

Greening the Torah:
The Use of Classical Texts in Jewish Environmentalist Literature

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Abstract

JOSEPH GINDI: Greening the Torah: The Use of Classical Texts in Jewish
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In this study I examine how the deployment of Torah texts in the published Jewish environmentalist literature interacts with claims about the nature of Judaism and the environment and the particular practices of eco-Judaisms. Following an historical and theoretical introduction, the second chapter is an examination of the centrality of the charge that Genesis, and by extension all of Judaism, is the source of man's destructive attitude toward nature. I also explore the relationship between "creation" and "nature," and the role of narrative in creating a Jewish environmental ethic. The following chapter is an examination of the use of the rabbinic category of *Bal Tashchit* (prohibition against wanton destruction) in Jewish environmental discourse. In this chapter I explore the presentation of *Bal Tashchit* by Jewish environmentalist authors and the relationship between law and narrative in their attempts to construct a Jewish environmental ethos.

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CHAPTER ONE: INTRODUCTION

Since the 1970s, and increasingly in the last 10 years, there has been a dramatic rise in organizations dedicated to what may be termed “Jewish environmentalism,” along with an accompanying rise in publications from rabbis, scholars, educators and activists who have attempted to define a theory and practice of Jewish environmentalism. The vast preponderance of this literature positions itself as compiling or explicating classical Jewish sources that speak to environmentalist concerns. This degree of textual engagement is not limited to published works but suffuses the programmatic, educational, and political work of Jewish environmentalists. In this study I examine how the deployment of Torah texts in the published literature interacts with claims about the nature of Judaism and the environment and the particular practices of eco-Judaisms. I also read these deployments as a set of instances through which we may ascertain not only at least some options for the place of canonical texts in modern Jewish culture, but some of the implications of those texts’ placement and use.

Beneath these questions of the deployment of these texts are broader questions about the operation of textual authority in modernity. Moshe Halbertal has suggested that in modernity “the formative role of the common text – the idea that the culture advances through interpretation of the canonical texts and that its achievements are interpretative –

has ... lost its power.”¹ The consistent deployment of Torah texts by Jewish environmentalists in print and in practice, however, seems to indicate that Halbertal may have been a bit hasty in identifying the abandonment of canonical texts. Still, the role and scope of these texts in contemporary Jewish environmentalism may be rather different than that of the presumed publics of any set of these texts—Bible, Talmud, commentary, or code. We cannot understand the place of these texts in modern Jewish cultural formation without actually documenting and analyzing how those texts are being deployed, and with what effect. This essay is an attempt to lay some of the groundwork for this larger project.

I also ask if and how this engagement with Torah texts helps to authorize the global concerns of environmentalism as Jewish, and what that does to the resulting environmentalist claims. Likewise I want to ask if and how an investment in the global concerns of environmentalism might authorize Jewish identity and commitment within a liberal pluralist society. This combination of particularist and universalist authorizing frameworks shapes the content and form of eco-Judaism. I hypothesize that the particular Torah texts selected, the various ideologies surrounding Torah, its status, or its origins, and the practices of deployment themselves will contribute to the particular contours of this Jewish environmentalism, as will the actual currents of environmentalist discourse at play in any particular deployment.

¹ Halbertal, Moshe. *People of the Book: Canon, Meaning, and Authority*. Cambridge, Mass: Harvard University Press, 1997, 130. It should be noted that the kind of textual centrality that Halbertal identifies with pre-modern Judaism may be, in part, a modern retrojection. This construction of an idealized text-centered Jewish life assumes a familiarity with the texts themselves that may not be warranted, given certain questions of pre-modern Jewish literacy. See Stampfer, Shaul. “Heder Study, Knowledge of Torah, and the Maintenance of Social Stratification in Traditional Eastern European Jewish Society.” *Studies in Jewish Education* 3: 271-289.

Theoretical Approaches

The formulation of my questions about the deployment of texts and the shaping of eco-Judaism are strongly influenced by Michael Satlow's tripartite polythetic model for accounting for any particular Judaism. Following Jonathan Z. Smith's call, Satlow suggests that any description accounting for a formation of Judaism need not have any essential element, but would rather chart the way "specific, historical Jewish communities choose, highlight, and discard parts of their received tradition (both textual and behavioral) to build their religious understandings".² According to Satlow this description would need to contain three maps he labels "Israel, discursive tradition, and practice."³ To sketch these maps Satlow would ask the following questions:

In what sense, and with what discourses, do communities and the individuals within them understand themselves to be part of "Israel"? How do they accept or reject their received texts and their discourses, and how do they use (or not) this tradition to authorize and inform their beliefs and values? What are their religious practices, and how do they justify and explain them?

Satlow's understanding of canonical texts, and their place in constituting any given Judaism, draws on the notion of a discursive tradition Talal Asad promulgated in accounting for an anthropology of Islam, though Satlow presents a more homogenous picture that Asad does. While Satlow is open to the possibilities of a shifting canon and recognizes the historically contingent readings of canonical texts, he identifies the Jewish

² Satlow, Michael L. "Defining Judaism: Accounting for "Religion" in the Study of Religion". *Journal of the American Academy of Religion*. 74 (4) 2006: 837-860, 846.

³ *ibid.*

textual tradition as a single “distinctive discursive tradition.”⁴ Asad, on the other hand, provides for how to recognize *an* Islamic discursive tradition, “a tradition of Muslim discourse that addresses itself to conceptions of Islamic past and, with reference to particular Islamic practices in the present.” He goes on to say that “it will be the practitioners’ conceptions of what is apt performance, and of how the past is related to present practices, that will be crucial for the tradition.”⁵ I am inclined to follow Asad in this regard. For Jewish environmentalism this would mean that we do not need to account for continuities throughout a single discursive tradition, but can take the smaller set of claims being made by environmentalists as *a* Jewish discursive tradition.

Though it may seem that Satlow’s notion of the discursive tradition is more heavily reliant on texts while Asad’s is more focused on the contemporaneous conceptions of practitioners, both recognize the relationship between texts, particular readings of texts, and authorized practices. For Asad, “a practice is Islamic because it is authorized by the discursive traditions of Islam, and is so taught to Muslims [by a variety of religious leaders] or an untutored parent.” According to Asad this authorization has to do with teaching correct doctrine and practice. As in Asad’s account of orthodoxy, even in as unorthodox and pluralistic a setting as Jewish environmental gatherings certain religious and political orthodoxies are established through subtle processes to teach “correct practices” and “undermine or replace incorrect ones.” If we cannot directly ascertain correct or incorrect practices from the text, as I will argue below, we will need

⁴ *ibid*, 850.

⁵ Asad, Talal. *The Idea of an Anthropology of Islam*. Washington, D.C.: Center for Contemporary Arab Studies, Georgetown University, 1986, 298

to attend carefully to the particular ways the discursive/textual tradition is deployed in this production of proper comportment and ethics.

This identification of discursive traditions that texts in part constitute stands in contrast to an older understanding of the role of texts in producing religious formations, where the orientation to the texts alone is seen to play a much more determinative role. In what Clifford Geertz has called “scripturalism” and Moshe Halbertal has identified as “textual centrism,” authoritative texts are seen as having a controlling power for religious communities that are so oriented.⁶ In Geertz’s account modernization has generated a turn towards texts and their authorized interpreters and away from customary practice. This parallels the dynamic identified by Hayim Soloveichik in contemporary orthodoxy where correct practice is found in legal codes rather than through the mimetic learning that Soloveichik claims characterizes much of the premodern transmission of Judaic practice.⁷

Halbertal, interpreting Jewish textuality at a broader remove, charges that a move away from textual justifications characterizes Jewish modernity. As Jeremy Stolow points out, Geertz’s scripturalism (and I would add Halbertal’s textual centrism as well) “ultimately fails to account rigorously for the ways such texts actually function in the media-rich contexts of contemporary social life.”⁸ The apposite question is not whether or not texts are central, or whether or not the texts and their interpreters have primary

⁶ See Halbertal and Geertz, Clifford. *Islam Observed: Religious Development in Morocco and Indonesia*. New Haven and London: Yale Univ. Press, 1968.

⁷ Soloveichik, Hayim. “Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy.” *Tradition*. 28 (4) 1994: 64-130.

⁸ Stolow, Jeremy. *Orthodox by Design: Judaism, Print Politics, and the ArtScroll Revolution*. Berkeley: University of California Press, 2010, 20.

authority, but how those texts are used (or not used) to authorize what kinds of practices, ethics, and constructions of the group.

If identity (“Israel”), textual/discursive tradition, and practice are all interwoven in eco-Judaism, Michael Warner’s explication of how publics are constituted in the circulation of texts is helpful for connecting the circulation of Torah texts to the identification with “Israel.” His contention that these publics and counter publics are “constituted by mere attention” rather than “a persistent state of being” might help us think through how both the sporadic participation in environmentalist gatherings and the readings of environmentalist literature that address the Jewish environmentalist public without positing a stable identity group of Jewish environmentalists.⁹ A Jewish environmentalist public may be constituted by this literature, without individuals claiming the identity “Jewish environmentalist.” This study, which explores the deployment of Torah texts in published literature that by its very circulation (in Warner’s terms) addresses a public, provides an opportunity to look at the relationship between these various ideas of the public.

As Jonathan Boyarin’s article, “Voices around the Text” indicates, attention to the particular practices of textual deployment (in that case reading publicly, with a teacher, and encouraged interjections) goes a long way toward documenting how that text is experienced and the meaning constructed.¹⁰ Shared practices of textual engagement take place in what Brian Stock has called “textual communities.” Stock is clear that this need not imply that all members of the community are reading the same text, as in a book club,

⁹ Warner, Michael. “Publics and Counterpublics.” *Public Culture*. 14 (1) 2002: 49-90.

¹⁰ Boyarin, Jonathan. “Voices around the Text: The Ethnography of Reading at Mesivta Tifereth Jerusalem.” *Cultural Anthropology*. 4 (4) Nov., 1989: 399-421.

but rather that a community has formed around the interpretation of a text, conveyed through “writing... oral record, memory or reperformance.”¹¹ Kate Eichhorn has productively used this idea of textual community to establish an ethnographic fieldsite in the textual community of ‘zines.¹² The Jewish ecological textual conversation within the published works under investigation here is smaller and more interlinked than Warner’s notion of publics, though significantly more open than the mail-order ‘zines in Eichhorn’s study.

The third term in Satlow’s polythetic accounting of Judaism, practice, can be seen through a reading of how Jewish practices are authorized (or how practices are authorized as Jewish) through the textual deployments. Reading and citing texts are, it should be noted, practices themselves. One element of Satlow’s account that must be born in mind is the recognition that even if practices are justified by reference to a text, their meanings may be underdetermined and amenable to a variety of connections. As the account above makes clear, texts do not exist apart from the identities and practices that are authorized by texts and shape any reading of texts. These readings, but also rituals, patterns of study and institutional deployments, may themselves be understood as textual practices, a notion which blurs Satlow’s distinction between text and practice.¹³

Though there is significant literature on Judaism and the environment from the perspective of various Jewish environmentalists, including a number of scholars situated

¹¹ Stock, Brian. *Listening for the Text: On the Uses of the Past*. Baltimore: Johns Hopkins University Press, 1990, 37.

¹² Eichhorn, Kate. “Sites Unseen: Ethnographic Research in a Textual Community.” *Qualitative Studies in Education*. 14 (4) 2001, 565-578.

¹³ I surmise that Satlow would embrace this blurring, as he recognizes the way that his three categories are mutually constituting.

in philosophy, there is little analysis of Jewish environmentalism or eco-Judaism as such. Some of the Jewish environmentalist literature narrates the history of Jewish environmentalism, though always as part of a set of claims about Judaism and the environment.¹⁴ In this thesis I will closely investigate two broad streams of Jewish environmentalist literature to investigate how, and to what effect, Jewish environmentalist authors deploy classical Jewish texts. To that end I have focused, first, on accounts of creation and the creation narrative and second, on implications of the law of *bal tashchit*, a rabbinic prohibition against wanton destruction. This allows me to look at both biblical and rabbinic texts, narrative and legal texts, texts shared by the dominant American religious tradition (Christianity) and those that are particular to Judaism. In my analysis I will explore questions of universalism and particularism (tensions in the deployment of texts from a particular religious tradition toward issues of universal concern), and of the relationship between *halacha* and ethical norms, particularly tensions arising from the ambivalent status of *halacha* in modern Judaism.

Growth of Jewish Environmentalism

Like many contemporary Jewish movements and trends (including Zionism, Jewish studies, Haredi Judaism, and Reform), a simple read of Jewish environmentalism might understand it to be an amalgamation Judaism with some wider cultural trend.¹⁵

¹⁴ See for example Tirosh-Samuels, Hava. *Judaism in The Oxford Handbook of Religion and Ecology*. Edited by Roger S. Gottlieb. Oxford: Oxford University Press, 2006.

¹⁵ Though Haredi Judaism portrays itself as representing an unchanging past, many elements of Haredi textualism and social isolationism echo practices of other modern fundamentalist or separatist communities. See Stolow for one examination of this.

This way of thinking depends on there being a relatively strong separation between Judaism and the cultural context within which any Judaism develops. However, given that many trends in Jewish life have their contemporaneous parallels outside of it, any innovation or development within Judaism and Jewish culture is always part of the broader cultural milieu. This is only accelerated in those contexts, like the contemporary United States, where most Jews are deeply immersed in a variety of overlapping social and cultural spheres. So, while the growth of Jewish environmentalism clearly parallels and feeds off of the growth of the American environmental movement, it is not simply a combination of Judaism and environmentalism, but the enunciation of a Jewish environmentalism, and perhaps more important for my purposes, of an eco-Judaism.

Although historical accounts of the modern environmental movement often look back to the transcendentalists' embrace of nature in the context of industrial revolution and the conservation movement in the early twentieth century, environmentalism as we know it today grew rapidly in the late 1960s.¹⁶ Conventionally, Rachel Carson's 1962 work, *Silent Spring*, which documented the impact of DDT on wildlife and on the food chain, is identified as the clarion call for contemporary environmentalism. Like American environmentalism, Jewish environmentalism also began as a textual phenomenon. While the first articles were published in 1970, the first widely recognized group, *Shomrei Adamah*, was not founded until 1988.

To be sure, environmental destruction was a concern of activists prior to this. Jewish activists in the late 1960s and early seventies began addressing environmental devastation as part of the wider range of problems facing the contemporary American

¹⁶ See Kline, Benjamin. *First Along the River: A Brief History of the U.S. Environmental Movement*. San Francisco, Calif: Acada Books, 1997.

state. For example, the 1970 manifesto “The Oppression and Liberation of the Jewish People in America,” by Jews for Urban Justice, a Washington DC based activist group, warns about our subjugation to “poisonous air and water and to the danger of a total collapse of a life-supporting environment of plants, animals, and the planet Earth.”¹⁷ These activists advocate for “a radical Jewish movement to draw on and expand on these elements of the Jewish tradition” that “support far more life-affirming, life-protecting politics.”¹⁸ Though it is stripped of their radical political language, the Jewish environmental movement that grows in the following decades may be seen as the most successful flowering of the vision held by these radical activists. Significant figures in Jews for Urban Justice, including Arthur Waskow and Mike Tabor, would go on to play key roles in the Jewish environmental movement. Tabor would go on to found the Washington DC chapter of *Shomrei Adamah*, while Waskow would lead his organization *The Shalom Center* from anti-nuclear activism toward environmental activism, and publish a number of works and edited anthologies on Jewish environmentalism.

The first national Jewish organization dedicated to promoting environmentalism, *Shomrei Adamah*, was founded in Colorado by Ellen Bernstein in 1988.¹⁹ Looking back ten years later Bernstein recounts how she came to found the first Jewish environment organization with national recognition. She describes her quest, as a high school biology

¹⁷ Jews for Urban Justice. “The Oppression and Liberation of the Jewish People in America.” *Jewish Radicalism*. Edited by Jack Nusan-Porter and Peter Dreier. New York: Grove Press, 1973, 341.

