New Areas of Religious Responsibility

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New Areas of Religious Responsibility: An Essay[1]

By Daniel Sperber

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I would like to call attention to some new fields with which the contemporary rabbi has to acquaint himself and to learn their challenges and the possible approaches to giving them solutions. The obvious one is, of course, technology, which progresses with startling speed, presenting situations that never before confronted us. There is a huge literature on this subject, as is the case with medical ethics, business ethics, and so forth. But one area that I feel has been largely neglected is that of ecology. It may not really be new, but has hitherto been too little emphasized. In 2002, I wrote a short article in *The Edah Journal* 21, 2002, entitled “Jewish Environmental Ethics.” I began with a personal recollection based on changes that I had seen during a short part of my own lifetime. I wrote as follows:

A little more than thirty-five years ago, I served as a rabbi in India. When one went to India at that time, of course, one went to Nepal. So I took a week off and went to Katmandu. It was an absolute paradise. From this ancient, beautiful city, one could see the Himalayas covered in snow against pure azure skies. Running through the city was a pristine river called the Bagmati. It is a holy river, where people bathed. The waters were so limpid and pure, you could drink directly from them. The city was small and you could take a bicycle and ride eight or ten kilometers out to the surrounding, even smaller townships. These were ancient townships with gorgeous temples such as Badgaon. I thought then that if there is a *Gan Eden Alei Adamot*—a garden of Eden on Earth—this would be it. Had I wished to live in a land or city outside of Israel, it would have been Katmandu. I was offered very attractive jobs there. At that time, very few Europeans came to this part of the world.

A little over a month ago, my wife and I were invited to an international conference in Katmandu on conservation. It was planned by two organizations, the World Wildlife Fund, which is a massive well-known global organization, and the Alliance of Religions for Conservation (ARC), which consisted of representatives of twelve major religions, each trying to demonstrate that his respective religion had a clear interest in conservation and ecology. It was not the sort of conference in which participants tried to persuade one another of the higher ethical principles inherent in their respective religions. Instead, we were united in our goal of dealing with the challenges and dangers to the planet that we all inhabit.

The Earth is, at least so far, the only home we have. I am reminded of the *midrash* about a ship in which many people were sailing. When one of the passengers started to drill a hole underneath his seat, the others began to protest: "What are you doing? You are making a hole in the bottom of the ship." He replied, "Well, it's only under my seat." And so when I came to Katmandu, I came back to a completely different place. You couldn't see the sky. It was overcast, darkened by dirty, smelly clouds. The Bagmati was a cesspool and very much smaller that I had known it to be previously. It had shrunk to a size smaller than the Jordan, and it reeked. When you walked through the streets, you could smell the kerosene being used for cheap fuels in cars. My wife bought a *pashmina*—which is apparently what one has to get when one goes to this part of the world—and it smelled of paraffin. It had to be rinsed out. You couldn't see the mountains at all. You didn't realize that you were in the valley of Katmandu, surrounded by the highest and the most beautiful mountains in the world. You had to go out of the valley and climb another thousand meters or so in order to be able to see the actual mountains.

The city is now a huge, sprawling metropolis of over two and one-half million souls. Over a quarter of the population of Nepal is now concentrated in this urban sprawl. Those little townships ten miles away that I used to visit on a bicycle are all a part of the same city. They are linked up with no boundaries to demarcate borders. The roads are rutted. People walk around with cloth masks around their faces. If there was an ideal venue for an international conference to discuss conservation and ecology, this was it. Katmandu is now an example of how you can ruin the house in which you live, the garden you are meant to be enjoying.

I returned to this issue in a short article published in Bar-Ilan University's *BIU Today*, June 2008, pp. 8–9, entitled "The Jewish Mandate to Preserve and Conserve." And finally in the journal *Milin Havivin: Beloved Words*, 5, 2010–2011, I revisited this subject in an essay entitled "*Baal Tash'hit*: Waste Not Want Not," pp. 85–92, which I wish here to reprint as an introduction to the field. I would like to reintroduce some of its possible halakhic implications.

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The biblical prohibition against wanton destruction is mentioned in two verses in *Deuteronomy* (20:19–20):

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 ax against them; for thou mayest eat of them, and thou shalt not cut them down, for the tree of the field is a man ('s) life to employ them in a siege.
Only the trees which thou knowest that they be not trees for food destroy and cut them down: and thou shalt build bulwarks against the city that maketh war with thee until it be subdued.

