

**Shortened from Jewish Environmental Values: The Dynamic Tension Between Nature and Human Needs
by Rabbi Saul Berman**

1.

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. 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.

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.

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.

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.

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.

Based on this reading, how does this help shape your thoughts on environment?

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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, as it bans the transplanting of branches of differing species of fruit trees, and the intermingling of seeds in planting. 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. We may not harness together animals of different strengths; we may not pass by an animal which has collapsed under its load, but are duty bound to help it; we may not slaughter a mother and its young on the same day as we may not take the fledglings while the mother bird hovers over them. 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, which literally would ban only the destruction of fruit-bearing trees during war.

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? 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?

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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 you may eat of them, and you may not cut them down, 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."

The *Gemara* in *Bava Kamma*, with remarkable understated radicalism, suggests that protection even of fruit-growing trees may be overridden by economic need. The *Gemara* in *Shabbat* contends that destruction for protection of health is permissible. 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. The *Gemara* of *Shabbat* in yet a third location, to top off these indications, contends that the gratification of a psychological need is sufficient also to override the prohibition of *Lo Tash'chit*. 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 Tash'chit* 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. 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.

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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?

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). This demand, almost unique in the annals of legal history, 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.

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. Our duty to the beloved neighbor is to keep him whole in both body and property.

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

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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.

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