¹⁸ *ibid.*

¹⁹ Jacobs, Mark X. “Jewish Environmentalism: Past Accomplishments and Future Challenges,” in *Judaism and Ecology: Created World and Revealed Word*, Edited by Hava Tirosh-Samuels. Cambridge, Mass: Harvard University Press, 2002.

teacher, to “inspire students about the mystery of life.” She discovered that exposing students to “great nature writers” and to “wilderness” helped her achieve that goal. She also relates that at the same time her own “spiritual quest” led her back to Judaism. “I began to study Jewish texts,” she relates, “and found—to both my surprise and bewilderment—that Judaism was rich in spirit and wisdom concerning humanity’s relationship with nature.”²⁰ The organization she founded produced educational programs, publications, and curricula “to illuminate Jewish ecological values and enhance Jewish spirituality.”²¹

In the last 20 years there has been a veritable explosion of Jewish environmental organizations, from educational programs for kids and teens, policy and advocacy arms of major Jewish organizations, to residential programming for twentysomethings. With all this growth, the movement is still small and dense; many of the major players know each other and leaders of one organization are alumni of another. For example, when Ellen Bernstein stepped down in 1995 the name “*Shomrei Adamah*” was franchised to Surprise Lake Camp, host of the Teva Learning Center, which was founded in 1994 to provide environmental education for Jewish children.²² In addition to running multi-day nature excursions for Jewish youth, Teva produces regular training seminars for Jewish educators and sponsors a biofuel powered bus tour to educate children about global warming. In 2003, former Teva staff members founded Adamah, a program promoting Jewish organic farming and spiritual growth through communal living. Adamah fellows

²⁰ Bernstein, Ellen. *Ecology & the Jewish Spirit: Where Nature and the Sacred Meet*. Woodstock, Vt: Jewish Lights Pub, 1998, 11.

²¹ *ibid.*, 12.

²² Jacobs, 453.

also produce kosher, organic, sustainably grown pickles and cheeses in addition to a CSA that serves Westchester County in New York. Teva and Adamah have established a shared listserv that connects what would otherwise be a geographically dispersed community. Among other organizations and initiatives, Teva and Adamah alumni also founded Kayam Farm, a farm and educational center on the grounds of a Jewish retreat center in Baltimore that hosts an annual *eco-beit midrash*; Eden Village, a Jewish ecological sleepover camp; the Jewish Farm School, who run workshops on Jewish farming and provide the farm staff and agricultural educational programming for Eden Village; The Hava v'Adam Ecological Farm in Israel; and Grow and Behold Foods, who provide kosher pastured organic chickens that are slaughtered by the founders themselves. Significant support for a variety of these programs is provided by Hazon (Hebrew for "vision"), an organization that hosts Jewish environmental bike rides in Israel and America in addition to coordinating an annual food conference, a farm-to-shul CSA, and a blog entitled *The Jew and the Carrot*. Other organizations in this orbit include *Canfei Nesharim* (Eagles' Wings, a reference to Exodus 19:4 and Isaiah 40:31), an Orthodox organization that produces curriculum for environmental education, and The Adventure Rabbi, who runs Jewish wilderness retreats for groups, families, and individuals. Many other smaller local organizations and activities might be included in the Jewish environmental movement, including local campaigns to "green" synagogue buildings and nature education programs at day and overnight camps.

Though many of these organizations get funding from the establishment Jewish community, both their staff and their audience may be seen to come from a wider swath of the American Jewish population. In fact, Jewish environmentalism has also impacted

more established organizations. The Coalition On the Environment in Jewish Life (COEJL), founded in 1992 as the Jewish wing of the National Religious Partnership for the Environment, is housed at the Jewish Council for Public Affairs (JCPA), the umbrella public policy body of the Jewish establishment. COEJL participates in legislative coalitions on environmental matters along with other religious and secular environmental groups and runs conferences on Judaism and ecology.²³

With the exception of some of the legislative work being done by COEJL and other groups in the JCPA, the organized Jewish environmental movement mostly provides educational experiences for participants and publishes curricula for wide use in Jewish education. These organizations also provide employment and “lifestyle outlets” for those who in some way or another see themselves as part of the movement. Since many of the organizations are educational in nature, seeking to inspire Jews to act in environmentally responsible ways in their lives and to open up possibilities of Jewish identity and meaning for them, success need not be defined as “joining” the environmental movement, and yet, for an increasing number of organizational leaders, staff, and participants Jewish environmentalism is becoming a viable religious, social, and professional network or community in which to situate themselves.

Jewish Environmental Literature

As mentioned above, Jewish environmental literature precedes the establishment of Jewish environmental organizations by over 15 years. Many of the early works were by Orthodox Jews eager to defend Judaism from the charge that the Jewish notion of

²³ Jacobs, 455–461

linear time lays at the root of the contemporary environmental crisis. Later works more self-consciously promote the construction of an eco-Judaism. Many of the early works have been compiled into published anthologies, and many of these works reference each other. There is thus a small body of literature that stands at the center of attempts to enunciate an eco-Judaism. Although what follows is certainly not a comprehensive survey of all references to environmentalism in contemporary Jewish literature, it does outline the major monographs and compendia that constitute the last forty years of Jewish environmentalist literature.

The earliest anthology, compiled by *Shomrei Adamah* in 1986, actually consists of a series of articles photocopied from their original sources.²⁴ The earliest article in that collection, Lynn White's "The Historical Roots of Our Ecological Crisis," is not expounding a Jewish environmentalism, but rather charging that the attitudinal (as opposed to technological) roots of the environmental crisis lie in a Judeo-Christian conception of linear progressive time. This article will be dealt with extensively below, as White's argument has structured a good portion of the Jewish environmental literature. Other works from this compilation can be understood as broad first attempts to enunciate the ecological aspects of Judaism. Some, like Eric Freudenstein's "Ecology in the Jewish Tradition" and Aryeh Carmell's "Judaism and the Quality of the Environment," read as a list of possible Jewish environmental concepts growing from the application of various Jewish texts to particular environmental issues. Others, such as "Ecology: A Covenantal Approach" by Monford Harris, propose a Jewish theological approach to ecological degradation.

²⁴ Swetlitz, Marc. *Judaism and Ecology: 1970-1986: A Sourcebook of Readings*. Wyncote, PA: Produced and distributed by Shomrei Adamah, 1989

Later anthologies have a similar breadth of articles, ranging from the analytical to the theological, depending on the audience. Early volumes, such as *Judaism and Ecology*, edited by Aubrey Rose and published in London, present what they construe as broad surveys on Judaism and the environment.²⁵ In these essays we see many of the themes and concepts that will appear in later works. Among these are the debate over whether Genesis supports dominion or stewardship, the concepts of *Bal Tashchit* (prohibition against wanton destruction) and *Tzar Ba'ali Chayim* (prohibition against cruelty to animals), an embrace of the sabbatical year as an ecological principle, Talmudic references to noise and air pollution, and antediluvian vegetarianism. *Ecology and the Jewish Spirit: Where Nature and the Secret Meet*, edited in 1998 by Ellen Bernstein, builds on these sources and themes with more detailed and complex readings.²⁶ In addition, Bernstein's edited volume stands out because it also contains personal narratives reflecting on present and ancestral experiences in and relationships to nature. The preference for textual analysis over personal narrative in Jewish environmental literature illustrated by this exception is striking when this literature is compared to contemporary volumes on Jews and race or Jews and queer sexuality, which engage much more strongly with personal narrative and identity.²⁷

With Martin Yaffe's 2002 publication of *Judaism and Environmental Ethics: A Reader* we see a turn toward more academic treatment of questions of Judaism and

²⁵ Rose, Aubrey. *Judaism and Ecology*. London, England: Cassell, 1992.

²⁶ Bernstein.

²⁷ See, for example, Shneer, David, and Caryn Aviv. *Queer Jews*. New York: Routledge, 2002. And Kaye/Kantrowitz, Melanie. *The Colors of Jews: Racial Politics and Radical Diasporism*. Bloomington, IN: Indiana University Press, 2007.

ecology. Many of the works in this volume were published over the preceding decade in journals such as *Environmental Ethics* and *Judaism: a Quarterly Journal*, in addition to movement affiliated journals such as *Tradition: A Journal of Orthodox Thought* and *Conservative Judaism*. Martin Yaffe, a professor of philosophy and religious studies at the University of North Texas, introduces the texts in his collection by asking three questions. “Does the Hebrew Bible, or subsequent Jewish tradition, teach environmental responsibility or not? What teachings, if any, appropriately address today’s environmental crisis? How do ecology, Judaism, and philosophy fit together, or perhaps fail to fit, in attempting to face the current crisis?”²⁸ While Yaffe is not analyzing these readings as a religious phenomenon, but rather collecting and disseminating them as part of a project to see what Judaism has to say about environmental issues, his approach and his assumed audience assumes some familiarity with historical and philosophical approaches. When contrasted with Bernstein’s collection we see some movement from popular and confessional to analytic and academic.

This trend continues in *Judaism and Ecology: Created World and Revealed Word*, a 2002 publication edited by Hava Tirosh-Samuelson. The book is one in a series of volumes on religion and ecology that are the result of a set of conferences that took place between 1996 and 1998 at the Harvard University Center for The Study of World Religions. This collection of original essays speaks in densely philosophical and theological language. It often assumes a familiarity with philosophy but it does not assume familiarity with the Jewish texts presented. For example, in this work “nature” is taken to mean both those things not constructed by humans and the essential qualities or

²⁸ Yaffe, Martin D. *Judaism and Environmental Ethics: A Reader*. Lanham, Md: Lexington Books, 2001, 2.

dispositions of a thing. Like the readings in Yaffe's book the essays in this volume also engage with constructive theology and the analysis of sources. The attention to questions of Judaism and ecology in academia may be seen as testament to the maturity of this discourse. Though philosophers and religious textual scholars have begun addressing these questions, there is as of yet no academic work I'm aware of analyzing the rise of Jewish environmentalism itself and the particular discursive practices of the movement.

This academic work is also now recycling back into volumes intended for popular consumption. Arthur Waskow's two-volume series *Torah of the Earth* contains excerpts from some of the articles included in Yaffe's anthology, though shortened and placed in a different context.²⁹ Like Ellen Bernstein's volume, the introduction to Waskow's series makes it clear that his presumed audience consists of Jews seeking environmental meaning in their Judaism. This audience is not expected to have much familiarity with rabbinic texts or premodern Jewish history. Waskow's work is striking in that he specifically recognizes the development of eco-Judaism as a new stage in the development of Jewish relationships to nature. His first volume, divided into sections on biblical Israel and rabbinic Judaism, reflects much of the discourse in the Yaffe and Bernstein volumes. His second volume is divided between a section on Zionism, subtitled "One Land, Two Peoples," and a section on eco-Judaism, subtitled "One Earth, Many Peoples." (By contrast, although Bradley Shavit Artson asks "Is There Only One Holy Land?" in the title to his essay in Bernstein's volume, there is little other discussion of the

²⁹ Waskow, Arthur Ocean. *Torah of the Earth: Exploring 4,000 Years of Ecology in Jewish Thought. Volume 1, Biblical Israel: One Land, One People ; Rabbinic Judaism: One People, Many Lands*. Woodstock, Vt: Jewish Lights, 2000. And Waskow, Arthur Ocean. *Torah of the Earth: Exploring 4,000 Years of Ecology in Jewish Thought. Volume 2, Zionism : One Land, Two Peoples ; Eco-Judaism : One Earth, Many Peoples*. Woodstock, Vt: Jewish Lights, 2000.

way that Zionism has changed Jewish relationships to land and nature in much of this literature.) In both volumes, Waskow presents a collection of primary texts prior to the contemporary essays. In the first volume these texts consist of many of the biblical and rabbinic texts that appear over and over again in the essays in question. In the second volume, his primary texts for part one come from A.D. Gordon (an early Zionist writer who promoted Zionism's back to the land ethos) and Yosi Sarid (a left-wing Israeli politician and former Minister of the Environment) while his primary texts for part two come from Abraham Joshua Heschel (a late-twentieth century American Jewish theologian) and Judith Plaskow (a contemporary feminist theologian), among others. In paralleling these modern Zionist and ecological texts with the biblical and rabbinic texts of part one, Waskow is making a bid to include these modern texts within the Jewish textual tradition.

Jeremy Benstein's 2006 publication *The Way into Judaism and the Environment* similarly distills the academic discussion of Judaism and the environment for a popular audience.³⁰ Part of a series of "The Way into..." books published by Jewish Lights Publishing, Benstein's work presents content from the literature on Judaism and the environment in a relatively coherent narrative and then addresses how that material might be applied to some contemporary environmental issues. For example, as will be discussed below, Benstein's presentation of *Bal Tashchit* mirrors in structure and content Elion Schwartz's presentation in his article from *Environmental Ethics*, republished in Yaffe's reader. Benstein explicitly positions his work as a bridge between environmentalists who are not engaged with religious sources and identity, "the woodsy and unchurched," and

³⁰ Benstein, Jeremy. *The Way into Judaism and the Environment*. Woodstock, Vt: Jewish Lights Pub, 2006.

those with strong Jewish commitments but a lack of environmental sensibilities, “the *frum* and ungreen.”³¹ In contrast to the approach taken by early works, such as Rose’s, Benstein is rather self-conscious about his project. He insists that he will not tell his readers “what Judaism says about” a particular issue, because “Judaism is... not a set of rigid answers to fixed questions, but an ongoing dialogue in which the questions arise... and even more generally, a language in which to engage in the dialogue and formulate the questions in the first place.”³² He also remarks that he will not mine the Jewish tradition for ecological verses and present those as the whole tradition. Benstein’s work is useful because it may serve as a consensus point between academic and popular presentations. He’s clearly conversant with the academic literature, but has chosen to present his argument for a popular audience.

Despite the divergent forms of these various works, we can take them to be a body of literature, where each work is in dialogue with the other. Essays initially published as journal articles are republished in a variety of anthologies. Many of the same authors appear in these anthologies, and later works frequently cite earlier ones. Though I am in no way claiming a comprehensive study of the Jewish environmentalist literature, that canon is still small enough that the variety of essays presented in these monographs and anthologies represent much of the published discourse on Judaism and the environment in the last twenty years. Looking at this literature as a whole, we may ascertain something about the presumed public constituted by it. Despite Benstein’s desire to appeal to the woodsy and unchurched and the *frum* and ungreen, most of the

³¹ *ibid.*, 4. *Frum* is Yiddish for “pious,” and has come to refer to strict religious observance.

³² *Ibid.*, 6.

authors assume a readership that is invested in contemporary environmental issues *and* in how the Jewish tradition might be brought to bear upon them. This need not imply Jewishly literate readers, although they are certainly included as well. Implicit in most of these works is an assumption that the Jewish sources will or should have some bearing on individuals' attitudes or practices. The mechanism for this is rarely identified. Sometimes it seems as though the "wisdom" of the Jewish sources should inspire the reader to action, while other times the efficacy of the Jewish sources is presumed.

Overview

Though I will not be able to ascertain the efficacy of these textual readings in this paper, I will carefully explore how and to what end the Jewish sources are being used in order to better understand how these particular deployments of canonical Jewish texts contribute to the creation of a Jewish environmentalism, and what some of the implications of this might be.

Following this introductory chapter are two chapters dealing with two different areas of environmental discourse. The first is an examination of the discourse of creation in Jewish environmentalist writings. In that chapter I take a look at the centrality of the charge that Genesis, and by extension all of Judaism, is the source of man's destructive attitude toward nature. Refuting this charge serves as the basis of much Jewish environmental writing on how Genesis might convey an environmental ethic. There I explore the relationship between "creation" and "nature," the role of narrative in a Jewish environmental ethic, and specific responses to the charge that Judaism is ecologically destructive. The following chapter is an examination of the use of the rabbinic category

of *Bal Tashchit* (prohibition against wanton destruction) in Jewish environmental discourse. Though this principle, a rabbinic expansion from a verse in Deuteronomy, has particular legal parameters within the system of halacha (Jewish law), the Jewish environmentalist application of this principle tends to read it for the cultivation of virtue rather than the establishment of law. In this chapter I explore the presentation of *Bal Tashchit* by Jewish environmentalist authors and the relationship between law and narrative in their attempts to construct a Jewish environmental ethos. Finally, I conclude with a short coda exploring some of the implications of this work.

CHAPTER TWO: GENESIS

“This tale [the creation narrative in Genesis] paints a complex portrait of creation and of humanity... It presents both descriptively and prescriptively, the intricate, at times contradictory, relationships between the two.” Jeremy Benstein, *The Way into Jewish Environmentalism*

It's not surprising that much (though not all) of the Jewish environmental literature places the creation story of Genesis at the heart of a Jewish environmental ethic. It is not difficult to claim Genesis as a foundational text that defines humans' relationship to God and nature. And yet, like any reading of Genesis (such as those that read Genesis as prescribing particular gendered relations arising out of the origin of Adam and Eve, or those that read Genesis for the relationship between sin and human nature) interpretive work is still required to make that claim. Even for Genesis, environmentalist authors must read Scripture in such a way that it speaks to the problems of ecology as currently conceived.

To render Genesis as an environmentalist text, Jewish environmentalists must equate nature with creation and read a normative environmental ethic out of Genesis. The normative power of this ethic comes in implicitly or explicitly ascribing a particular status to this text. This chapter will explore this equation of nature and creation while investigating the production of this normative status.

Creating the equation between creation and nature generates some challenge for environmentalists, who generally do not subscribe to literalist notions of creation.