While this biblical prohibition of *ba'al tash'hit*—"not to destroy," is quite limited, for it refers explicitly only to trees the fruits of which are edible but not to fruitless ones, and this within the framework of siege warfare. It makes no mention of scorched-earth policies, blocking off water sources, and wanton destruction in general. However, the rabbis broadened the application of this

prohibition. Thus, in the *Sifre* to Deuteronomy, *ibid*., sect. 203[2] we read:

"Thou shalt not destroy the trees thereof by forcing an ax against them" (Deut., *ibid*.)—Are we speaking merely of "an ax," or perhaps also [that one may not] draw away [from them their] water channel? Therefore we learn, "thou shalt not destroy the trees thereof—[meaning] in any way.[3]

Maimonides (in *Hilkhot Melakhim* 6:8) explains that they wish to cut off the water supply in order to dry up the trees, and his explanation is borne out by the reading in the *Sifre* Ms. London ad loc., "in order to dry up its trees."[4]
However, this expansion still remains within the context of siege activities. The rabbis further broadened its application to apply to all sorts of situations, not merely during a military siege. Thus, Maimonides (*ibid*.)[5] applies this not just to whole trees but to fruit in general, and not only to trees and fruit but to all manner of food, utensils, clothes, etc. (*ibid*. 10).[6] And, indeed, this is surely the thrust of the biblical commandment. For if in times of war, and during an extended siege—"When thou shalt besiege a city a long time"—when the cutting down of trees serves a clear military purpose, such activity is forbidden, how much more so when there is less urgent a need, or no real need at all. Furthermore, even the barren trees may be cut down in order to serve as siege-engines to subdue the enemy, and presumably reduce potential loss of life on the part of the besieging army—from which we may logically and persuasively infer that the wanton destruction of barren trees, serving no real purpose, would also be forbidden. A further extension of the extended application of this principle is to be found in *Sefer haHinukh* (sect. 529). The author writes as follows:

… So too [there comes] under [the category of] this [prohibition] not to cause any sort of damage, such as burning or tearing a garment or breaking a utensil, and any similar kind of destructive activity…. And this was the way of the righteous and the men of [good] deeds… who would not even destroy a single mustard seed, and who would feel grief over any kind of waste and destruction they saw, and if they were able to save anything from destruction, they would do so with all the strength…..

R. Eliezer of Metz, writing in twelfth-century Germany, in his *Sefer Yeraim* (ed. A. A. Schiff, Vilna, 1892–1902, p. 402, sect. 382 ad fin.) goes so far as to say,

And a person should take heed of this prohibition. For we have found that a great man was punished for this transgression, as it is written, "[Now King David was old and stricken in years;] and they covered him with clothes, but he got no heat" (I Kings 1:1), and [concerning this] the rabbis said: For he shamed garments, when he tore Saul's cloak, therefore he had no benefit from them (B. *Berakhot* 62b). And he who destroys, transgresses two prohibitions, "thou shalt not destroy"—*lo tash'hit*, and "thou shalt not cut down—*lo tikhrot* (Deut., *ibid*.).[7]

There is indeed ample talmudic evidence that the principle of *lo tash'hit* was applied to all manner of destruction. Thus, in B. *Kiddushin* 21a we read that Rav Huna tore his clothing in front of his son, and the Gemara asks: Surely he transgressed *ba'al tash'hit*! And in *Shabbat* 129a, Rava is said to have broken a bench in order to use it for firewood with which to warm himself, and Abbaye reacted in surprise that surely this constitutes a transgression of *ba'al tash'hit*.[8]
Thus wanton destruction, or, to use a different formulation, the wasteful use of natural resources, is clearly eschewed by biblical law, expounded and expanded by rabbinic law.
This, however, should be understood within a broader ideological context. For the reason given for not destroying the fruit trees, even for the purpose of optimizing military objectives, is because "thou mayest eat of them," meaning they constitute a vital resource for the continuity of life. Even during periods of war, one must take into account the basic injunction to preserve the world's resources and its environment for future generations. Indeed, Adam, the prototypical human being, on entering the Garden of Eden, was enjoined "*leOvdah u-leShomrah*" (Genesis 2:15), "to tend it and to preserve it."

