

on humans and the associated plight. “Protect Our Future,” “We Can’t Drink Oil, We Can’t Eat Money,” “I Don’t Want to Drown,” say the placards. Certainly, there is an abundance of other messages, but even among those who are arguably representative of grassroots environmental activism (contrary to the top-down environmentalism of the UN), self-concern is a common trope.

Voices of self-concern are also widespread among scholars. For example, the consequences of environmental damage on humanity are articulated by eco-theologian Roger Gottlieb (2004, 8): “We have begun a process of environmental degradation not unlike slow collective suicide.” Environmental philosopher J. Baird Callicott (2000) shares the same sentiment: “Biocide, from a deep ecological point of view, *is* suicide.” In the context of the climate crisis novelist and scholar Amitav Ghosh (2016: 128) writes: “to think about the world only as it is amounts to a formula for collective suicide (128).” He critiques the trend in fictional writing and politics to focus on “individual moral adventures” (129) because it limits our imagination to what is and not what can be. On the popular front, David Attenborough, narrator of the BBC natural history series *Life*, and for many the voice narrating their window into the natural world, delivers the same succinct message: “If you damage the natural world in the end you damage yourself” (Mee 2018). Together these voices represent a diverse range of backgrounds that essentially say the same thing—we are the tree of the field and our lives, and certainly our wellbeing, are interwoven with its branches and roots.

Self-concerned environmentalism is not without its problems. Before the concern comes the self. The double-edged sword of self-interest is well-documented in the field of social psychology. In addition to environmental concern, it also fuels greed and apathy, which may be at the root of environmental degradation (Speth n.d.). It has been firmly established that self-transcendence (read altruism) in the form of moral concern for the environment is predictive of environmental behavior (Schultz 2001; Dietz 2015). Not surprisingly, however, studies measuring environmental concern have demonstrated a negative correlation with self-enhancement (read egoism) (Schultz and Zelezny 1999; Schultz 2001). Meaning, people whose primary concern is their own wellbeing are less likely to be concerned with environmental issues, at least so long as those issues are perceived not to impact them. While there have not been many studies confirming the role of self-interest in promoting pro-environmental behavior, De Dominicis, Schultz, and Bonaiuto (2017) suggest that self-interest can still be an effective tool to promote sustainability. They argue that those who are motivated by self-interest might not be motivated by altruism, but those motivated by altruism are definitely also motivated by self-interest.

9 Conclusion

Mayse (2019) argues that moral dimensions of Jewish thought need to be reclaimed as equal partners in the conversation to adequately address the environmental crisis. Certainly, environmentalism driven by human compassion speaks to many hearts and souls much more deeply than an environmentalism that emerges from self-interest, particularly among environmentalists. Erin L. Biviano (2012), who researched motivations for faith-based congregational environmentalism, concluded that environmentalism in these communities was rooted in a perceived moral obligation to take environmental action. Appealing to people's moral compass is romantic, but it does not appear to be more compelling to the masses. There are major limitations to an environmental ethic based on human compassion for the non-human world. Not everyone is/can be/aspires to be righteous. If we approach the environmental crisis *only* from a moral dimension, the status quo in the realm of legal decision-making remains the same. If going beyond the letter of the law is the basis for environmental protection, at least for anything beyond torts for which there is a relatively clear and established legal framework, environmentalism is merely voluntary. This is what emerged from privileging the rhetorical interpretation of *ki ha'adam etz hasadeh* ("are trees of the field human?") as offered by Rashi.

Yet, if we were to privilege the literal interpretation of *ki ha'adam etz hasadeh*, the human *is* the tree of the field, an ethic emerges that no longer views human-environment as existing in a binary relationship. Humans are not separate from the environment; the environment includes humans. The two are interconnected and part of a whole. Destroying nature is therefore self-destruction. This is an ethic that appeals to our baser nature. When this interpretation is privileged then damaging the environment is no longer an act done when compassion is in short supply or righteousness is difficult to muster. What was previously justified because of it being conceptualized as indirect harm is now understood as direct harm. Environmental harm is no longer considered an externality. If wellbeing is understood to be dependent on a healthy environment, *bal tashhit degufa adif* ("waste not" with regard to one's body takes precedence) can no longer operate as a *carte blanche* for overriding environmental concerns. Since the climate crisis is a matter of survival, it is essential to shift discourse in this direction to activate a life privileging Jewish tradition and legal system. Changing which interpretation is prioritized is possible precisely because more than one interpretation exists in the rabbinic canon. If it was not already there, it would require constructive theology to insert it, which is likely unpalatable for traditionalists. The Jewish demographics for whom a legal basis would be paramount (over a moral one) are the fastest growing ones.

Even though they are not the current majority, projections indicate that they are slated to become the largest Jewish demographic (Cahaner and Malach 2019; Felman and Adkins 2018). If these demographics do not view environmental protection as a legally binding obligation, they are much less likely to take this responsibility upon themselves voluntarily.

With the climate crisis increasingly being framed as a spiritual crisis (Pope Francis 2015), a crisis of culture (Ghosh 2016), and tied to our morality (Gottlieb 2019) it may seem untimely to downplay human compassion in favor of self-interest. Katharine Hayhoe, a Christian climate scientist at Texas Tech University, has been making considerable headway in advancing climate discourse among faith communities prone to climate denial. In a recent TED Talk she explained that she does this by selective framing of the issues and connecting them to values that resonate within these communities (2018). The same needs to be done in the case of halakhic environmental decision-making. It is precisely the self-interest of *halakhah* that prioritizes human life. Since human compassion is not the appropriate motivator, then life privileging self-concern is a better option.

Ultimately, by offering both interpretations for Deuteronomy 20:19 the mid-rash creates the most accessible rationale for environmental protection. We protect the environment both because it is in our self-interest *and* because of human compassion for the more-than-human world. These are starkly contrasting worldviews and yet both are streams flowing into the same sea. When both worldviews inform each other in the decision-making process, there is a strong basis for environmental protection.

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