Simultaneously talking within the Biblical idiom of creation and the epistemology of modern science requires environmentalists to deal with the congruence and disjuncture between biblical readings and scientific narratives. To do this some Jewish environmentalists bifurcate the realms of religious knowledge and scientific knowledge, which for them imply prescriptive ethics and descriptive knowledge respectively. One common strategy is to distinguish between the narrative wisdom of myth (stories of cultural heritage), and the factuality of science. Myth and religious narrative has this normative weight whether or not it is conceived of as ancestral heritage, divine revelation, or foundational cultural document. Considering the vehemence of the broader cultural rhetoric regarding the clash of religion and science in our narratives of human origin (see the push for intelligent design), there is a considerable lack of angst in the simultaneous melding and distinguishing of scientific and religious origin narratives amongst Jewish environmentalists.

That said, these distinctions are not hard and fast, but are rather pragmatic. When the scientific narrative and the biblical narrative can be read in accordance, this congruency serves to strengthen both claims. However, when those narratives are potentially disjunctive, the gap is generally passed over without comment, reaffirming the prior distinction between textual narratives of ethics and empirical facts of science.

Nature in the Bible

Any discourse that discusses humans' relationship to nature already naturalizes the assembly of certain elements (say flora, fauna, atmosphere and geological formations) into an identifiable entity, "nature." Furthermore, it assumes that this aggregation

somehow excludes humans, or at least that they have some special status amongst the other elements of that assemblage. To read Genesis as imparting an ethic of man's relationship to nature, then, requires projecting the contemporary naturalized category of nature onto a biblical narrative that does not explicitly know of that distinction.³³

There are no references to nature as such in the Hebrew Bible. Common translations of the Hebrew Bible, including the King James Version, the American Standard Version and the Jewish Publication Society's translation do not use the term "nature," at all. The modern Hebrew word for nature, *teva*, likewise does not appear in the original Hebrew.³⁴ When the term "nature" appears in translations of the New Testament, it always refers to the nature of a particular thing, or the order of things generally, rather than to the non-human world.³⁵ Even the term "creation," often substituted for "nature" in religious environmental discourse, does not appear in these translations of the Bible. The closest we come are "creatures," most frequently a translation of *nefesh chayah*, a term which might be rendered as living beings or souls, but which does not have the etymological link to creation that the term creature does.

Abstractions like "nature" or "creation" just do not appear in the biblical account. In part, it is the very concrete nature of the biblical narrative that allows its readers to construe this narrative as referring to their naturalized ecological categories. "Of course,"

³³ I am not saying that the Bible does not know of a contrast between humans and the rest of "creation." That distinction has been crucial to the interpretive history of Genesis 1:28, which I will address at some length below.

³⁴ The root t.b. ' does appear in the Hebrew Bible. In these cases it always refers to forms of the verb, "to sink."

³⁵ cf. Romans 1:26, 2:14, 2:27, 11:24, Corinthians 11:14, Galatians 2:15, 4:8, Ephesians 2:3, Hebrews 2:16, James 3:6, and 2 Peter 1:4.

the environmentalist thinks, “the creation of day and night, seas and land, vegetation, heavenly bodies, fish, fowl, beasts and man is describing the creation of *nature*. What else can it be referring to?” I am not saying that the relationship between animal, plant, and geologic/climactic entities and the creation narrative is novel (it is manifestly what the creation narrative is about). What I am saying is that reading all of the references to animal, plant, geologic/climactic entities as *nature*, and thus as having a single ethic akin to our notion of nature (unspoiled, not altered by human hands), is a particular modern reading of the text.³⁶

It is not a difference in referents that constitutes the distinction between modern ecological conceptions and biblical ones. Rather, it is a difference in what these categories allow. Ecological thinking depends on a nature that exists independent of human impact on it (or at least modern technological impact) that can be taken as a pristine prior state. Rivers are not supposed to be flowing with chemicals that inhibit fish populations, but encourage algae blooms. Rain is not supposed to be acidic. The earth is not supposed to be warming. As we shall see, the biblical account *does* contain a notion of the proper relationship between man’s behavior and the climate, flora, and fauna. This relationship, however, is not predicated on a distinction between artificial human action and a static or homeostatic natural world.

For many Jewish environmentalists, the category of nature has been so naturalized, that there is little consideration of the anachronism reading of nature into the Bible. Rather they take the category nature for granted and presume that any biblical discussion of what are taken to be its constituent parts can be read for the Bible’s take on

³⁶ See for example Bargatzky, Thomas, and Rolf Kuschel. *The Invention of Nature*. Frankfurt am Main: P. Lang, 1994.

“nature.” The tables of contents of Jewish environmental anthologies abound with essays such as “Respect for Nature in the Jewish tradition” by Lenn E. Goodman and “The Hebrew View of Nature” by E. L. Allen.³⁷ These discussions take the term nature in two distinct but related ways; nature as the realm of existence outside of man’s interference (ecosystems of which man is not or should not be a part) and nature as the quality of a thing, its essence.

Though the author is not Jewish himself, Allen’s article “The Hebrew View of Nature” is included in Martin Yaffe’s reader *Judaism and Environmental Ethics*, and is illustrative of the way that certain assumptions about nature, about the novelty of modern man’s relationship to nature, and about the preference for the biblical view, must be adopted for the rhetorical power of the argument to work. For example, Allen claims that in contrast to contemporary Western views of nature where it is either raw material to be used at will or a source of spiritual sustenance, “the Hebrew view of nature has a depth which is lacking to the first and the robustness which is sadly needed by the second. For the men of the Bible nature is never seen in abstraction even from God or from the tasks which he has assigned to man in the world. Nature is envisioned as one of the spheres in which God meets man personally and in which he is called upon to exercise responsibility.”³⁸ As proof for this claim Allen refers to Genesis where, in his view, “man shares with nature its origin from God while at the same time rising above nature

³⁷ From *Judaism and Ecology: Created World and Revealed Word* edited by Hava Tirosh-Samuelson. and *Judaism and Environmental Ethics : A Reader* edited by Martin D. Yaffe, respectively.

³⁸ Allen, E. L. “The Hebrew View of Nature.” in *Judaism and Environmental Ethics: A Reader*. edited by Martin D. Yaffee Lanham, Md: Lexington Books, 2001, 81.

because he is destined for relation to God into which it cannot enter.”³⁹ Here we have the ascription of “nature” to all created entities other than man, and a special place for man mediating between the Creator and creation. We shall see below how closer reading of Genesis make this simple relationship harder to sustain.

One of the few authors in these Jewish ecological anthologies or publications who addresses the gap between modern ecological conceptions of nature and biblical concepts is Jeanne Kay. Although Kay continues to anachronistically talk about “the biblical appreciation for nature,” she explicitly places her interpretation of Genesis outside of the “despot-stewardship debate.”⁴⁰ In her reading, man is not to be a conqueror or steward of nature. Rather, the natural world serves as “God's instrument of divine reward and retribution.”⁴¹ “Once nature is understood through the Bible's moral concerns with reward and punishment,” she explains, “ancient Judaism's prescriptions against both arrogance towards nature and nature worship can be better understood.”

The most easily accessible example of this theology can found in the Shema, excerpts from Deuteronomy and Numbers that observant Jews say twice a day. The first line of the Shema, “Hear O’ Israel, YHVH is your god, YHVH is one,” is often taken as the primary creedal expression of Jewish monotheism. The second passage of the Shema, from Deuteronomy 11 explains to the children of Israel that if they harken to God’s commandments, they will get rain in its proper season. If not, the heavens will be

³⁹ *ibid.*

⁴⁰ Kay, Jeanne. “Concepts of Nature in the Hebrew Bible.” in *Judaism and Environmental Ethics: A Reader*. edited by Martin D. Yaffee Lanham, Md: Lexington Books, 2001, 86.

⁴¹ *ibid.*, 86.

stopped up and there will be no rain. Another accessible example of the role of nonhuman created entities in meting out God's reward and punishment are the plagues in Egypt, where frogs, pestilence, and wild beasts punish Pharaoh and his people for not releasing the Israelites from bondage.

Kay admits that this reading of the relationship between God, humans, and what we identify as the natural world "may be less relevant to modern environmental issues than the stewardship school has claimed."⁴² As she quips, "few environmentalists today believe that environmental deterioration results from oppression of widows and orphans."⁴³ However, even Kay cannot resist reading the Bible for an environmental message. She secularizes this theology where human actions generate climatological response, though in her case it is not immoral actions that bring the wrath of heaven through natural means, but humans' material actions in and to nature. She claims that the value of this reading is that "A belief that the entire range of human actions has environmental repercussions can add new dimensions to ecological awareness."

A few authors are keenly aware of the jump being made from descriptions of plants and animals to nature. For example David Ehrenfeld and Philip Bentley recognize that there is no rabbinic Hebrew word for nature, though they chalk that up to alienation from nature, even as Jews consider "this word" of great importance relative to

⁴² *ibid.*, 102.

⁴³ It should be noted, as Joanthan Boyarin has pointed out to me, that this relationship between oppression and environmental degradation can be accounted for in Marxist or eco-feminist accounts.

Christians.⁴⁴ They do recognize that because the rabbis had no concept of the possibility of global pollution and environmental destruction we cannot ask “what... Judaism says about our environmental crisis,” because it says nothing about it.⁴⁵

Moshe Sokol asks the question head on. If conceptions of the natural world have changed, can we distinguish between the constituents of the natural world and our conception of it? He asks this in order to fend off the idea, promulgated most strongly in Steven Schwarzschild’s essay “The Unnatural Jew,” that Jewish philosophy promotes an active alienation from and confrontation with nature. Sokol contends, rather, that Judaism is in conflict with particular (pagan) constructions of nature.⁴⁶ Other writers, especially those who set out to describe nature in the Bible or in Jewish tradition, do not generally pick up this recognition of various constructions of nature.

As we will see, most Jewish environmentalist authors take the category nature for granted and presume that any biblical discussion of what are taken to be its constituent parts can be read for the Bible’s take on “nature.” Those that question this assumption generally do not depend on a Biblical or a Jewish conception of nature to advance their conception of Jewish ecology. It should be noted that a number of authors in these anthologies discuss the idea or concept of nature in Judaism or Jewish sources from a philosophical perspective. These authors more clearly specify that they are speaking

⁴⁴ Ehrenfeld, David and Philip J. Bentley. “Judaism and the Practice of Stewardship.” in *Judaism and Environmental Ethics: A Reader*. edited by Martin D. Yaffee Lanham, Md: Lexington Books, 2001, 127.

⁴⁵ *ibid.*

⁴⁶ Sokol, Moshe. “What are the Implications of Jewish Theological Conceptions of the Natural World?” in *Judaism and Ecology: Created World and Revealed Word*, Edited by Hava Tirosh-Samuelson. Cambridge, Mass: Harvard University Press, 2002, 263.

about the nature of things, including man and ecology, rather than nature as wilderness that is assumed by popular authors.

Equating Creation and Nature

Within the Jewish environmental literature, that which might be conventionally designated as “nature” or “the environment” is commonly referred to as “creation.”⁴⁷ The link between creation and nature happens in two ways. On the one hand, the creation narrative is read as if the elements of the six days constitute nature; on the other hand references to those elements, both in the text and outside of it, are referred to as “creation.” Though ultimately sourced in Genesis, the biblical narrative (or narratives) of creation now exist independently of that source such that Genesis stands as a symbolic resource even when the text is not explicitly cited. For example, in the course of narrating his family’s relationship to land in Eastern Europe Charles Fenyvesi explains, “My ancestors praised the bounty of God’s creation and exalted in their recitation of the appropriate blessings.”⁴⁸ Sometimes these references move straight into particular theological or normative implications, such as here where the term “creation” serves to mark out a “creator” who can be an address for gratitude, while other times it seems as though the term “creation” is simply used as a reminder of the Jewish lens that is being applied to the environmental discussion.

⁴⁷ According to the index almost every article in Ellen Bernstein’s edited anthology *Ecology and the Jewish Spirit* references creation, although they are not all explicitly references to Genesis, or even other Biblical or Rabbinic texts that talk about God as creator.

⁴⁸ Fenyvesi, Charles. “Practical Kabbalah: A Family History.” in *Ecology & the Jewish Spirit: Where Nature and the Sacred Meet*. Edited by Ellen Bernstein .Woodstock, Vt: Jewish Lights Pub, 1998, 74.

Though there are diverse theologies at work here, language does matter. Referring to nature as creation points beyond nature to something, even if the theology of that something is not a classical Jewish theology. It is significant that no one I have discovered in the Jewish environmentalist literature is advocating for a literalist read of Genesis that insists on creation *ex nihilo*, by a being with a will, in six 24 hour periods, around 6000 years ago. As Jeremy Benstein points out, “creationism does not have wide currency in the Jewish world.”⁴⁹ He suggests that this may have to do with a strong history of non-literalist interpretation in Judaism. I suggest that it is also a reflection of a general acceptance of scientific narrative and a commitment to integrate religious texts with this perspective, rather than an insistence on the primacy of religious texts. Since these authors continually speak about nature as creation, and about a God to whom that creation belongs, but they do not have a literalist understanding of God or creation, unless the author is explicit about her theology, it is often impossible to know how any given author understands either the process of creation or the character of the creator who stands behind creation.

This pointing beyond leads to debates within this literature as to the appropriateness of ascribing sanctity, and even sentience, to the natural world itself. For example, Everett Gendler reads God’s covenant with the earth in the wake of the flood and descriptions of hills and rivers praising God as indicative of a sentient universe, as a Jewish version of the Gaia hypothesis. To do this, however, he reads the Psalms, in this case Psalm 148 (where the mountains, fruit trees and creeping things praise God) as a literal description. “The literal meaning presupposes that, to some degree, all of creation

⁴⁹ Benstein, 34.

is sentient, feeling, and able to respond to this encompassing cry of Halleluyah.”⁵⁰ As noted above, this kind of literalism is rare in Jewish environmental exegesis. Even in this case it is a strategic move designed to generate the desired reading, not an ideological commitment to literalism. It is the post-mythic nature of this reading that enables this kind of pragmatics of interpretive strategies.⁵¹

The language, however, still matters. Lawrence Troster identifies what he calls “the creation elements of the Jewish liturgy.” “The yearly holiday cycle,” he says, “can be understood from both historical and creation perspectives.” The historical perspective he is identifying is the rabbinic association of holidays with mythic historic events (Succot [Feast of Booths] recalls the wandering in the desert, Shavuot [Pentacost] recalls the giving of the Torah at Sinai). The “creation” perspective refers to the way the holidays map onto the agricultural cycle (Succot is the fall harvest and Shavuot the barley harvest). Creation here clearly means related to nature but with a focus on the theology of nature. Referring to nature as creation points beyond nature to something, even if the theology of that something is not a classical Jewish theology.⁵²

⁵⁰ Gendler, Everett. “A Sentient Universe.” in *Ecology & the Jewish Spirit: Where Nature and the Sacred Meet*. Edited by Ellen Bernstein. Woodstock, Vt: Jewish Lights Pub, 1998, 64.

⁵¹ On post-mythic religion see Jay Michaelson “The Significance of Sex: Social Order and Post-Mythic Religion.” in *Righteous Indignation: A Jewish Call for Justice*. edited by Or N. Rose, Jo Ellen Green Kaiser, and Margie Klein. Woodstock, Vt: Jewish Lights Pub, 2008. His basic contention is that liberal post-mythic Jews recognize these texts and categories as constructive myths and so are willing to use them as metaphors without needing to have the traditional referents. Thus you can have creation without a creator and without a single origin moment as narrated in the Genesis text.

⁵² See Fishbane, Michael. “Toward a Jewish Theology of Nature.” in *Judaism and Ecology: Created World and Revealed Word*, edited by Hava Tirosh-Samuelson. Cambridge, Mass: Harvard University Press, 2002.

Another example of nature as creation occurs in Evan Eisenberg's "The Ecology of Eden." This article is basically a riff, with footnotes, on the Eden story. Eden is the wilderness and the land of the gods, which we cannot handle. "Such wild places are not paradises for humans, but for gods. They were not meant for humans at all."⁵³ In this essay he reads the Genesis narrative as reflective of a parable for the development of human technology, agriculture, and the like. Here, it seems, he is reading the Eden story rather than reading Genesis, as his claims are rather unmoored from the text. This reference to the creation narrative of course depends on Genesis, but does not present itself as a reading of that text. Any reference to creation depends on Genesis but is not a citation or interpretation of the text as such; rather, the text is more foundational than that. So, in all these cases we have creation as a designation, as metaphor, and Genesis as text. Environmental references to creation and the created world may be thought of as references of, but not citations of, Genesis. The text is being deployed without being there.