The Hebrew word "*leShomrah*" bears two meanings: to look after it and to preserve it. These two meanings, which might seem to be almost identical, in actual fact reflect two different though related notions, both of which are alluded to by the use of this biblical term. *LeShomrah*, looking after something, indicates that the thing does not belong to you, that you are its *shomer*, its steward. Adam, is being told, as it were, that "the world and all that is in it belongs to God" (Psalms 24:21), but that "*haAretz natan li-vnei adam*" (Psalms 115:16), that the earth has been given over to human beings to be tended and guarded over. *LeShomrah* also has the semantic meaning "to preserve" something for its continued use in the future. So we are mandated to preserve the world's natural resources, which are not really ours to waste, for the continuing benefit of future generations.[9]
The Rabbis went even further to warn against overindulgent wastage. Thus, R. Hisda (Babylonia, third century ce) says: Whosoever can eat bread made from barley, and eats bread made from wheat[10] transgresses the prohibition of *ba'al tash'hit.* And Rav Pappa (two generations later) added: Whosoever can drink beer and drinks wine, transgresses the prohibition of *ba'al tash'hit* (B. *Shabbat* 140b).[11] It is true that the Talmud indicates that these opinions are not accepted, for one should not eat inferior food, but rather care more for one's health than one's purse. However, from the above we can deduce that when the foods are equally healthy, we should prefer the cheaper brand. Indeed the rabbis regarded waste of monetary resources as something that the Bible strongly advises to be avoided,[12] and they waged a constant battle against the overindulgent use of luxuries, for "the Torah expressed concern for the financial resources of the individual—"*HaTorah hasah al memonam shel Yisrael*" (B. *Yoma* 39a, based on Leviticus 14:36). Hence, Jewish law enjoins us not to make demands that go beyond the means of the individual. And this, too, as we have seen above, comes under the category of *ba'al tash'hit*, as does excessive and wasteful use of any resources. And on the basis of such a principle Jewish communities throughout the ages instituted bylaws limiting overspending, such as wearing extravagant clothing and jewelry. We find detailed rules of this nature enacted by the heads of Italian Jewish communities at Forli in 1408, and followed by rulings in Spanish Castile in 1432, etc. And already in the period of the Tosafists in the thirteenth century, we learn how the rabbis of the Rhineland limited the extent of feasts and banquets. Limits were placed on the number of invitees to wedding and other celebrations, as well as the fare offered them at such banquets, and these local communal enactments are to be found throughout Europe right up until the Second World War.[13] Such measures were taken to protect the poorer classes from societal pressures as well as to preserve the precious resources of the communities. We see, then, the extent to which this concept has been expanded in its practical applications. And indeed, the great nineteenth-century scholar, Rabbi Samson Rafael Hirsch, saw *ba'al tash'hit* as "the most wide-ranging warning to man not to abuse the position he has been given in the world for moody, passionate, or mindless destruction of things on Earth" (commentary on Deuteronomy 20:20).

The preservation of our natural resources is a concept that permeates biblical and rabbinic thought. Let us consider one simple example, *shemitah*, the sabbatical year, as it has much to teach us. On a strictly agricultural level, one may not exploit the earth without pause. The soil cannot generate crops year after year without losing its nutrients. You have to let the earth, the soil, rest—"*az tirtzeh haAretz et shabtotehah,*" "then shall the land be paid her Sabbaths" (Leviticus, 26:34). We know that in the medieval era, the feudal system divided parcels of land into three fields, one of which was left fallow at any given time. This made for a double *shemitah*, as it were. Similarly it appears that in the Land of Israel in talmudic times the fields were left fallow once every two or three years, and not merely in the seventh.[14] The earth has to gather its strength, as it were, to recharge its batteries, in order to be able to continue to produce crops and remain fertile.[15]

At times we may argue that immediate short-term benefits—metaphorically the use of fruit trees for siege-engines—may justify long-term diminution of resources. The immediate and urgent necessity to deal with vast amounts of waste products—nuclear or less volatile—and distance them from population centers by dumping them in the sea, or burying them in unpopulated areas, may indeed offer attractive, utilitarian, short-term solutions—and usually politically satisfactory ones! However,

the long-term effect of pollution, both of seawater and of fresh-water sources, constitute a threat to future life, and the momentary benefits of our generation—i.e., the immediate “siege benefits”—must in no way jeopardize our progeny's ability to eat “the fruit of the trees.”

Thus, the principle of *ba'al tash’hit* touches upon the most basic mandate of the conservationist—the absolute prohibition of wasting our natural resources.
One might argue: Surely there are other fruit trees, not in the immediate vicinity of the besieged city. We will use these trees for our immediate needs, and there will be enough elsewhere to satisfy our future requirements. The Bible clearly remonstrates against any such thinking. Ultimately, the planet on which we live has limited resources. We can optimize them to a certain extent, but in the final analysis we live in a “closed system.” Any wanton destruction and irreversible damage reduces these resources and diminishes capabilities of the survival of future generations. Furthermore, in view of the present world population explosion, this has become a far more acute problem. Uncontrolled deforestation for short-term monetary gains, dumping toxic waste into fresh water lakes as a cheap and easy solution for major industrial concerns, irresponsible disposal of nuclear waste, etc., have already done disastrous and irreversible environmental harm, bringing drought, famine, and widespread sickness to millions of Earth's inhabitants. It is against just such practice that the Bible enjoins us, prohibiting and warning us in its characteristically laconic fashion.