There is a stylized nature to this locution of nature as creation. In my experience Jews (even environmentally committed Jews) do not refer to the natural world as creation outside of certain education settings. They do not say, "Let's go take a hike through creation" or "I love to get out of the city and into creation." Creation then is not coterminous with nature, but with an attitude one has toward the natural world in certain settings. Even if one does not hike "in creation," when out on that hike one may stop at a

⁵³ Eisenberg, Evan. "The Ecology of Eden." in *Judaism and Ecology: Created World and Revealed Word*, edited by Hava Tirosh-Samuels. Cambridge, Mass: Harvard University Press, 2002, 45.

particularly breathtaking view and say the traditional blessing in appreciation of wonder, “*ose maaseh bereshit*” (blessed are you our God... who makes the works of Creation).

This equation (shifting as it is) has some implications. It tends to place human production as somehow outside of creation. (*Ose ma'aseh bereshit* is said on seeing natural wonders, not man-made ones.) In fact, there are frequent references to the way that man's action “completes” creation and thus is not, somehow, reflective of God's creation.

Science and Myth

Writing in Hava Tirosh-Samuelson's *Judaism and Ecology* Shalom Rosenberg states, “the Garden of Eden is the biblical ideal description of human relations to nature.”⁵⁴ This idea, that the creation narrative demonstrates the ideal relation between humans and nature, is a key assumption of many of these authors. This formulation already assumes that human beings are somehow distinct from nature. There is also some disagreement as to what the “nature” of that ideal is. Interestingly, reading a normative ideal out of the description of creation in Genesis does not lead to assumptions that looking into nature as currently ascertained through science will produce a similar normative ideal. That is to say, within this literature there is a relatively consistent distinction between normative ideals sourced in particular readings of religious texts and descriptive knowledge about the world gained through science.

⁵⁴ Rosenberg, Shalom. “Concepts of Torah and Nature in Jewish Thought.” in *Judaism and Ecology: Created World and Revealed Word*, edited by Hava Tirosh-Samuelson. Cambridge, Mass: Harvard University Press, 2002, 218 .

Rabbinics scholar Michael Fishbane, writing in that same volume, points to the key role of narrative and language in creating a Jewish ethic or theology. He defines this theology as Jewish because, as he writes:

My world and language in the core of my commitments are all Jewish. The classics of the tradition condition my sensibilities, inspiring exegetical possibilities that ring true in my soul. Thus, my subjectivity is at once shaped by the past and by the present, and the interpretive entanglements that emerge are the mixed weave of traditional and contemporary concerns.⁵⁵

Classical Jewish texts here serve to shape subjectivity, while the construal of the texts arises out of that subjective encounter with them. The self-consciousness of this project means that the text might not have direct normative weight (“I act because the text tells me to”). Rather, one uses the text to create a rich ethic in line with one’s broader commitments. It’s also indicative of a play between past and present, between “tradition” and “relevance.” It is significant that the text play the role of tradition and the past rather than some kind of revealed eternal truth.

Though less eloquently, Jeremy Benstein proposes a similar relationship to the classical texts, moving from text to language. He advocates considering the classical Jewish texts as “a living tradition, a spiritual language in which we can grapple with current issues” rather than an academic approach that reads text as part of intellectual history. He explicitly contrasts this to readings of Genesis as “a science, a source of truths about the formation of the physical world.” Rather, he proclaims, “We are searching for values, not facts.” Though now we have a better source of facts in science, “we have a great deal left to learn” about “how to act.” For Benstein, “contemporary thinking has no absolute or necessary advantage over ancient sources.” “We are not

⁵⁵ Fishbane, 18.

looking primarily for scientific, historical, or even theological insight – we are looking for wisdom and understanding about human existence, and guidance about understanding our place in the world.”⁵⁶

A few things are noticeable about this passage. First is the strong distinction between science and ethics, facts and values, knowledge (“scientific, historical, or even theological insight”) and understanding. Second, this distinction means that the sought after wisdom does not stand on theological, philosophical or even scientific grounds. The authority of this wisdom seems to stand on the status of the Bible as a religious text, and on the general supposition that religion is a ground of ethics. Here Benstein departs from Fishbane. Though Benstein recognizes that his conclusions come out of a particular reading of the text, in comparison to Fishbane he seems to attribute more to the text than his reading of it. Where Benstein wants to read wisdom out of an ancient text, Fishbane wants to use the language of that text to generate “inspiring exegetical possibilities that ring true in [his] soul.”

Fishbane’s approach, and to a lesser extent Benstein’s, strike me as a self-conscious example of Danièle Hervieu-Léger’s notion of the creative power of tradition. As in Hervieu-Léger’s analysis, these authors focus on religious narratives as metaphor. In fact, Benstein explicitly tars literal readings of the text as fundamentalist.⁵⁷ Hervieu-Léger defines religion as “An ideological, practical, and symbolic system through which consciousness, both individual and collective, of belonging to a particular chain of belief

⁵⁶ Benstein, 34.

⁵⁷ *ibid.*

is constituted, maintained, developed and controlled.”⁵⁸ Though I would argue against defining religion across the board I think Hervieu-Léger provides an apt description for what is going on with Jewish environmentalism. Central for Hervieu-Léger is the relationship to tradition, a notion I find much more apposite for Jews than her description of a chain of belief, though she seems to equate the two.

In claiming a Jewish environmentalism, Jewish environmentalists are claiming identification with this chain. Identification with a tradition is a way to both claim authority and generate novel meaning. In addressing authority Hervieu-Léger says, “That which comes from the past is only constituted as tradition insofar as anteriority constitutes a title of authority in the present.”⁵⁹ Notice that for the environmentalists it is antiquity, not an ever-present divine revelation, that confers authority. This is an important corrective to a view of modernity that stresses novelty and the independence of authority. And yet, the tradition is only authoritative to the extent that it is rendered present through a hermeneutic process. “The process of rereading is inseparable from the process of creation of a new relationship with the past, in light of the present, hence with the present too.”⁶⁰

An alternative to this bifurcation between science and ethics as sources of different kinds of truths can be seen in Arthur Green’s account of Darwin and the work of contemporary scientists producing a “a new tale of origins,” making those scientists “the

⁵⁸ Hervieu-Léger, Danièle. *Religion as a Chain of Memory*. New Brunswick, N.J.: Rutgers University Press, 2000. 82.

⁵⁹ *Ibid.*, 87.

⁶⁰ *ibid*, 88.

new kabbalists of our age.”⁶¹ Green is one of the few authors who deal with the biblical account as potentially telling us something about the actual origins of the world, however he allows that the Genesis account has been eclipsed by theories of the big bang and evolution. In modernity the Genesis account has been supplanted by science. For Green, a neo-kabbalistic pantheist, both of these accounts are ways of narrating a deeper truth, the development of the many out of the one.

Genesis, however, still has something to teach us. Green reads the Genesis account against the backdrop of Near-Eastern myths. In Green’s apologetic account the innovation of Genesis was the transformation of violent battles between gods into a “purely harmonistic version of the origin of creatures.”⁶² He contends that we now need a new harmonious vision of the scientific narratives as well to supplant the violence inherent in images of the big bang and survival of the fittest. In this way Green again parallels the biblical and scientific narratives, though this time both are on the side of narrative and ethics, turning them into origin stories that hint at deeper truths rather than empirical or factual descriptions of the world.

Narrative and Authority

This post-mythic or metaphoric religion places a particular value on narrative. This turn toward text and narrative is also valued on pragmatic psychological grounds. Narrative is effective because it is affective. Ellen Bernstein opens her book on Genesis

⁶¹ Green, Arthur. “A Kabbalah for the Environmental Age.” in *Judaism and Ecology: Created World and Revealed Word*, edited by Hava Tirosh-Samuelson. Cambridge, Mass: Harvard University Press, 2002, 7.

⁶² *ibid.*

with an account of transformation from high school biology teacher to Jewish environmental activist. Bernstein tried to get her students to care about environmental issues, but could not break through until she assigned “the great nature writers.” “Stories and personal experiences,” she discovered, “find their way into the body and the heart, into places that ‘information’ alone will never go; and they stick. Learning becomes effortless through stories.”⁶³ Here we again see the distinction between science and religious narrative, not as contradictory, but as working on different elements of the human experience and thus as suggesting different approaches to the environmental crisis. As Bernstein recounts, “the deeper I delved [into biology and ecology], the more I realized that science approached environment as a problem to be solved rather than a mystery to revere.”⁶⁴

Bernstein’s introduction is much more deeply theological, much more centered on the theme of bringing God into our lives, than most of the works in the Jewish environmental library. God stands not as a figure in the text, but as an experienced presence. It is not exactly clear what she means by God, but it is clear that she is not proposing this as an abstract reading of tradition, but as a lived and embodied relationship to something. Though decidedly post-mythic, this is not a secularization of religion. Bernstein’s defense of her religious and textual turn serves as justification for her project, and for a post-mythic Jewish environmentalism more generally.

Most authors, it should be said, do not take the time to establish grounds on which Genesis stands as a normative text. Rather, they assume that it is so. This stance depends on the general status of the Bible in the popular imagination. Even absent divine

⁶³ Bernstein, 4.

⁶⁴ *ibid.*, 3

revelation the Bible (or religious texts generally, as modeled on the Bible) is a source of ethical authority.

Wrestling with Genesis 1:28

For many Jewish environmentalists dealing with the question of Genesis, it is also the ground on which they extricate Judaism from Lynn White's charge that the biblical command giving man dominion over nature forms the roots of the contemporary ecological crisis in Western society.⁶⁵ Thus many interpretations of Genesis are simultaneously a discussion amongst “insiders,” establishing that Judaism does have something to say something about relationship to nature, and with “outsiders,” defending Judaism (or at least the Old Testament) against White’s charge.

Norman Lamm’s early article from 1971 engages with the same critiques and sources (Genesis 1:28), though he does not mention White by name. The structure of Lamm’s article, opening his explication of Jewish environmentalism with an attack on White, might be seen as a template for much of what follows. Interestingly, White is also used by some historians of environmentalism to account for Western dominion over nature by beginning their narrative with the Biblical account.⁶⁶

Within the Jewish environmental library, Genesis chapters 1 and 2 stand as a central text for explicating man’s relationship to God and the natural world, and almost all these works do so as an explicit or implicit challenge to the claims of Lynn White. This orientation toward White is instructive because, as Jeremy Cohen points out, few

⁶⁵ White, Lynn. “The Historical Roots of Our Ecological Crisis.” *Science*, 155 (3767) March 1967, 1203-1207.

⁶⁶ See Klein.

classical commentators in Judaism or Christianity read Genesis as providing for unfettered dominion over nature.⁶⁷ Rather than just ignoring White's claim, Jewish environmentalists feel a need to respond. This is indicative of continued investment in this text. Not only must it be salvaged from (Christian) criticism, it must be read in a way that allows this Jewish text to be foundational for a Jewish environmental ethic as well. White then becomes a foil for Jewish environmental authors to advance particular readings of Genesis. To begin with I want to discuss White's article on its own, because many Jewish environmentalists seemed to overstate his criticism as a launching point for their own works. We will better be able to engage with them once we have a clear assessment of what White says. First we should note that White does not put forward a romantic vision of harmonious nature that has been despoiled by human activity. In fact, he is rather contemptuous of approaches resulting from this romanticized notion, mockingly citing "the wilderness area mentality" that "advocates deep-freezing an ecology... as it was before the first Kleenex was dropped."⁶⁸ He recognizes that "all forms of life modify their contexts," citing coral as but one example.

The problem White wants to address then is how human impact on the environment has reached such a drastic scale. He places the origin of this explosion of human impact in the eighteenth century. As he clearly states, "our ecological crisis is the product of an emerging, entirely novel, democratic culture."⁶⁹ So, what of the biblical roots of the environmental crisis?

⁶⁷ Cohen, Jeremy. *"Be Fertile and Increase, Fill the Earth and Master It": The Ancient and Medieval Career of a Biblical Text*. Ithaca: Cornell University Press, 1989.

⁶⁸ White, 50

⁶⁹ *ibid.*

White traces the development of Western technological (though not scientific) superiority to the first half of the last millennium. He then turns to address “fundamental medieval assumptions and developments,” pushing back further into history to account for the shift away from subsistence agriculture. This set of patterns, White claims, comes from what people “think about themselves in relation to things around them,” which White identifies as the role of religion. It should be noted that this is neither a careful history nor a genealogy of the separation between man and nature but a quick sketch designed to show that technology and an exploitive attitude are intertwined. He identifies the central attitude in this nexus as progress, which he claims “was unknown to either to Greco–Roman antiquity or to the Orient,” but rather is “rooted in, and it is indefensible apart from, Judeo–Christian teleology.”⁷⁰ By this rather long and rather quickly sketched route White connects the growth of technology in the eighteenth century through medieval agriculture to the teleological thrust of Judeo-Christian teleology.

This end then must have a beginning, and so Genesis leads to the eschatologies that, in White’s narrative, are secularized in the idea of progress. Whatever merit there may be in the series of connections would require a book or entire scholarly career to persuasively claim. White goes on to talk about the anthropocentrism of Christianity in a similar stream of associations.

White presumes that the Bible has normative weight, so that if it says something, that must have had normative consequences. His argument depends on a certain transparency of the Bible. If he can find a verse indicating dominion, he can claim that

⁷⁰ *ibid.*, 52

this is the Biblical position. A loose reading of the creation narratives provides White with his ammunition. His account of creation reads:

By gradual stages a loving and all-powerful God had created light and darkness, the heavenly bodies, the earth and all its plants, animals, birds, fishes. Finally, God created Adam and, as an afterthought, Eve to keep man from being lonely. Man named all the animals, thus establishing his dominance over them. God planned all of this explicitly for man's benefit and rule: no item in the physical creation had a purpose save to serve man's purposes. And, although man's body is made of clay, is not simply part of nature: he is made in God's image.

The lynchpin of this reading of creation is Genesis 1:28, God's blessing to the *Adam* creature created in Genesis Chapter One, "And God blessed them and God said to them, 'Be fruitful and multiply and fill the earth and subdue it and have dominion over the fish of the sea and over the birds of the heavens and over every living thing that moves on the earth'." Jeremy Cohen's work on the history of the interpretation of this verse shows that it has historically not been read as a simple permission for domination. He argues that both Jewish and Christian premodern exegetes rather tended to read this verse as embodying the paradox of humans as both sovereign like God and carnal like animals.⁷¹

Reading the Jewish environmental literature's characterization of White, one would think that his entire article was an attack on Genesis. Rather, as explained above, it is a meandering and not particularly careful account of a shift from a domineering attitude toward nature to the technical possibilities to carry that out. In White's account Genesis serves as but one example, though admittedly the earliest one, of this attitude. He trains his vitriol however on Christianity not Judaism. White's characterization of Genesis then serves as a foil against which he can contrast his vision of a religion

⁷¹ Cohen

centered around the ethics of Assisi. As I will suggest below, White then becomes a foil for Jewish environmentalists against whom they can contrast their ecological readings of Genesis and the Jewish tradition.

I want to suggest that Jewish environmentalists read White as they do because it advances their own goals. In focusing on White's characterization of Genesis as establishing creation "explicitly for man's benefit and rule" most Jewish environmentalists miss the broader thrust of his argument. Interestingly, few Jewish environmentalists contest White on the grounds that his interpretation of Genesis is not sustained by biblical criticism. I argue that that is because they want to accept his central premise, that a biblically rooted environmental ethic has the power to influence the course of the environmental crisis.

Why then do Jewish environmentalists, and not only environmentalists, fixate on this particular claim? Why has this become the legacy of White's article? I want to suggest that it has something to do with the assumed status of the Bible in the modern West. The Bible stands as foundational for those who accept it as true *and* those who contest that truth. It is this status that Jewish environmentalists are invoking when they cite and contend with White. Though they will contest his reading of Genesis, Jewish environmentalists want to be able to rely on the notion that Genesis is and can be foundational even for a modern (and perhaps even secular) environmental ethic.

White's Jewish environmental interlocutors rarely engage with his whole argument. Rather, they jump straight to his characterization of Genesis, seemingly in an effort to defend the besmirched name of the Bible, and even of Judaism or religion in general. This anxiety around White's characterization of Genesis points to the role that

White plays for many of these authors. I initially found it strange that many Jewish environmental interpretations of Genesis are structured as a rebuttal to a nominally Protestant environmentalist. What is important for these environmentalists is not White's reading of Genesis, but his positioning of Genesis and the Bible as foundational to Western environmental ethics, and his assessment that the environmental crisis stems from a basic attitudinal problem, which can be corrected by the proper religious orientation.

Both camps implicitly accept the assumption that the Bible is a foundational text. White doesn't have to trace how the Bible is foundational, or what the particular history of interpretation and practice has been, because even his opponents seem to accept his claims about the ways that Western culture is rooted in religion. If Genesis is the foundational text of the foundational book, the thinking goes, it must have influenced Western engagement with the natural world. White's work then serves as a citation of the idea that Genesis is foundational. This is useful in a cultural context where authority of religious texts is simultaneously both questioned (often as they apply to the self) and assumed (as dictating the conduct of others). White's claim that the environmental crisis is attitudinal, and thus religious, opens the door for Jewish environmentalists to propose readings of that very tradition that may serve as the alternative White calls for at the conclusion of his article.

Jeremy Benstein, for example, quotes without criticism White's claim that "since the roots of our trouble are largely religious, the remedy must also be essentially religious." He then quotes White's charge that Genesis establishes nature for "man's benefit and rule," and follows immediately with a critique of White's "simplistic reading

of the complex and multilayered creation stories.” “White is correct,” Benstein indicates, “to focus on the accounts of creation as a crucial part of our religious teachings about the environment.”⁷² In Benstein’s account these religious teachings “teach us about who we are and what nature is and should be for us.” In this account White has identified the proper role of religion in environmental practice, he has just misread the sources.

Neil Loevinger’s article “(Mis)reading Genesis: A Response to Environmentalist Critiques of Judaism” advances what he calls a more “subtle” reading of White, claiming that other readers have missed that “the Genesis story, along with new technologies and increased urbanization, have significantly shaped the Western view of nature and presumably still does.”⁷³ Loevinger then goes on to defend Genesis, and Judaism, from White’s charge claiming that: 1) Western culture is not only biblical but also rooted in Greek thought and philosophy, 2) Genesis does not cancel out “all the other verses in the Hebrew Bible that speak of the glories and wonders of God’s creation and humanity’s responsibility to preserve it,” and 3) that the environmental crisis “coincides” with the decline of religion in public life. With claim one, Loevinger identifies the anti-Jewish polemic under the surface of White’s argument, pointing out that in this and similar accounts the Hebrew and Old Testamental roots of Christianity are identified as the source of this negative attitude of domination. Loevinger also points out that the particular histories of Jewish interpretation are ignored by critics like White who think they can read two thousand years of religious norms out of the Biblical document. With

⁷² Benstein, 15.

⁷³ Loevinger, Neal Joseph. “(Mis)reading Genesis: A Response to Environmentalist Critiques of Judaism.” in *Ecology & the Jewish Spirit: Where Nature and the Sacred Meet*. edited by Ellen Bernstein .Woodstock, Vt: Jewish Lights, 1998, 33.

claim three, Loevinger further distances Judaism from the charge of environmental irresponsibility by claiming that “philosophers of science” like Bacon and Descartes (presumably influenced by “Greek” classical thought) have influenced our contemporary perspective of alienation from a natural world that is to be dissected and controlled. The essay concludes with an amplification of point two, in a section entitled “Judaism Echoes the Environmental Message.” Loevinger then inverts White, contesting his reading of Genesis while, like Benstein, embracing the basic notion that Judaism can and should speak to an environmental ethic. To do this he claims that through legislation Judaism “promotes environmental awareness by reminding us to examine the details of our everyday lives.” Loevinger does not address whether these practices actually do have the effects he attributes to them. He also briefly references *Bal Tashchit* (“do not destroy”) and *tsa’ar balei hayim* (compassion for animals) as concepts that teach us that “this world is all we have and that we must treat it as a treasure.”⁷⁴ In articulating this version of what Judaism “says” Loevinger is constructing an eco-Judaism.

A number of authors tackle head on White’s claim that Genesis advocates for domination. The different ways that they do so are suggestive of the formations of Judaism that are relied upon, produced, and amplified in the construction of eco-Judaisms. Of all the authors under consideration Jeremy Benstein spends considerable time working through and around readings of Genesis, legitimating domination in order to construct a reading of Genesis as advancing a stewardship model. This process places Benstein inside a debate over the place of man in creation and the relationship between Chapters One and Two in Genesis.

⁷⁴ *Ibid.*, 40.

Benstein's approach moves between traditional, historical/critical, and psychological stances, without attending to the foundational gaps between these approaches. For example, in reading Genesis 1:28 Benstein admits to the clear language of dominion, but insists on what he identifies as a more contextual reading. In his "historical" reconstruction this verse serves as a distinction from "pagan" religion where man is subject to nature, rather than the other way around. Though anti-pagan polemic is certainly not new to Judaism, Benstein's is particularly fashioned as a polemic against the contemporary idealization of "nature-worshiping tribal religions" on environmentalist grounds. The problem, he claims, is that pre-modern humans, powerless in the face of a deified nature, attempted to appease those forces through human sacrifice, among other means. In its place, he asserts, Genesis offered the liberatory promise that humans would no longer be subjugated to natural forces. "The promise of human mastery and domination over the natural world — a total pipe dream at the time of its promulgation — was therefore reassuring, and even liberating." This move attempts to rescue Genesis 1:28 by placing it in the (supposed) context of its authorship, though by using the passive voice verb "promulgated" Benstein remains silent on the text's actual author, and thus the mechanism that roots it in a particular historical context.

Benstein then cites R. Sadia Gaon (a religious leader of the tenth century) and Nachmanides (a mystic and scholar of the early 13th century) as both understanding that verse to apply to all animals, not just domesticated ones. He blunts possible criticisms of these traditional interpreters by reading the following verse (Genesis 1:29): "See, I give you every seed-bearing plant that is upon all the earth... they shall be yours for food," as expressing a prelapsarian vegetarianism. From this he concludes that "this condition also

implied a deeper affinity or fellowship between humans and other animals than what might be otherwise inferred from the verses on subjugation.”⁷⁵

Benstein’s footnote on the concept of primordial vegetarianism (for humans and all other animals) is particularly interesting for the way that it incorporates and skirts various approaches to the text. He states, “Whether this accords with evolutionary or psychological data is not entirely clear, or germane. The point of the story is not the prehistorical data ... but the ultimate vision of paradise, the end of days.” For the end of days paradise he references Isaiah 11 (“and the wolf shall lie with the lamb,” etc.). On the one hand this comment explicitly analogizes the Garden of Eden with human prehistory. This assumes that the biblical account can be read as illustrating, or at least according with, a particular moment in evolutionary history. Here he raises the possibility that there could be congruence between the historical “fact” of an early hominid vegetarian diet and the biblical account of the purpose of vegetation. We need not attribute this position to Benstein (though we cannot rule it out), rather it may be helpful to think about this move as a strategy for Benstein to include those who do expect the biblical account to be describing (in some form) early human history. On the other hand, Benstein’s interpretive move here is to sidestep questions of science and history by reading Genesis in relation to Isaiah, and thus by reading the biblical text as aspirational rather than historical. It is this kind of move that enables a reading of the bible for “values” without requiring consensus on its historical or scientific veracity. What intrigues me about Benstein’s approach is that he is trying to write for both audiences, as he explicitly states in his introduction.

⁷⁵ Benstein, 45.

A number of other authors also explicitly counter the reading of Genesis promulgated by White, often replacing domination with a concept of stewardship. Shalom Rosenberg, following Samson Raphael Hirsch (a neo-orthodox leader of the 19th century) proposes in an essay on the concept of nature in Jewish thought that the “dominion” granted to man in Genesis 1:26 (“Let us make man in our image that he may have dominion over the fish of the sea... etc.”) be understood as “guiding” (from a root with associations to ruling over).⁷⁶ In the same volume Barry Kogan responds with a survey of biblical lexicons, concluding that while most lexicons indicate the relation between ruling and domination that most English translations rely upon, the word can also be associated with shepherding. However, he notes that there are not strong grounds to do so in the case of Genesis 1:26.⁷⁷ The command in Genesis 1:28, he points out, is unambiguously related to conquering.

Eliezer Diamond claims that Genesis 1:28 indicates priority and mastery, though not domination, as it is tempered by the command/punishment after the fall in Genesis 2 that Adam must till and tend the earth.⁷⁸ Lenn Goodman similarly denies that Genesis offers “a license for environmental exploitation,” and suggests it constitutes rather a mandate for stewardship. Goodman actually spells out a theory of deserts that apply to all beings (including “individuals animals... species... habitats... ideas... and nature at

⁷⁶ Rosenberg, 219.

⁷⁷ Kogan, Barry S. “Response: Construction Discovery, and Critique in Jewish Ecological Ethics.” in *Judaism and Ecology: Created World and Revealed Word*, edited by Hava Tirosh-Samuelson. Cambridge, Mass: Harvard University Press, 2002.

⁷⁸ Diamond, Eliezer. “How Much Is Too Much? Conventional vs Personal Definitions of Pollution in Rabbinic Sources.” in *Judaism and Ecology: Created World and Revealed Word*, edited by Hava Tirosh-Samuelson. Cambridge, Mass: Harvard University Press, 2002, 62.

large”) that arises “from the cognitive and entitative claims of beings,” which he claims is “rooted in the Torah.”⁷⁹ In his reading, Genesis lays out a hierarchy of value for the series of created beings, with man as “the crowning achievement.” This mastery is mastery over a set of beings with their own claims to deserts, which requires, in Goodman’s view, stewardship.

As should be evident, the approaches of Rosenberg, Kogan, Goodman and Diamond vary widely, even as they reach similar conclusions. Rosenberg reads the text through a revered modern commentator while Kogan relies on the tools of modern biblical philology. Diamond simply works to reconcile the two chapters of the text (in the course of an essay on rabbinic perspectives on pollution) while Goodman applies (or generates) an ontological theory of justice articulated in philosophical language to (or from) the biblical text (and actually the entire Jewish tradition).

These divergent approaches have some divergent implications, even as they come to consensus on the need for stewardship. They speak to different audiences, which means they are embedded in and connect to different conceptions of the relationship between religious text and practice. All of these readings, however, seek to defend the Bible (or Judaism) from the charge that it advocates dominion over nature. Furthermore, all of these positions accept (even if only implicitly) the basic premise that what Genesis says about relationship to nature matters for our own contemporary discussion of man’s place in the natural world and any reciprocal obligations that entails.

⁷⁹ Goodman, Lenn E. “Respect of Nature in the Jewish Tradition.” in *Judaism and Ecology: Created World and Revealed Word*, edited by Hava Tirosh-Samuels. Cambridge, Mass: Harvard University Press, 2002.

This question of man's place is a repeated theme in many of the discussions of Genesis and environmentalism. It seems that perhaps the genres of Jewish environmental writing are better at asking existential questions than policy ones. Loevinger states something similar when he concludes that "Judaism may not have one answer for everybody on, for example, watershed protection, but it can provide a broad framework in which to address the moral issues of modern environmentalism."⁸⁰ This turn to morals and values is related to the particular place of religion in modernity. It also has implications for the ways that an eco-Judaism can and cannot (or does and does not) impact both personal practice and policy. More on this later, but first, what is man's place, according to these various readings of Genesis?

Man's Place in the Spiritual/Natural World

Many of the works in the published corpus of Jewish environmentalism engage with the question of the proper way to conceive of humans' relationship to God and nature. This question of the moral appropriateness of and practical significance of anthropocentrism and ecocentrism are reflective of a broader debate within secular environmentalism. The Jewish texts engage in this debate by arguing over the best way to characterize Genesis and the biblical account as a whole. Jewish environmental authors engage with the category of theocentrism as a possible way to mediate between anthropocentric and ecocentric approaches. This debate also links up with the

⁸⁰ Loevinger, 40.

dominion/stewardship debate referred to earlier because much of this discussion intertwines man's place with his purpose or role.⁸¹

Dan Fink, like many others, thinks the answer “lies in maintaining a sense of scale and balance.” This predominant approach can be characterized as anthropocentrism with a strong focus on stewardship. In general, ecocentric positions are disparaged for not taking into account the exceptional power humans currently have to alter the physical world. Benstein argues for this balance by reading Genesis 1 against Genesis 2. In his reading of Chapter 1, all of creation exists prior to and thus independent of man. He sees shabbat, not man, as the pinnacle of creation. He contrasts this with Chapter 2, “where the human is at the narrative center, not the climax.”⁸² Adam may be commanded to have dominion and conquer, but he is also to till and tend. So what is man? “A unique combination of humility and grandeur, godlike, yet dwarfed by God and some of the divine creations, man is still meant to be master in some sense over the rest.”⁸³ He analogizes the special human responsibility to nature with the Jewish notion of chosenness. Here he simultaneously defends anthropocentrism as natural and advocates for “a gods eye view of the world,” not a theocentrism but a humility born from this theological position.⁸⁴

It is in this analogy that the importance of the tensions between universalism and particularism within this discourse becomes clear. In Benstein's particular formulation

⁸¹ For an examination and critique of these categories, see Sokol, 272.

⁸² Benstein, 42.

⁸³ Benstein, 55.

⁸⁴ Benstein, 54.

(one that not all Jewish environmentalist authors would be comfortable with), we get to maintain a special status as human beings (akin to Jews) while having a particular set of reciprocal obligations (likewise akin to Jews). The universal responsibilities of environmentalism can be expressed and embraced within the particular Jewish tradition. Benstein explains that the Bible starts from Genesis to put the laws and narratives “into a universal context of all creation.” Genesis is “the first and perhaps foremost” encounter where religious values and environmental critiques of society meet. On the one hand the account of creation and of Adam and Eve is the story of everyone; it is so widely known in our Christian culture that it must be “everyone’s” story. On the other hand, as the prologue of the Tanach it is clearly a Jewish story.

The appeal of the universalism in Genesis (especially as an environmental text) is made clear when Benstein turns briefly to address the rest of the biblical narrative. Benstein asks, “When do we enter history?” He says, “as long as we are in the context of the primal family, and not really a human race, is not yet entered the realm of history.”⁸⁵ History for him begins with Abraham. The beginning of history for Benstein is also then the beginning of particularity. Here we have a fruitful point of entry into the question of the particular and the universal. I contend the Jewish environmentalism is an attempt at a universal reading and a universal concern (universal ethics) while maintaining a particular identity and particular interpretive community. This is a liberal form of identity or cultural difference to be embraced as meaningful as long as it does not impose on the universal realm of rights and moral obligations. It is telling then that Benstein is engaging in a particularly Jewish read (that is through rabbinic texts) of the more universal (and

⁸⁵ Benstein, 59.

thus acceptable) elements of the Jewish narrative. As another example, Benstein embraces the notion that God is Creator and ruler of the earth making human beings mere tenants, but he does not cite Rashi's famous interpretation of the purpose of Genesis which extends this notion to claim that God as landlord can give his land to anyone he wants, and has given it to the Jews. Thus he avoids rendering the entire book of Genesis a title deed for the land of Israel.⁸⁶

With Genesis, Jewish environmentalists are able to filter a contemporary notion of nature back through a Jewish text of universal application and arrive at a variety of positions on Judaism's take on humans' place in the natural world. To do this they bring ecological debates about ecocentrism and anthropocentrism to bear on the biblical text. Lynn White serves as a lynch pin for this, as they embrace his ascription of cultural power to the biblical narrative while contesting or inverting his reading of Genesis. This deployment of Genesis has rhetorical power and moral authority, even if Genesis is not necessarily common reference for contemporary Jews in their engagement with science or ecology.

⁸⁶ See Rashi on Genesis 1:1.

CHAPTER THREE: DO NOT DESTROY

Though less pervasive in discussions of environmentalism in rabbinic literature, the specter of Lynn White, and those who advance similar arguments, still hovers behind some of the positioning and polemics of authors who engage with rabbinic sources. In one of the earliest examples of this genre of Jewish environmental literature, published just four years after White's article, Rabbi Norman Lamm—now *Rosh Yeshivah* (institutional head) of the flagship American Orthodox rabbinical seminary, and not one who is known to be an environmental activist—explicitly structures his article as a polemic against those who would accuse the Bible as the foundation for “the exploitation of the environment by science and technology.”⁸⁷ Though Lamm does not mention White by name, instead referring to a statement by a Protestant clergyman condemning “the traditional Christian attitude toward nature,” his entire article is clearly positioned as a response to the charge that religion, particularly in its Judaic/biblical version, is the source of an exploitive attitude toward nature. Though he does address the charge that the Bible grants dominion—principally by citing other biblical elements such as the pre-diluvial vegetarianism, the punishment of Cain, and Isaiah's vision of interspecies harmony—Lamm focuses in this article on the postbiblical rabbinic tradition.

⁸⁷ Lamm, Norman. “Ecology in Jewish Law and Theology.” *Faith and Doubt; Studies in Traditional Jewish Thought*. New York: Ktav Pub. House, 1972.

Even his treatment of the biblical material relies heavily on the rabbinic tradition. After surveying a variety of references to nature in the Bible, as mentioned above, Lamm turns to what he considers the central biblical treatment of ecology. He states, “the biblical norm which most directly addresses itself to the ecological situation is that known as *Bal Tashchit*, ‘thou shalt not destroy.’”⁸⁸ This “biblical norm” is a rabbinic reading of a passage in Deuteronomy (20:19) that forbids the destruction of fruit trees during the siege of the city. Though the verse does say “you shall not destroy the trees,” the reading of this verse as prohibiting wanton destruction generally is a rabbinic innovation.⁸⁹ It is striking, and slightly ironic, that Lamm’s strongest claim for the Bible’s direct address of “the ecological situation” is not a direct address at all, and depends on a reading of that verse with which he cannot expect his Christian interlocutors to be familiar. Lamm then turns to the rabbinic tradition, which he divides between halachic and theological perspectives. Under the halachic perspective he expands on his treatment of *Bal Tashchit*. We will have occasion to discuss this concept of *Bal Tashchit* at length below. What is significant for our purposes here is that Lamm simultaneously reads the concept of *Bal Tashchit* into the Bible, and places it at the heart of the legal aspects of the rabbinic tradition.