One does not have to be a Bible-believer to understand the incontrovertible logic of this argument. One just has to be willing to look slightly farther afield, beyond one's immediate needs and environment, and to think in a broader geographical and temporal context.
But for the believing Jew, on the other hand, saving electricity and fuel,[16] the reduction in the use of non-biodegradable materials, and a hundred other little things of which one is hardly consciously aware, but which reduce wastage—these all may be perceived as coming under the category of a positive mitzvah. Thus, the use of both sides of writing paper, changing to energy-saving devices, lighting systems, air conditioners, washing machines, etc., may all be viewed as the carrying out of a divine commandment. For there are halakhic authorities who regard the words “for thou mayest eat of them” as a separate positive commandment, i.e., eating in such a way as to enable the fruits to be eaten also in the future.[17] Indeed, one who does not take account of such matters, and even thoughtlessly indulges in wanton wastefulness, according to some rabbinic opinions transgresses three biblical prohibitions![18]

How much do we waste in our bar/bat-mitzvah and wedding celebrations, or in our weekly communal kiddushes? Whether it be the food, or the disposable dishes, the sumptuous invitations, and the overabundance of flowers—all of these could well be seen as coming under the possible category of *ba'al tash’hit* and should be weighed against communal norms and societal conventions.

The world in which we live can no longer be perceived as a place in which communities are disparate and unrelated because of their separate locations. Everything is inextricably interconnected, and what happens in one location can and does affect people who live in other parts of the globe. *Sadna de-arah had hu*, said the rabbis (B. *Kiddushin* 27b), “The land is one single block,” and never was this more evident and relevant than in our own “globalized” world. It is, therefore, our religious, as well as our humanistic duty to develop a greater sensitivity to conserving and preserving resources, and to see this as a central mitzvah that regulates all manner of our activities.
We all are acquainted with the famous story of Honi haMa'agel, who saw an old man planting a carob tree, and asked him, “How long does it take until this tree will bear fruit?” “Seventy years,” the old man replied. “But,” he continued,” as I came to the world and found carob trees that were planted by my grandparents, so too I am planting trees for my grandchildren” (B. *Taanit* 23a).

So we too dare not act merely for our immediate material benefits. We must think ahead precisely because there is a mandate of *horashah*, of bequeathing: A person must transmit what he has received to coming generations. Because it is not yours, you have no right to decline to pass it on to the next generations. And wasteful destruction of resources in tantamount to denying their continuing benefits to future generations.

It is, therefore, incumbent upon our religious leaders most forcefully to convey this message to their constituent communities, so that all can participate in the primordial mitzvah of *leShomrah*, and avoid the dire transgression(s) of *ba'al tash'hit*.[19]

So *baal tash'hit* is not only a socio-ecological commandment to protect us from the harm we do ourselves, but also a deeply religious mandate, underscoring our status of stewardship on a planet we do not possess and resources which ultimately we do not control.

On the other hand, it is clear that not all acts that might appear to be destructive, come under the category of *baal tash'hit*. Obviously, we are allowed to pull out weeds or to prune trees because such forms of "destruction" are for useful positive purposes. Thus, for example, when one is unable to access earth for the purposes of fulfilling the mitzvah of *kisuy haDam*—covering the blood of an undomesticated animal or bird after slaughter,[20] a garment may be burned to provide ashes for this purpose, even though burning a garment would ordinarily be forbidden, coming under the rubric of *baal tash'hit*.[21] And on this basis, namely that *baal tash'hit*, by its very definition, does not include "constructive destruction," R. Shimon Greenfeld (1881–1930), in his *Teshuvot Maharshag* vol. 2, 1944, no. 243, s.v. *veHinei lo*, argues that the injunction against *hashhatat zera* (masturbation),[22] a sin of biblical severity,[23] if it be performed as a preventive measure, in order to *avoid transgression*, as, for example, on the part of a homosexual to avoid homosexual activity, then his "spilling of seed" is not "in vain," and "he has not really committed a sin."[24]

Already the great Kabbalist, R. Mosheh Cordovero (1522–1570) in his *Tomer haDevorah* (1589) chapter 3, wrote:

And wisdom will give life to all, as it is written, "and the wisdom will give life to its owners" (Eccles. 7:12), so will it teach life to all the world and cause them to have life in this world and the next and give them life…

And his mercies are spread over all creatures, so that they be not dishonored nor destroyed, since the supreme wisdom is spread over all creatures, inanimate, growing, live and articulate, and it is for this reason we have been warned against spoiling food, for on this [too], just as the supreme wisdom does not dishonor (or spoil) any existing object, and all is created from there, as it is written "and all You created is wisdom" (Psalm 104:24), so too should man's mercy be upon all His creatures, may He be blessed… . And accordingly, one should not dishonor anything at all, for all [have their roots] in wisdom, and one should not uproot any plant other than when needed, and not kill any living thing except when required…, [and one may do so] only to elevate them from the status of living creatures to articulate ones [i.e., to humankind] For under such circumstances one may pluck the vegetable and slaughter living [animals] to harm them into order to give them merit.

This, of course, is formulated in mystical terms. But the gist of the statement in halakhic terms is that "constructive destruction" is permissible, and does not come under the category of *baal tash'hit*.

Some might then argue that industrial pollution, to take a random example, is by no means wanton destruction, since it is normally part of the process of positive industrialization, one which certainly yields immediate or short-term beneficial results to society. Nonetheless, I would argue, on the basis of our earlier analysis, that it most surely comes under the category of *baal tash'hit*, since its harmful effect to the atmosphere is patently evident, and this negativity certainly outweighs any short-term merit it may profess to have.

This leads us on to yet another area in which I believe contemporary rabbis must develop a degree of competence, in order to be able to advise their constituents and influence them actively to involve themselves in social ethical investment. For irresponsible investment, such as investing in harmful products, for example those that contaminate our planet or impoverish sectors of the population, and even impair their health, is to be firmly and vociferously opposed.

Now there are those who say “Money doesn't smell,” or as the English proverb has it, “Money is welcome though it come in a dirty clout.” What they mean by this is that the source of one's wealth, and the means by which one accrued it, is largely irrelevant. One does with one's possessions whatever one wishes, good deeds or otherwise, without regard to their source.[25]
But this certainly is not the view expressed in the Bible. In Deuteronomy 23:19 we read,

Thou shalt not bring the hire of a whore, or the price of a dog, into the house of the Lord thy God for any vow: for even both these are an abomination unto the Lord thy God.

In other words, money gained by prostitution or other unsavory practices may not be brought to the Temple to fulfill the obligation of a vow. Or to formulate this in more modern terms: “tainted money” has no place in the house of God, even if the intent is to use it for an honorable cause.

However, it is not only inappropriate for “tainted money” to be presented to the house of God (cf. Malachi 1:7–8), but indeed, any God-fearing person should distance himself from such “spoiled goods.” It is for this reason that usury is forbidden by biblical and rabbinic law (Exod. 22:24, Lev. 25:36, Deut. 23:30, etc.), as it is also in Islamic law, although legal fictions were later developed to accommodate these laws to modern society and its economic infrastructure. Indeed, the Hebrew word for usury is *neshekh*, from the root *nashakh*, “to bite,” for usury bites into one's possessions as a beast bites into the flesh. And just as one may not extract usury, so too we read in Exodus 22:26–27,

If thou at all take thy neighbor's raiment to pledge, thou shalt deliver it unto him by the time that the sun goes down. For it is his raiment for his skin: Wherein shall he sleep? And it shall come to pass when he crieth unto me, that I will hear, for I am gracious.

And just as He is gracious, so too are we enjoined to be gracious (see B. *Shabbat* 133b; Y. *Pe'ah*, chapter I *ad init.).*
And to much the same end, the Sabbatical year annuls all debts, as we read in Deuteronomy 15:1–2:

At the end of every seven years thou shalt make a release [of debts]. And this is the manner of the release: Every creditor that lendeth unto his neighbor shalt release it; he shalt not extract it of his neighbor, or of his brother, because it is called the Lord's release.

And coming back to the subject of the “Sabbatical year” the rabbis devoted a whole chapter of the talmudic tractate *Shevi'it* to this issue.
For we have no absolute ownership over that which we possess (or think we possess). Our land, our property, our wealth is God's gift to us, and we are no more than guardians over it, enjoined to watch over it and preserve it for future generations. He bids us give tithes and other forms of charity from our earnings (e.g., *Lev*. 19:9–10, *ibid*. 23:22, Num. 18:21–24, 14:22–27, 28–29, 23:19–22), and preserve the sanctity—i.e., moral integrity—of our possessions. The sanctity of our possessions, and indeed the sanctity of the land we live on, is preserved by our judicious and ethical use thereof, and that which is “tainted” carries with it a stigma that bids us distance ourselves from it. As the rabbis have said (*Derekh Eretz Zuta* 2:8), “Distance yourself from that which leads to sin, and all that is like it;” or again (*ibid*. 1:12): “Distance yourself from the unsightly and all that is like it.” We have a further obligation

to do all within our power to discourage the continuation of such unseemly activities.
Wealth poses numerous problems and challenges, as Meir Tamari, onetime chief economist to the office of the Bank of Israel, in his seminal work *With All Your Possessions: Jewish Ethics and Economic Life*, (New York/London, 1987, p. 25), wrote,

Ever since the dawn of history, material possessions and wealth have been seen as posing basic ethical and spiritual problems. All religions, therefore, have had to offer some perspective regarding the scope and legitimacy of economic activity. Judaism is no exception in this respect, though it differs radically from all other religions in the answers it provides to the relevant questions.

Two distinct sets of problems within the general issue of material wealth would seem to require a religious perspective: the proper allocation of time between work and spiritual activity (such as prayer, religious study, or the fulfillment of religious obligations), and the challenges to ethics and morality. Inequalities in wealth have given rise to injustice, theft, and often bloodshed, and the accumulation of wealth often looks as though it is linked to human lust. All of these behaviors are inconsistent with the ethical and moral teachings of almost all religions. In Judaism's approach to these and allied issues, we will be able to discover the foundations for a specific ethical framework with respect to economic activity, on the part of both the individual and society.