Lamm is certainly not the only one who uses the rabbinic tradition this way. Martin Yaffe, the editor of a reader entitled *Judaism and Environmental Ethics*, criticizes Aldo Leopold’s account of Abraham’s exploitative relationship to the land in *A Sand*

⁸⁸ Lamm, 109.

⁸⁹ For an account of this development see Eilon Schwartz, “*Bal Taschit*: A Jewish Environmental Precept,” in *Judaism and Environmental Ethics: A Reader*, edited by Martin D. Yaffee Lanham, Md: Lexington Books, 2001.

County Almanac by charging that he has not taken sufficient account of the legislation that we might place on the environmental side of the ledger. He says that Leopold,

Shows little or no acquaintance with the relevant textual evidence concerning Abraham and his descendants which happens to fall outside Leopold's immediate expertise—including, as we shall see, the Bible's insistence on God's ownership of the land, its prohibitions against wanton destruction and cruelty to animals, and the institutions of the sabbatical and Jubilee years.⁹⁰

What is most striking for my purposes in this chapter is that like Lamm, Yaffe includes “wanton destruction and cruelty to animals” as biblical prohibitions. Again, that reading would not be manifestly available to a casual reader of the biblical text unfamiliar with rabbinic traditions of interpretation. Yaffe here either rhetorically expects Leopold to be familiar with those interpretations, or has so internalized them that he now considers them intrinsic to the biblical text. As Yaffe consistently mentions in his summary of the essays that make up his collection, one of the tactics used to counter readings of the Bible that charge it with enabling the despoiling of the environment is to put forward the rabbinic readings of verses that generate concepts like *Bal Tashchit* (the prohibition against wanton destruction) and *tza'ar ba'alei chaim* (the prohibition against cruelty to animals). Part of what is being fought over here is not only textual interpretations, but the traditions of interpretation that produce them. The Jewish Bible does not only differ from the Christian Bible in the number and order of its texts; rather, it is the Bible read through rabbinic eyes, or at least cognizant of rabbinic readings. It seems to me that the Protestant polemic of *sola scriptura* continues to undergird these critiques of the Old Testament, as they presume the Bible can be read at face value. Jewish readers, following their own reading traditions, collapse distinctions between

⁹⁰ Yaffe, 4.

Biblical and rabbinic in their defense of the biblical text and their production of eco-Judaism.

This turn from the biblical to the rabbinic shifts the discourse on “universality” of the environmental discourse. As I noted above, one of the elements that may make Genesis such a compelling text is its presumed universality. It is a text that concerns itself with all humanity, and can be taken as a universally shared heritage, at least in the Christian milieu where this discourse is taking place. The tensions within the seemingly universal aspects that make engagement with the Genesis text compelling for contemporary Jews are revealed in the engagement with rabbinic texts. Authors who rely upon Biblical readings, such as Lamm and Yaffe, are, to an extent, talking past their Christian interlocutors, even as they ostensibly engage with the same text.

Although Lamm reads the Biblical material through the lens of the rabbinic, he still structures his article as addressing Biblical texts first, then rabbinic. Many of the articles under discussion here mirror this. For example, the first volume of Arthur Waskow’s edited series *Torah of the Earth: Exploring 4000 Years of Ecology in Jewish Thought* is divided between Part 1: Biblical Israel and Part 2: Rabbinic Judaism. Likewise, Jeremy Benstein’s volume deals with biblical sources (in particular the creation account in Genesis) in his second chapter subtitled “Creator, Creating, Creation, Creatures, and Us” and rabbinic sources (in particular *Bal Tashchit*) in his third chapter subtitled “Traditional Sources and Resources.”

Benstein is particularly aware of how this move to rabbinic sources changes the scope of the discussion. In the introduction to his chapter on rabbinic sources, after identifying the Bible as “the bulkhead” of the tradition he explains, “The creation stories

dealt with what it means to be human in general; here [in the chapter on rabbinic sources], the focus will be on specifically Jewish beliefs and practices in areas of environmental import.”⁹¹ In this framework, the biblical account is universal, while rabbinic texts are particularly Jewish. In certain ways, this distinction echoes an historically Christian understanding of these texts. As mentioned in chapter 1, this focus on “specifically Jewish beliefs and practices” points to his intended audience as Jews. It should be noted that to whatever extent these rabbinic texts are “Jewish,” and the audience is assumed to be “Jewish,” in general these rabbinic texts are not assumed to be familiar to Jewish readers. Rather, as I discussed in my introductory chapter, certain Jewish subjects are produced through exposure to these texts.

Benstein makes explicit that the study of these sources, in particular as they are linked to conceptions of nature, is a redemptive identitarian practice. To explain this Benstein engages in a counter reading of an aphorism from the *Ethics of Our Fathers* (*Pirkei Avot*). *Avot* 3:7 says, “One, who while walking along the way, reviewing his studies, breaks off from his study and says, ‘how beautiful is that tree, how beautiful is that plowed field!’ Scripture regards him as if he has forfeited his soul.” Although he notes that this text has been frequently understood to teach rejection of the natural world in the face of the supreme value of Torah study, he resuscitates this text for eco-Judaism by focusing on the phrase “breaks off from his study.” The crime, in Benstein’s reading, is not looking up at the tree, but in mistakenly thinking that the tree cannot also be a source of Torah study.

One who perpetuates this dichotomy... is in truth risking great spiritual and physical harm. But one engaged in study, and developing Jewish

⁹¹ Benstein, 71.

identity and commitments, and who... 'continues that study,' those Jewish values, and sees the beautiful tree and field, the world they represent in our relationship to it, as an extension, an expansion of that study, that person will have performed a great act of [repair].⁹²

There are two significant elements of this reading for our purposes. The first is his link between study, identity, and values. In light of contemporary Jewish fears of disappearance through acculturation, developing Jewish identity is itself an act commensurate with Torah study. The second, is that this creation of identity and commitments comes through linking classical texts to the concerns of the world. In Benstein's language properly linking these spheres results in repair of the world and repair of the self/soul. He explains that the message of his book, and I would add much of the Jewish environmental literature, is an attempt to bridge the gap between Torah/texts and nature/environmental concerns. That work, Benstein implies, can mend the fractured identities of those with both Jewish and environmental commitments, and make a positive contribution to an issue of universal scope.

It is striking that these texts tend to presume a Jewish audience, and even work to create Jewish subjects, but so often position themselves as responding to Christian or secular claims that the Old Testament sanctions environmental exploitation. In this way the turn to rabbinic texts is, in part, a Jewish apologetic (and the times subtly an anti-Christian, and not so subtly an anti-pagan, polemic). That is, even as it is ostensibly directed to Jews, and is about Jewish readings of Jewish texts, Jewish environmentalism is always an engagement with the other, or, more importantly, the other's universal ethical claims. I want to suggest that this apologetic framing is neither accidental nor paradoxical, but rather that the investment of these texts in producing a Jewish

⁹² *ibid.*, 76.

subjectivity hangs upon its distinction from Christianity and Christian subjects. This may be seen as a further tension in a project designed to articulate universal ethical norms through the framework of a particularist identity and tradition. This tension is not one that can be resolved by the Jewish environmental movement. It is inherent in the articulation of all universal ethics which, because there is nowhere else to stand, must always be articulated from within particular identities and traditions.

The turn to the rabbinic tradition is not only part of a defensive polemic, but is virtually required to construct an eco-Judaism, as all of contemporary Judaism is heir to the rabbinic tradition. Of course, like the biblical readings, significant work has to be done to render rabbinic legal categories as environmentalist. Moreover, the legal nature of core rabbinic works complicates their expression as environmentalist mandates. In this chapter I will explore how the reading of the laws of *Bal Tashchit* for environmental values works. I will present various strategies for environmental reading, and pursue some of the implications of this transition from law to values.

From Genesis to *Bal Tashchit*

One of the most striking things about the discourse around *Bal Tashchit* is its relative success. While environmental implications of Genesis need to be continually argued for, the environmental nature of the principal of *Bal Tashchit* is often taken for granted. This is most striking in Jeremy Cohen's work, because his principal contribution to the literature has been to argue that the Jewish and Christian histories of interpretation of Genesis 1:28 make no claims about environmental mandates, whether stewardship or dominion, but rather read that verse as expressing paradoxical status of humans as

embodying both animal and divine qualities. Though politically sympathetic to environmentalist readings of Genesis, he has written a whole book arguing that these readings are not tested in either Jewish or Christian traditions of interpretation. In light of this conclusion, he points to *Bal Tashchit* as an alternative grounds for a Jewish environmental ethic. Even though Genesis 1:28 has not historically been read as pertaining to environmental issues, Jeremy Cohen suggests that

A responsible Jewish approach to environmental problems cannot afford to deny or neglect its own lineage. Rather, it must commence from a focus through which one can best appreciate the halachic principle most pertinent to environmental preservation: *Bal Tashchit*. The rabbis set limits on human interference with the natural order not in their midrash on the Genesis cosmogony, but in their reflection on Deuteronomy 20:19–20.⁹³

Even after his critique of environmentalist readings of Genesis 1:28, Cohen cannot contain himself, and he makes some of the same claims of those he is arguing against. “Ultimately,” Cohen asserts, “the mandate of Genesis 1:28 and the restrictive principle of *Bal Tashchit* conveyed an identical message. Responsible interaction with the environment offers men and women the deepest personal and spiritual fulfillment, while environmental irresponsibility will lead to their physical and spiritual demise.”⁹⁴

Presentation of *Bal Tashchit*

The most simplistic presentations of *Bal Tashchit* in the Jewish environmentalist literature skip over much of the history of its development and the various possible readings of its foundational sources, in order to present an unambiguous Jewish

⁹³ Cohen, 77.

⁹⁴ *Ibid.*, 79.

opposition to environmental destruction. Other presentations spend significant time explicating that history and the divergent possible interpretations or readings in order to make a particular point about the nature of Jewish environmentalism, or the proper scope and approach for Jewish environmental thinking.

Eric Freudenstein's article in the *Shomrei Adamah* anthology published in 1970 is likely the first treatment of *Bal Tashchit* written from an explicitly ecological perspective.⁹⁵ In that article Freudenstein outlines a number of Jewish concepts that he thinks might promote environmentalism. His quick treatment of *Bal Tashchit* already assumes that a prohibition against wanton destruction, especially as it is rooted in a prohibition against destroying trees, might be relevant for Jewish environmentalism.

Jonathan Hefland's article "The Earth Is the Lord's: Judaism and Environmental Ethics," from Arthur Waskow's anthology *Torah of the Earth: Volume 1*, takes an anecdotal approach and describes *Bal Tashchit* and "endangered species" as operative principles for maintaining the plan and intent of creation. He summarizes *Bal Tashchit* as follows: "Man bears the responsibility for the destruction—complete or incomplete, direct or indirect of all objects that may be of potential benefit or use to mankind. As part of the divine plan of creation himself, man has the obligation to respect his inanimate and animate counterparts in the world." Hefland's description of *Bal Tashchit* does not address any of the diversity or controversy that Schwartz, Lamm, and others identify (see below). Rather he explains that the limited context of war in the biblical account was not "intended" to limit its applicability. "Not only trees," he explains, "but 'all things' are

⁹⁵ Freudenstein, Eric. "Ecology and the Jewish Tradition." *Judaism* 19 : 1970, 406-14. Republished in Swetlitz, Marc. *Judaism and Ecology: 1970-1986 : a Sourcebook of Readings*.

included by the Talmud under this rubric.” In a footnote to this sentence he cites Baba Kama 91b, a passage in the Talmud where a rabbi lifts his garment while walking through thistles to avoid destroying it, but also notes that “some commentaries, however, interpreted as meaning “all trees.”⁹⁶ This has the effect of broadening the scope of *Bal Tashchit* while maintaining the strong linkage to trees. He says of one legal position that it “sums up the consensus of Jewish legal opinion” by indicating that “the spoiler of all objects from which man may benefit violates [*Bal Tashchit*].⁹⁷” This has the effect of flattening the argument within the sources as to the scope of *Bal Tashchit*.

The purpose of these observations on Hefland’s presentation is to raise the question of his intended audience. For Hefland, the recuperation of a Jewish environmental ethic seems to demand the presentation of the concept in rather unambiguous terms, even as his footnotes and set of citations indicate that there is no one place in the classical literature that clearly exposit *Bal Tashchit* as the preservation of creation. In fact, as we will see below, *Bal Tashchit* is rarely connected to the idea of creation. I read Hefland’s weaving of this connection as indicative of two related dynamics at work. The first is a need or desire to present Judaism or the Jewish tradition as a clear and cogent system which will have a singular and coherent approach to some contemporary question. This is why it is helpful for him to connect *Bal Tashchit* to ideologies of creation. The second is that this cogent system will be expressible as a values proposition. As we will see below, both of these elements exist in modified form

⁹⁶ Hefland, Jonathan. “The Earth is the Lord’s: Judaism and Environmental Ethics.” in Waskow, Arthur Ocean. *Torah of the Earth: Exploring 4,000 Years of Ecology in Jewish Thought. Volume 1, Biblical Israel: One Land, One People ; Rabbinic Judaism: One People, Many Lands*. Woodstock, Vt: Jewish Lights Publ, 2000, 134, n. 17.

⁹⁷ *ibid.*, 133.

even in the work of those who present a more complicated picture of the history and resulting legal norms of *Bal Tashchit*. No matter the complexity that we will find, all of our authors ultimately want to use *Bal Tashchit* to put forward a Jewish environmental ethic.

The application of *Bal Tashchit* to environmental questions far transcends its original biblical expression. In the Jewish Publication Society translation, Deuteronomy 20:19-20 reads:

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 the trees of the field human to withdraw before you into the besieged city? Only trees that you know do not yield food may be destroyed; you may cut them down for constructing siege works against the city that is waging war on you, until it has been reduced.

As mentioned above, a reader of this verse unfamiliar with the rabbinic extension of *Bal Tashchit* would unlikely conclude that this verse contains a general mandate to avoid wanton destruction, though she might consider that fruit trees seem to be given a special status here. As Jeremy Benstein points out, even though *Bal Tashchit* is the “best know Jewish value concept and collection of halachot regarding environmental responsibility... for anyone familiar with this value from references in contemporary environmental literature, it may be surprising to discover [its] ... original context.”⁹⁸ This surprise is an admission of the way that much Jewish environmental writing on *Bal Tashchit* glides quickly from the biblical verses, through their rabbinic interpretation, to their modern exposition.

⁹⁸ Benstein, 93.

In his own presentation of *Bal Tashchit* Benstein is largely following the work of Elion Schwartz, who presents the most detailed and complex picture of *Bal Tashchit* in the Jewish environmental literature. Schwartz glides over the significant shifts from the Biblical to the modern by using the passive voice. He notes that, “*Bal Tashchit* is considered to have its roots as a Halacha of the Bible, but to largely consist of prohibitions developed by the rabbis.”⁹⁹ Yet, he specifically warns against the facile application of rabbinic categories to contemporary issues. Schwartz understands his own project to be presenting a “thick description” of *Bal Tashchit* that stays true to the rabbinic categories by privileging the texts. “Only by entering the classical world of Jewish texts,” he explains, “is it possible to transcend apologetics and get a glimpse of a traditional cultural perspective on its own terms. In the process, I provide a richer understanding of the content and the context of Jewish cultural views of the natural world.”¹⁰⁰ As I will show below, even the most complex historical presentations which seem to undermine the application of *Bal Tashchit* to environmentalism conclude with some statement about its applicability.

Rashi vs Ibn Ezra

Even outside of the halachic expansion of *Bal Tashchit*, there are disputes as to how to best understand the simple text of Deuteronomy 20:19 itself. As Schwartz and Benstein indicate, ambiguities in the syntax of the biblical text lead Rashi and Ibn Ezra — two of the most significant biblical commentators of the Middle Ages — to read it in

⁹⁹ Schwartz, 231.