And indeed, in his 340-page book he attempts to paint a portrait of the vision of Jewish ethical economics.[26]
From a broader viewpoint, at a global level, we may note that “the capitalist free market, perhaps the greatest innovation of the modern economic system, one that has triumphed over its socialist and totalitarian foes, permits the individual to exert a good deal of control over his own private world. But capitalism is ill-equipped to redress injustice and inequity; in fact inequity is front-loaded into the system.”[27]
As Rabbi Jonathan Sacks, the former Chief Rabbi of the United Kingdom, in his *The Dignity of Difference: How to Avoid the Clash of Civilizations*, (New York, 2002, p. ii), so eloquently stated:

The liberal democracies of the West are ill-equipped to deal with such problems. That is not because they are heartless—they are not; they care—but because they have adopted mechanisms that marginalize moral conditions. Western politics have become more procedural and managerial. Not completely: Britain still has a National Health Service, and most Western countries have some form of welfare provision. But increasingly, governments are reluctant to enact a vision of the common good because—so libertarian thinkers argue—there is little substance we can give to the idea of the good we share. We differ too greatly. The best that can be done is to deliver the maximum possible freedom to individuals to make their own choices, and the means best suited to this is the unfettered market where we can buy whatever lifestyle suits us, this year, this month. Beyond the freedom to do what we like and can afford, contemporary politics and economics have little to say about the human condition.

And he continues (*ibid*. p. 32):

Not only has the dominance of the market had a corrosive effect on the social landscape [and, we may add, the physical ecological landscape, too—D.S.], it has also eroded our moral vocabulary, arguably the most important resource in thinking about the future. In one of the most influential books of recent times, *After Virtue*, Alasdair MacIntyre argued that “We possess indeed simulacra of morality, we continue to use many of the key expressions. But we have—very largely, if not entirely—lost our comprehension, both theoretical and practical, of morality.” The very concept of ethics (Bernard Williams called it “that peculiar institution”) has become incoherent. Increasingly, we have moved to talking about efficiency (how to get what you want) and therapy (how not to feel bad about what you want). What is common to both is that they have more to do with the mentality of marketing (the

stimulation and satisfaction of desire) than that of morality (what ought we desire).

And in what may seem to be an obvious statement, but I believe is a very significant formulation, he remarks (*ibid*. p. 42),

Religion and politics are different enterprises. They arose in response to different needs: in the one case to bind people together in their commonality, in the other to mediate peaceably between their differences.

Economic considerations play a key role in the political process. However, the single greatest risk of the twenty-first century (to paraphrase a Sacksian statement) is that economics become religionized. Religion should guide economics and not the reverse. Hence, ethics and morality should form the foundations of economic policy, whether at governmental or at non-governmental levels.

I therefore believe that it should be our aim, and indeed the universal aim of all faith groups, actively to encourage the socially responsible deployment of our assets and engage in a concerted effort to combat the use of unethical and harmful means to accumulate wealth. And this, of course, includes the use of industrial “short-cuts” with their immediate and very attractively financial returns, but also with their often devastating ecological effects.

What does all of the above mean from a practical Jewish perspective? Maimonides listed eight levels of charity, the highest being to give or loan or go into partnership or give work opportunities to the indigent in such a manner that he will be able to support himself and no longer be in need of charity. According to this criterion, microfinancing, as an example, in poor emerging countries, thus enabling the local population to move toward self-dependency, to improve their economic conditions as well their physical environment, must rank high on our scale of ethical activism. And all such ecological projects, be they in water purification, agriculture, forestry, etc., which will positively benefit local populations are also a clear religious mandate. Judaism sees every individual, irrespective of race or creed, as fashioned in the image of God, and hence, deserving of dignity and respect. Thus, the qualitative status of the individual, his freedom, his physical and economic well-being, and his legally recognized rights must be the concern of us all. The Jewish concept of *tikkun olam* must therefore address itself both to the amelioration of our environment, as well as to the bodily and socio-economic needs of the individual and, of course, to human rights. Within this broad spectrum of responsibility we should seek to dedicate our energies and our resources, and thus be ensured that we will be fulfilling the will of God.