¹⁰⁰ *ibid.*, 230.

two contrasting ways. These readings have implications for both the justification and scope of the prohibition not to destroy. Furthermore, discussions in the Talmud, and their reception by later commentators, also affect the possible applicability of *Bal Tashchit* to generalized destruction. As Schwartz indicates, there is no clear, consistent and systematic understanding of the verses in Deuteronomy, or of the general prohibition not to destroy. The rabbis “expand the text,” he notes, “in several, and often conflicting, directions.”¹⁰¹

What is significant for our purposes here is the way that Jewish environmentalist texts present the argument between Rashi and Ibn Ezra, articulating their positions to various aspects of environmental discourse, such as the proper perspective on humans relationship to the natural world (ecocentrism versus anthropocentrism) and the degree to which elements of nature have standing or “rights” in their own right. The key verse of contention is the explanation for the prohibition against cutting down fruit trees in times of war, which is translated above as “are the trees of the field human to withdraw before you into the besieged city?” The Jewish Publication Society’s rendering of this phrase as a rhetorical question follows Rashi. The word “city” in the phrase “into the besieged city” is not in the Hebrew text, but it comes from the rhetoric of Rashi’s explanation. He explains, “should the tree of the field be considered to be (like) a human being, able to run away from you into the besieged town...”¹⁰² The biblical Hebrew, which contains no punctuation, is as follows:

¹⁰¹ *ibid.*, 233.

¹⁰² Rashi commentary on Deuteronomy 20:19 in *Torat Chaim*, as translated in Schwartz, 232.

כי האדם עץ השדה, לבא מפניו במצור

The first word, *ki*, is an ambiguous Hebrew preposition that can mean “because,” can indicate an interrogative, or can indicate some other preposition or linking word. Schwartz and Benstein both contrast Rashi’s reading with Ibn Ezra’s interpretation on similar ground and to similar effect. Ibn Ezra, whose reading seems to be followed by the King James translation, read the explanation “for man is the tree of the field” in light of the distinction that follows between fruit bearing and non-fruit bearing trees. We should not cut down trees, Ibn Ezra explains, because “our lives as human beings depend on trees.”¹⁰³

As Schwartz tells us, other commentators read this verse differently. Rashbam (Samuel ben Meir, 1085–1144) “understands the word *ki* as ‘unless’,” leading him to read the verse as prohibiting the destruction of trees “unless the enemy is using the trees as camouflage.”¹⁰⁴ Ramban (Nachmanides, 1194–1270) argues, based on what Schwartz does not tell us, “that if chopping trees is necessitated by the conquest, then it is obviously permissible to remove any and all trees.”¹⁰⁵ Significantly, Schwartz does not pursue either of these possible readings. I would argue that this is because they do not open themselves up as easily to possible environmental readings, but stay focused on the immediate question of wartime conduct.

¹⁰³ Ibn Ezra commentary on Deuteronomy 20:19 in *Torat Chaim*, as translated in Schwartz, 233.

¹⁰⁴ Schwartz, 232.

¹⁰⁵ *ibid.*, 232.

Instead, Schwartz and Benstein read Rashi and Ibn Ezra against each other in order to generate various aspects of an environmental ethic. Schwartz explains that “Rashi in effect has argued for an environmental ethic that views (fruit) trees as having existence independent of human wants and needs.” His position “gives ethical consideration to the trees.” Benstein similarly suggests, “though perhaps we may not speak of absolute rights for trees, this understanding argues for their *intrinsic value*, which is in line with the approach today termed *biocentrism*.”¹⁰⁶ Schwartz extracts from Ibn Ezra the idea that, “human responsibility for the tree is based on human dependence upon the tree.... The proof text... shows us our link to the natural world and how our abuses of nature can result in abuse of ourselves.”¹⁰⁷ Benstein characterizes Ibn Ezra as anthropocentric explaining, “scorched Earth is immoral, for while you may need the wood of the fruit trees to secure immediate victory, you will need the fruit even more in the peaceful years to come.”¹⁰⁸ While Schwartz is content to let these two readings stand in opposition as he continues on to the halachic interpretations (which will be addressed below), Benstein works to synthesize them.

This is a common move in Benstein’s work, and in many Jewish environmentalist texts. Two Jewish positions are presented on a given issue, and both are held to provide something of value. In a slightly different vein (as will be explored below) two extreme positions are presented as outside of the Jewish texts, while Judaism is presented as a rational synthesis of these positions or an appropriately moderate response. In this case,

¹⁰⁶ Benstein, 96.

¹⁰⁷ Schwartz, 233.

¹⁰⁸ Benstein, 95.

first Benstein tries to address the question at the heart of Ibn Ezra’s reading, what might distinguish fruit trees from non-fruit trees, through Rashi’s framework. “Ideally,” he states, “we should live without harming nature at all, and even the non-fruit bearing trees shouldn’t be used for the sordid purpose of waging war. But when we translate that absolute norm into the life and death demands of the here and now, we are forced to revert to the anthropocentric distinctions based on human survival, though they fall short of the biocentric ideal.”¹⁰⁹ He also suggests that we need a pragmatic synthesis because human survival cannot occur “outside the boundaries of healthy and stable ecosystems.”¹¹⁰

Benstein explains, “the four words of the original encapsulate in their ambiguity the two main schools of thought on issues of preservation and development.”¹¹¹ We can see how Benstein yokes these divergent readings to the environmental debate, thus rendering Rashi and Ibn Ezra as having something to say about this debate. He does this by indicating a possible parallel between these readings and key ecological debates. Rashi is suddenly an eco-centrist who seems to provide trees with some kind of autonomous value, while Ibn Ezra is taken to present an anthropocentric perspective — the trees are to be preserved in relationship to human benefit. It is this move that renders this text about conduct in war one about environmentalism. Benstein’s ease in making this move rests on the prior association of *Bal Tashchit* with environmentalism. As far as I can tell, this linkage is made early based on the simple language of the concept.

¹⁰⁹ *ibid.*, 97.

¹¹⁰ *ibid.*, 97.

¹¹¹ *ibid.*, 97.

Already in 1970 Eric Freudenstein cites Samson Raphael Hirsch (a 19th-century neo-orthodox leader) who says about the concept of *Bal Tashchit* in general, “The purposeless destruction of anything at all is taken to be forbidden, so that our text becomes the most comprehensive warning to human beings not to misuse the position which God has given them as masters of the world and its matter by capricious, passionate or merely thoughtless wasteful destruction of anything on earth.”¹¹² Here, once again, we see the Hirsch text, which is not directly addressed to the problems of environmental destruction, is read that way when placed in the context of Freudenstein’s article. My guess is that that Freudenstein’s early adoption of *Bal Tashchit* is based on the simple language of the concept. We are opposed to environmental destruction, Judaism has a mandate not to destroy, thus Judaism is environmentalist. This is similar to the application of *tikkun olam* to repair of the world. Once that association is made, then rich and productive readings of the Jewish tradition are produced to flesh out how, in what way, and with what parameters, *Bal Tashchit* might apply.

Transvaluation

As we saw above, Hirsch understands the prohibition of *Bal Tashchit* to apply to purposeless destruction. In this he is following the mainstream of rabbinic thought, which generally allows for the destruction of an object when that destruction has some economic utility. To get from this legal concept that is predicated on the assessment of economic value, to a reading of it which transforms *Bal Tashchit* into a values statement about the integrity of the natural world and the need to balance and moderate human use

¹¹² Freudenstein, 406.

of it, our environmental authors will need to read the sources of *Bal Tashchit* for what they claim are the implicit values positions over and above the legal permission that may be granted by most *poskim* (halachic authorities). Jewish environmentalist invocations of *Bal Tashchit* are a kind of transvaluation of the rabbinic legal texts on *Bal Tashchit*. Through their reading and presentation of the rabbinic material Jewish environmentalists have transformed a legal principle based primarily on questions of property and economic value into a religio–moral principle that these environmentalists suggest might serve to limit environmental destruction.

This transvaluation changes both the scope and character of *Bal Tashchit* and the form of its applicability. To do this, the rabbinic sources must be presented in a way that enables them to be read for what are claimed to be underlying values. In the following section I will present this transvaluation of *Bal Tashchit* through an examination of how the rabbinic expansion of *Bal Tashchit* serves as a precedent for Jewish environmentalists, and through a discussion of how questions of property are transformed into questions of transcendent value. This transvaluation also provides an opportunity to investigate the relationship between law, values, and the production of social norms. In the closing section of this chapter I will use Robert Cover’s discussion of *nomos* and narrative to explore the implications of this shift from law to values, a shift that I contend is at the heart of many of the developments of modern Judaism.

Rabbinic Precedent

Though they never say so explicitly, I want to suggest that for our authors the rabbinic expansion of *Bal Tashchit* serves as a kind of template and justification for their

own expansion and reorientation of *Bal Tashchit* from a question of property to a question of environmental ethics. As Schwartz explains, “*Bal Tashchit* is considered to have its roots as a Halacha of the Bible, but to largely consist of prohibitions developed by the rabbis.”¹¹³ He notes that the rabbis expand the text in several, and often conflicting, directions.”¹¹⁴

Rabbinic literature from the Talmud through *responsa* expands the scope of the prohibition against destruction in Deuteronomy beyond the immediate context of the destruction of trees in wartime. For example, Lamm cites Maimonides, “and not only trees but whoever breaks vessels, tears clothing, wrecks that which is built up, stops fountains, or wastes food in a destructive manner transgresses the commandment of *Bal Tashchit*.”¹¹⁵

The Jewish environmentalist authors on *Bal Tashchit* generally shift that expanded focus from the destruction of objects (natural or man-made) to the destruction of nature as such. For example, Schwartz explains that, “Maimonides expands *Bal Tashchit* to include the destruction before its time of anything, natural or artificial. The world of creation includes the creation of the natural and the world that humans have created from God’s creation. There should be no needless destruction of any of the creation.”¹¹⁶ We see here that Schwartz’s explication of and extension of Maimonides depends upon the free substitution of ideas of creation of objects, creation of the world,

¹¹³ *ibid.*, 231.

¹¹⁴ *ibid.*, 233.

¹¹⁵ Maimonides Hilchot Melakhim 6:8-9. as cited in Schwartz, 112.

¹¹⁶ Schwartz, 237.

and the natural order. This is similar to what we saw above in the rhetoric of creation as applied to environmental readings of Genesis.

Similarly, Lamm explains that because the prohibition applies to all of Israel (the Jewish collective) and because there is no positive obligation to support every tree (water cannot be diverted from a tree, but an unwatered tree need not be irrigated) the laws of *Bal Tashchit* are intended to cultivate a particular virtue, not to protect the inherent “rights” of trees or other objects. “What we may derive from this,” he explains, “is that the prohibition is not essentially a financial law dealing with property, but a religious law which happens to deal with avoidance of vandalism against objects of economic worth. As such, *Bal Tashchit* is based on a religio-moral principle that is far broader than a prudential commercial rule *per se*, and its wider applications may well be said to include ecological considerations.” This distinction between laws dealing with property and religio-moral principles is itself notable, as it implies some deeper ethical or moral core that stands at the heart of legal prohibitions. This distinction is also significant because it allows for the establishment of *Bal Tashchit* as an environmental principal rather than a legal obligation. This highlighting of virtue is clear in Lamm’s citation of *Sefer ha-Chinuch*. “According to one medieval authority,” he explained, “the purpose of the commandment is to train man to love the good by abstaining from all destructiveness.”¹¹⁷ As I will argue below, however, this cultivation of virtue requires that the legal structures for the enforcement of *Bal Tashchit* be in place, which they no longer are (if they ever were).

¹¹⁷ Lamm, 110.

Property: Determining Need and Value

As presented by Jewish environmentalist authors, the thrust of the *responsa* literature on *Bal Tashchit* tends to focus on the question of the relative value of preserving or destroying the object in question. That value is almost always determined in reference to the monetary or economic value of the object. While the economic focus of *Bal Tashchit* adjudication is presented by those authors who provide a reasonably full explication of the concept, it is often presented in such a way as to enable the value hierarchy of contemporary environmentalism to be found somewhere within these economic assessments. What is at stake here is whether *Bal Tashchit* should be evaluated through economic calculation, or whether there is some transcendent value to trees/objects/nature that provides a significant counterbalance to the economic assessment. The major presentations of *Bal Tashchit* present the economic foundations of *Bal Tashchit* jurisprudence. They then go on to read that jurisprudence for ecological values. This move from economics to transcendent values occurs in a variety of ways.

To start with we can take Maimonides's summary of *Bal Tashchit* as follows, "Only when something is clearly a benefit and its destruction does not bring about demonstrably more benefit, is its destruction considered *Bal Tashchit*. Any time there is economic gain from its use, its destruction is justifiable."¹¹⁸ The Jewish environmental authors are clearly uncomfortable with this simple economic calculation in determining *Bal Tashchit*. Often, when presenting this material they will look for mitigating values or aggadic interpretations that blunt the seeming utilitarian economics of the traditional sources.

¹¹⁸ Schwartz, 239.

One Jewish environmentalist reading which shifts the focus of *Bal Tashchit* from an assessment of economic considerations in the course of jurisprudence to a generalized value statement about how Jews should be interacting with nature focuses on a story in the Talmud that seems to place great weight on the concept of *Bal Tashchit*. For example Schwartz notes,

The tree's worth, and in general the worth of nature, is ultimately evaluated in terms of its economic worth to humans. Notice that the destruction of the bird's nesting place is of no moral concern in the text. Yet, although the cutting down of the tree is permitted, it appears to be problematic. The death of Rabbi Hanina's son offers a disturbing addendum to an otherwise utilitarian interpretation.¹¹⁹

In this passage Schwartz is interpreting a section of Baba Batra 26a where two rabbis are debating whether date trees on one person's property that are housing birds who fly over the property line and damaged the vineyard of the adjacent property need to be cut down. One of the rabbis indicates that he refuses to cut down the trees because they are still producing a minimum amount and because Rabbi Hanina has said "my son Shikath only died because he cut down the date tree before its time." This Rabbi does however allow his interlocutor to cut the trees down himself. The story of Rabbi Hanina's son is used by both Schwartz and Benstein to expand the application of *Bal Tashchit* beyond economic calculation. As Schwartz puts it, "Death as divine punishment for cutting down the tree, even though it is permitted by halacha, certainly demands that we relate to *Bal Tashchit* as something far more substantial than simply respecting the economic value of fruit producing trees for human society."¹²⁰ Relating to another text that permits the cutting down of trees Benstein remarks, "but despite these legal

¹¹⁹ *ibid.*, 235.

¹²⁰ *ibid.*, 234.

leniencies (or maybe because of them) others reemphasize the spiritual principle: Rabbi Haninah states that his son Shibhat died only for having cut down a fig tree before its time.”¹²¹ In both cases, though they certainly recognize the economic basis of the various Talmudic rulings on *Bal Tashchit*, both Benstein and Schwartz choose to emphasize the aggadic narrative that emphasizes the severity of cutting down trees, even as the narrative does not stop rabbis in the Talmud from taking this very action.

Schwartz is also able to nudge the halacha of *Bal Tashchit* toward an environmentalist reading by highlighting certain features of the halachic discourse. In his review of *responsa* literature Schwartz presents what he identifies as minimalist and maximalist positions regarding *Bal Tashchit*. As he presents it, the minimalist position takes an anthropocentric view of *Bal Tashchit* and permits the destruction of objects if it is for human benefit. Interestingly, some who take this position concluded that the enjoyment of man must not be destroyed either. The maximalist position is more likely to prohibit the destruction of trees.

Schwartz summarizes as follows, “Although seemingly expanding *Bal Tashchit* to encompass human creation and not simply nature, [the minimalist position] in fact creates a clear hierarchy in which human utilitarian needs always override any inherent value of the created object. In contrast, the maximalist position does expand *Bal Tashchit* as a counterweight to human desires. Human needs define usage, although the definition of what constitutes human need is far from clear. Consumption should be limited to what is necessary, and the inherent value of the creation stands as a countermeasure to human

¹²¹ Benstein, 99.

usage.”¹²² This language about “the inherent value of creation” is an addition by Schwartz. His account of the maximalist positions does recognize that sometimes human needs or desires to destroy must give way to the integrity of the object. However, none of the responsa literature that he brings justifies *Bal Tashchit* in terms of the inherent value of God’s created world, “the natural world.” In fact, the extension of *Bal Tashchit* (by some) to human created objects seems to indicate that it is not the integrity of the natural world (unshaped by human hands) that serves as the basis for *Bal Tashchit*.

Even the maximalist position, however, does not give independent standing to the objects in question, as Rashi’s reading of Deuteronomy might suggest. Schwartz explains,

Although it is clear that even in those sources that have been attributed to a maximalist position there is a strong sense of hierarchy in which human needs override other considerations, nevertheless in the maximalist position there are other considerations that need to be weighed against the human. In all cases, human needs outweigh other considerations. However there is a debate that takes place as to what defines needs.¹²³

It seems that nothing in the history of *Bal Tashchit* jurisprudence will allow for the principal “do not destroy” to give trees and other natural objects standing in the way that an ecocentric environmental approach might advocate. This is particularly striking given Rashi’s near personification of trees in his interpretation of the Deuteronomy text. It seems that *Bal Tashchit* is most concerned with wanton, unpremeditated, and useless destruction of objects. Very little environmental degradation falls under this rubric. When a forest is being cleared, a mine dug, or a stream polluted, there is always a rationale for it. At least for those who are directly impacting the environment in this way, it is almost

¹²² Schwartz, 239.