[1] Bits and pieces of this essay have been previously published in a variety of places. Here I have tried to create a sort of mosaic, which gives a broad composite picture of the subject I seek to address.
[2] Ed. Finkelstein, New York, p. 239.
[3] On the relationship to trees in other cultures, see the very strange esoteric book called *Cultus Arborum: A Descriptive Account of Phallic Tree Worship*, anonymous author but by Hargrave Jennings, (the British freemason 1817–1890) privately printed 1890, which, however, contains much interesting information. Thus, on pp. 8–9 we read concerning India:

In a country like India, anything that offers a cool shelter from the burning rays of the sun is regarded with a feeling of grateful respect. The wide-spreading Banyan tree is planted and nursed with care, only because it offers a shelter to many a weary traveler. Extreme usefulness of the thing is the only motive perceivable in the careful rearing of other trees. They are protected by religious injunctions, and the planting of them is encouraged by promises of eternal bliss in the future world. The injunction against injuring a banyan or fig tree is so strict, that in the Ramayana even Rávana, an unbeliever, is

made to say 'I have not cut down any fig tree, in the month of Vaisakha, why then does the calamity (alluding to the several defeats his army sustained in the war with Rámachandra and to the loss of his sons and brothers) befall me?
… As early as the R?m?yana, the planting of a group of trees was held meritorious. The celebrated Panchavati garden where Sitá was imprisoned, has been reproduced by many a religious Hindu, and should any of them not have sufficient space to cultivate the five trees, the custom is to plant them in a small pot where they are dwarfed into small shrubs. Such substitutes and make-shifts are not at all uncommon in the ecclesiastical history of India. In Buddhist India, millions of miniature stone and clay temples, some of them not higher than two inches, were often dedicated when more substantial structures were not possible. The Panchavati consists of the asvatha planted on the east side, the vilva of AEgle marmelos on the north, the banian on the west, the *Emblica officinalis* on the south, and the asoka on the south-east.

Of course, this is to be seen in the context of Indian belief in the deities residing in trees. See, for example, the following mantra cited in Jitendra Noth Banerjeo, *The Development of Hindu Iconography*, Calcutta 1956, p. 206:

Oh, thou tree, salutation to thee, thou art selected for (being fashioned into) the icon of this particular deity; please accept this offering according to rules. May all the spirits which reside in this tree transfer their habitation elsewhere after accepting the offerings made according to rules; may they pardon me today (for disturbing them); salutation to them.

But here we have rather strayed from our main theme, into an area which require its own examination.
[4] Sifre, ed. Finkelstein, editor's note to line 2.
[5] Cf. *B. Bava Kama* 91b. And see R. Hayyim Josef David Azulai [=Hidah], *Hayyim Shaal*, vol.1, Livorno, 1892, no. 22.
[6] Cf. *B. Shabbat* 129a. And cf. Maimonides, *Sefer haMitzvot*, negative commandment no. 57.
[7] See the editor's note 4 ad loc., referring to *Ba'al Halakhot Gedolot*, negative commandments, nos. 218, 219. See further Ramban's additions to Maimonides's *Sefer haMitzvot*, positive commandment no. 6, who also regards *lo tikhrot* as a separate injunction, and “for thou mayest eat of them” —*ki mimenu tokhel*—as a positive commandment, differing on this point from Maimonides’s *ibid*., negative commandment no. 57.
[8] See R. Moshe of Coucy's *Semag* (=*Sefer Mitzvot Gadol*), negative commandment 229, who brings these and additional sources to this effect. See also B. *Shabbat* 67b, and *Bava Kama* 91b for examples of *ba'al tash’hit.*
[9] See my discussion on “Jewish Environmental Ethics” in The *Edah Journal* 2:1, 2002, pp. 1–5.
[10] See my note in *Tarbiz* 33, 1967, pp. 99–101, on the different classes of bread in talmudic times.
[11] See *Shevut Yaakov* of R. Yaakov Reisha, vol. 3, no. 71, that even for personal monetary or medical benefits the principle of *ba'al tash’hit* applies. On the trade and consumption of wine and beer in Amoraic Babylonia, see the extensive discussions of M. Beer, in his *The Babyloniian Amoraim: Aspects of Economic Life*, Ramat Gan 1974, [Hebrew] index s.v. *yayin*, *shekhar*, especially pp. 159–180, 318–324.
[12] See Rabbenu Bahya's commentary to *Exodus* 12:4, ed. Chavel, Jerusalem 1967, pp. 89–90; *Torat Kohanim*, *Metzorah* 5; *Rosh haShanah* 3.4 and *Bavli* ad loc.; B. *Menhahot* 76b; B. *Yoma* 39a, M. *Negaim* 12.5. For a full survey of this concept, see *Encyclopedia Talmudit* II, Jerusalem 1965, 240–245.
[13] This subject has been extensively discussed by Bezalel Landau, in *Niv ha-Midreshiah* 1971, pp. 213–226. See further S.W. Baron, *The Jewish Community: Its History and Structure to the American Revolution*, Philadelphia 1942, vol.1, p. 320, vol.2, pp. 301–307, 326, vol.3. , pp. 200–202; L. Finkelstein, *Jewish Self-Government in the Middle Ages*, New York 1964, pp.87, 262, 373 (clothing), 103, 143, 244, 374 (festivities).

[14] See J. Feliks, *Agriculture in Palestine in the Period of the Mishna and Talmud*, Tel-Aviv 1963, pp. 30–37 [Hebrew]. For the effects of irresponsible overexploitation of the soil in talmudic times, see my *Roman Palestine 200–400: The Land*, Ramat-Gan 1978, pp. 45–69.
[15] For a further discussion of this issue see my article in *The Edah Journal*, *ibid*.
[16] See, for instance, the responsum of R. Yosef Hayyim, in his *Responsa Torah leShmah*, Jerusalem 1973, no. 76, who writes: "And I ruled for those whose custom it is to leave a candle with two wicks every weekday night to have some light in the house, and they leave the candlelight also while they sleep until the morning… that they should take out the wick while they sleep, and leave only one wick burning, since they do not need so much light while they are asleep and if they have two wicks [burning] together, it uses up [more] oil wastefully, and this constitutes *ba'al tash'hit*…".
See also Sefer *Kedosh Yisrael*, on Reb Yisrael of Vishnitz, by Natan Eli' Roth, Bnei Brak 1976, pp. 228–229, who describes the extent to which the Vishnitze Rebbe was sensitive to *ba'al tash'hit*. He relates (ibid. p.228) that he would light his cigarette from a lit candle, rather than use a match, because specially lighting a match would be wasteful and constitute a transgression of the command, *ba'al tash'hit*. For further discussion on *ba'al tash'hit* see most recently Daniel Farbstein, "*Be-gidrei Issur de-ba'al tash'hit*," *Moriah* 28, (325–326), 2006, pp.126–131.
[17] Rabbenu Hillel to *Sifre Deuteronomy ibid*.; *Minhat Hinukh* no. 629; *Encyclopedia Talmudit* 3, Jerusalem 1951, 335, note 8.
[18] R. Hillel's reading in the *Sifre*, *ibid*.
[19] For further bibliographic references to the issue of *ba'al tash'hit*, see N. Rackover, *A Bibliography of Jewish Law*, vol. 1, Jerusalem 1975, pp. 285–286 (nos. 7034–7044), vol. 2, Jerusalem 1990, pp. 278 (nos. 4660–4669), [Hebrew]. Additional discussions may be found in passing in *Be'er Moshe*, by R. Moshe Stern, Jerusalem 1984, vol. 3, no. 22, p. 26, on the extravagant spending in festive halls for banquets: "I was asked by a very learned scholar, [concerning the fact] that many times people make weddings… here in New York in large hotels… (But, much to our distress, what will they answer when they are called to order on the waste of money without any earthly benefit?)… And see further vol. 4, no.147, section 31, pp. 236–237:

Furthermore, I wish to alert people to a bitter phenomenon, that takes place here, namely, the waste of Jewish money in organizing weddings and other festivities. Lunacy has seized hold of almost every woman whose husband has an extra dollar in his purse, that for every such event she needs a new dress, and that it is shameful unbecoming to appear twice in the same garment. And in this way they impoverish their husbands with additional stupidities… which is a criminal act….Just the other day I was at a wedding that was full of flowers, and the experts said that the flowers cost thousands of dollars, may heavens be shocked! —on the next day all these flowers are thrown into the garbage…. It is the duty of the rabbis to gather together and to decide to announce a prohibition against the excessive use of flowers, and costly garments for a wedding…. And without doubt it is within the power of the rabbis to protest, and all will hearken [unto them], for many are awaiting this, and they will all listen to their decisions and prohibitions. Would that it were so.
[20] Leviticus 17:13; Rambam, *Hilkhot Shemitah*, chapter 14; *Shulhan Arukh, Yoreh Deah* 28.
[21] B. *Hulin* 88b; R. Shneuer Zalman of Liady; *Shulhan Arukh haRav, Hilkhot Shemirat haGuf ve-haNefesh*, no.14.
[22] As the waste of seed.
[23] See Exodus 20:13; B. *Niddah* 13b, etc. See *Entzyklopedia Talmudit*, vol. 11, Jerusalem 1965, 129–141, for a full analysis of all aspects of this issue.
[24] See R. Chaim Rapaport, *Judaism and Homosexuality: An Authentic Orthodox View*, London Portland Oregon 2004, pp. 141–142 note 11.
[25] First published in *For the Sake of Humanity: Essays in Honour of Clemen N. Nathan*, edd. Alan Stephen, Ralph Walders, Leiden Boston 2006, pp. 303–307. I have made some modifications and additions at the end.
[26] Other books have confronted this subject. See, for example, most recently: Aaron Levine, *Free Enterprise and Jewish Law: Aspects of Business Ethics*, New York 1980; Moses L. Para, *Business*

Ethics: A Jewish Perspective, USA 1997.
[27] David Sasha, “Cultural Diversity without Moral Relativism: A Review Essay of *The Dignity of Difference: How to Avoid the Clash of Civilizations*, by Rabbi Jonathan Sacks,” *The Edah Journal* 3:2, 2003, p. 4. The following citations for Rabbi Sacks's book are quoted in Sasha's article.