¹²³ *ibid.*, 243.

always the promise of economic productivity that generates these environmental impacts. The cause of environmentalism demands that at least in some cases the integrity of nature or the impact on quality of life be taken to supersede the profit motive. Though the maximalist notion of *Bal Tashchit* can sometimes take into account the latter, it cannot account for the former.

And yet, the principal *Bal Tashchit*, the prohibition against wanton destruction, is consistently cited by Jewish environmentalists as the preeminent example from rabbinic literature and thought that might usefully promote an environmental ethic. Rather than rely upon the legal conclusions one might draw from *Bal Tashchit* (which would not limit environmental destruction in the course of business), Jewish environmentalists read out of the *Bal Tashchit* literature a transcendent value that they claim can be used to foster environmental consciousness.

Law and Narrative

As should be clear by now, Moshe Halbertal's contention (referenced in Chapter One) that modern Judaism has abandoned its classical textual centrality cannot mean that Jews have abandoned the process of making meaning through reference to the text. Though it may be carried out by a smaller subset of the community, and may be isolated to particular issues, the project of generating meaningful cultural categories in reference to classical texts has continued. Jewish environmentalists speak of preserving the integrity of creation in a way that melds contemporary conceptions of ecology with a variety of textual references regarding the process of creation and man's role in the created order. Likewise, a Jewish imperative not to destroy can be expanded to

encompass environmental devastation. This is not to say that there have not been significant changes in the role or authority of classical texts in modernity.

Perhaps the most significant shift is the relative diminution of the sense that Jewish legal categories can and should structure one's life choices. Even for those who conceive of themselves as bound by halacha, the laws in question usually pertain to kashrut, Shabbat and holidays, menstrual purity, and obligations to blessing and prayer. Some within the Orthodox wing of the environmental movement, like *Canfei Nesharim*,¹²⁴ may cite and use the language of halachic obligation in their educational materials, but even they have not succeeded in giving interpersonal ethical commitments the widespread normative power that the above-mentioned ritual ones have.

Jewish environmentalists are now promoting an applied Jewish ethic that is based in Jewish legal sources, but which does not enjoy communal consensus or functioning rabbinical courts for adjudication and enforcement. These authors generally conceive of all Jews, not just those publicly committed to halacha, as their constituents. Thus, even despite the diversity of Jewish positions on halacha in modernity, the Jewish environmental movement does not, and cannot, assume that Jewish legal texts necessarily have bearing on the thoughts and conduct of Jews. This is evidenced by the general lack of *psak* (halachic ruling) in the Jewish environmentalist literature. Though there is an anthology of essays on this topic, it tends toward considering the legal questions in the abstract, rather than ruling on particular cases.¹²⁵

¹²⁴ See <http://www.canfeinesharim.com>

¹²⁵ Jacob, Walter, and Moshe Zemer. *The Environment in Jewish Law: Essays and Responsa*. New York, NY : Berghahn Books, 2003.

Despite the series of classical *responsa* that Schwartz cites in his article, the decline of halachic observance and the general lack of attention to the laws of *Bal Tashchit* amongst those who are halachically inclined creates a problem for those who propose *Bal Tashchit* as a workable environmental ethic, rather than simply as an artifact of the Jewish tradition. In the section below I will use Robert Cover's work on the relationship between law, narrative, and norm to explore how and why contemporary advocates of *Bal Tashchit* have turned from a discourse of law to a discourse of values, and what implications that may have for the expression of *Bal Tashchit*, as conceived of by these environmentalists, in Jewish social norms and practice.

The ideological diversity of contemporary Judaism makes it difficult to establish a normative ecological interpretation of Jewish sources. As Hava Tirosh-Samuelson points out, "religiously committed Jews do not agree about the meaning of the foundational tenets of Judaism or the way of life that should flow from them. Whether one considers the sources of Judaism to be normative, compelling, suggestive, or troubling shapes how one treats what Judaism has to say about environmental matters."¹²⁶ This difficulty is particularly apparent when the goal is to establish a halachic framework that might put a Jewish environmental ethic into practice. The desire for this kind of framework, and some recognition of its impossibility, appear in the first anthology of Jewish environmentalist writings. That volume's editor, Mark Swetlitz, explains "all authors agree that halacha offers a practical foundation in the Jewish tradition from which to build a more ecologically sound way of life. What is lacking in the articles, however, is

¹²⁶ Tirosh-Samuelson, lvii.

any agreement about the principles underlying this halacha or whether such an agreement is a viable pursuit.”¹²⁷

Robert Cover’s thought is useful here because he addresses law as an abstract system, not necessarily tied to state apparatuses of legislation and adjudication. According to Cover every legal system produces a *nomos* through the combined work of law and narrative. A legal tradition, consisting of the “*corpus juris*” and language/mythos, acts as a “tension or bridge” linking reality to an imagined alternative. “A *nomos*, as a world of law, entails the application of human will to an extant state of affairs as well as toward our vision of alternative futures.”¹²⁸ It is a vision of the future, but as practicable law, it is also rooted in the present reality of practice and enforcement.

Cover is clear that the creation of this legal/narrative complex does not require a state. And yet, absent that state the processes of law creation and law maintenance that Cover identifies are significantly more diffuse. Through an inventive reading of Joseph Karo (a sixteenth-century Jewish legal codifier and mystic), Cover distinguishes between the strong *paedeic*/educational forces that create normative legal worlds and the weak imperial forces that maintain or enforce them. This identification of *paedeic* with strong forces may seem counterintuitive. After all, it is the court’s monopolistic authority to wield physical violence and deprive citizens of life and liberty that is the rawest expression of force in the maintenance of law. Cover, however, understands that the force generally needed to enforce law in this manner is relatively limited because of the self

¹²⁷ Swetlitz, 6.

¹²⁸ Cover, Robert. “The Supreme Court: 1982 Term, Forward: *Nomos* and Narrative.” *Harvard Law Review* (97) 4, 9.

policing that occurs once law has been embraced through the educative processes that establish functional law.

Cover explains that he chose the word *paedeic* “because the term suggests: 1) a common body of precepts and narrative, 2) a common and personal way of being educated into this corpus, and 3) a sense of direction or growth that is constituted as the individual and his community work out the implications of their law.”¹²⁹ We see here that the world creating forces operate at the personal and interpersonal level to shape meaningful narrative and conduct. On the other hand, world maintaining “imperial” norms “are universal and enforced by institutions. They need not be taught at all as long as they are effective” They are “premised on objectivity—upon that which is external to the discourse itself.”¹³⁰ Though we may be tempted to talk about this in terms of cultural norms and state laws, Cover rightly rejects the distinction by seeing the norm producing power of law as operative in both realms. Rather, Cover encourages us to see the *paedeic* and the *imperial*, education and enforcement, as central to all norm-producing processes. In particular, Cover notes that the *paedeic nomos* cannot stand. The primordial world creating consensus fractures and requires institutional enforcement. “It is the problem of the multiplicity of meaning—the fact that never only one but always many worlds are created by the two fertile forces of *jurisgenesis*—that leads at once to the *imperial* virtues and *imperial* mode of world maintenance.”¹³¹

¹²⁹ *ibid.*, 13.

¹³⁰ *ibid.*

¹³¹ *ibid.*, 16.

Narrative then, though central to the paedeic mode, links the paedeic and the imperial. The justifying origin-myth is in part what authorizes the use of force in the imperial mode. Cover also recognizes how this myth/narrative represents some kind of utopian ideal which may look toward the past or the future. Law then is the instantiation of this ideal in the present. This means that law can be aspirational, however, those aspirations must always be tied to the social reality through the imperial mode. For smaller sectarian communities, Cover focuses on the Mennonites and Amish; the reality and power of their *nomos* can at times parallel that of state power. Even, or especially, these sectarian communities require forms of violence to produce law. Cover addresses the role of coercion as follows: “in an imaginary world in which violence played no part in life, law would indeed grow exclusively from the hermeneutic impulse—the human need to create and interpret texts. Law would develop within small communities of mutually committed individuals who cared about the text, about what each made of the text, and about one another and the common life they shared.”¹³² In some ways, this ideal community describes very well *halacha* in the modern pluralist context. Cover’s example indicates even more clearly the need for force, because the investment in the text does not necessarily produce a common life. This is why state legal systems differ. “The jurisgenerative principle by which legal meaning proliferates in all communities never exists in isolation from violence. Interpretation always takes place in the shadow of coercion.”¹³³

¹³² *ibid.*, 40.

¹³³ *ibid.*

The challenge for Jewish environmentalists engaging with legal texts is clear. There are significant limits to their paedeic and imperial power. This is seen especially clearly when environmentalists engage with what are at root Jewish *legal* categories. The ability to read an environmental ethic into and out of the texts of *Bal Tashchit* does not on its own generate said ethic in practice. Compelling narratives alone do not produce a nomos, especially if those narratives support and are supported by the legal system. We might say that laws, whether implicit and socially enforced or statutory and state enforced, have normative power (can be self policing [that is require less violence], generate or articulate to a habitus, or are seen as unquestioned or second nature) when they are supported by a justifying narrative. The specific justifying narrative of any given statute is strongest when it is linked to an overarching narrative about self, group, and society. The narratives as foundational myths justify the system. The nomos then, the normative ethic, is a dialectical relationship between law and narrative. A nomos, normative ethic, an ethic in social practice needs to combine narrative and law. Law, in this case, seems to require both precept (whether statutory or implicit) and enforcement (through state violence and/or social sanction). The generation of a normative ethic through the transvaluation of *Bal Tashchit* from legal precept to an environmental value rests on the interplay between precept, enforcement, and narrative.

It is the very difficulty of establishing a normative legal system outside of state power that is one factor in transforming *Bal Tashchit* from a language of law to a language of values. I argue that what is actually happening is that the narrative framework of environmentalism is now providing some kind of support or bulwark, legitimacy or authority to these laws in a way that the classic Sinatic myth does not or

cannot for many contemporary Jews. Because, however, this environmentalist nomos is not within the legal system, it does not provide a narrative support for these laws as laws, but rather provides narrative support for these “laws” as values. If, as Cover argued, there is a relationship between narrative, norm, and law, then law resuscitated under a new narrative will not operate in the same way.

For those promoting an environmentalist *Bal Tashchit* there is little or no imperial power. There may be even less paedeic power because while there are certainly manifold possibilities for Jewish education, none of these folks are proposing a narrative that can legitimate a truly novel halacha. Within certain subcommunities there may be the possibility to pass judgment on those who don’t compost or recycle or who drive SUVs. This social sanction however is not sufficient to instantiate an overarching authoritative narrative. Even though one might think that it would be possible to have narrative without courts/police (which seems to be the current status of the Jewish textual tradition) as Cover makes clear, the paedeic forces need to be much stronger to establish a normative/legal system than the imperial ones required to maintain it.

So where does that leave *Bal Tashchit* as a values proposition and not a legal norm? Though an investigation of the social contexts where a Jewish environmentalism and an eco-Judaism are being produced is beyond the scope of this paper, through my limited exposure to those contexts I can safely say that *Bal Tashchit* is not being implemented as a legal norm. What is happening is the reinforcement of the consistent refrain found within the Jewish environmentalist literature, which suggests that not only does Judaism have something to say about environmental questions, but it can promote an environmental ethic. In the sources under investigation here, though care may be taken

to distinguish between classical rabbinic concepts and modern environmental ones, links are consistently made between those sources and contemporary environmentalism.

Reading *Bal Tashchit* as environmentalist is as anachronistic as reading Genesis as environmentalist. The categories being considered by the classical texts are not “nature” or “the environment.” Some authors, such as Schwartz, are aware of this and are careful to note the cultural distance between the rabbinic sources and the contemporary concerns. He recognizes very clearly that “there is no hint in the maximal position of the holistic environmental ethic.”¹³⁴ He explains that only with the science of ecology can contemporary environmental ethics be developed. He also remarks that, “there is no hint in the halachic tradition of *Bal Tashchit* of the romantic idea of reconnecting humans to their natural selves.”¹³⁵ Furthermore, Schwartz lists a variety of contemporary cultural assumptions that inhibit the translation of *Bal Tashchit* into contemporary categories. And yet, throughout his exposition Schwartz continuously refers to the transcendent value of nature as underlying certain positions on *Bal Tashchit*. Even more striking, although Schwartz’s article ends with an admonition against the quick application of Judaic concepts to the contemporary environmental crisis, his article is reprinted in, and consistently cited in, anthologies of Jewish environmental thought.

As I hope is clear, my goal is not to advocate for the abandonment of these readings, but to ask what happens to the texts, and our ideas of them—that is, what happens to Jewish tradition or Judaism—when they are read this way. What we are witnessing is a transformation of Judaism, possibly akin in kind, though likely not in

¹³⁴ Schwartz, 244.

¹³⁵ *Ibid.*

scope, to the transformation of ideas about service (*avodah*) in the wake of the destruction of the Temple and ideas about God with the innovations of Kabbalah. If we take these readings to be symptomatic of modernity as a whole, then the scope is certainly on par with the rise of rabbinic Judaism. This small example of *bal tashchit* provides just one glimpse into how contemporary Jewish textual readings refashion classical texts in relationship to contemporary categories and issues.

CHAPTER FOUR: CODA

In this work I have read the Jewish environmental discourse with an eye toward how canonical texts are deployed in the production of an ecological vision of Judaism. Although the scope of this paper does not allow for an analysis of the impact of this discourse, the growth of this interconnected literature seems to suggest that certain ideas and tropes (for example, “to till and to tend” or “*bal tashchit*”) have become integral to the eco-Judaism that is being produced. The defensive nature of much of the response to Lynn White seems to imply that Judaism itself is at stake for some of these authors. In light of my early hypothesis that part of the animating impulse behind Jewish environmentalism was an attempt to claim a legitimate space for Jews and Judaism on a contemporary universal issue, I was surprised by the relative lack of discussion of the global scope of environmental destruction, and thus of the need for Jews to be part of an international coalition to protect the environment. There is strikingly little multiculturalism in these texts. Rather, there is much greater concern with showing that Judaism can speak, or can be made to speak, to the concerns of contemporary Jews. Rather than bridging between two distinct communities of committed Jews and committed environmentalists, as Jeremy Benstein wants to do, the work of molding Jewish texts onto environmental questions works to integrate two commitments or concerns shared by the author. Despite the looming presence of Lynn White, this really is an insider conversation.

The authors represented in these anthologies argue amongst themselves about the propriety of certain readings or applications of the Jewish textual tradition. And yet, even those who are most critical of thin readings of the texts or of cherry-picking sources engage in a process of reconstructing those texts in this new context.¹³⁶ The thoroughgoing engagement with canonical texts in almost every article in these anthologies seems to indicate that at least on the printed page Judaism is still defined primarily through the interpretation of the extended Jewish canon. In print, Judaism is defined through text.

In pointing to the way that these authors generate environmental readings I do not want to be mistaken for undermining their claims. Not only is that outside of my mandate as a scholar, but I recognize that all religious innovation happens through the shifting of meaning. The correct question is not whether our authors' presentations of these texts are accurate, but whether they are convincing. For that we need to go into the field. My sense from limited fieldwork is that while specific arguments from these texts may not be explicitly quoted, the Jewish environmental sector is growing and creating a wide network of Jewish environmental activists.

The environmentalism promoted through this discourse is partially shaped by the parameters of the texts. For example, the parameters of *bal tashchit* stake out a position of opposition to totally wasteful destruction. Though environmental devastation may appear that way from an environmentalist perspective, most large-scale environmental impacts are the byproduct of corporations or large numbers of individuals pursuing

¹³⁶ There are those who oppose even this, see for example David Nir. "A Critical Examination of the Jewish Environmental Law of *Bal Tashchit* "Do Not Destroy.'" *Georgetown International Environmental Law Review*. 18 (335) Winter, 2006, but they are not included in these anthologies.

reasonable ends, whether the profit motive or simply the need to arrive quickly at one's destination. Much of this literature deals with the need to have limits on man's impact on nature, but does not quantify or specify what those limits should be. The principle of *bal tashchit* seems to be opposing itself to position of wanton and unchecked resource use and environmental impact, though few people actively argue for that. It seems that the literature has set up a straw man in the position of wanton destruction and thus has neglected to address the most significant practical issues.

Taking apart religious practice is not the same as creating or living it. Successfully making religious culture requires not being entirely or always self-conscious about how it was made. I initially entered academia because I was convinced that an understanding of how culture worked could empower the producers of that culture. I am not totally willing to give up on that idea, because my own sense that current cultural formations are only one example of what is possible comes out of my reading of culture and history and my investment in Jewish cultural forms. And yet, I know that for many what is possible becomes real by seeing it in action.

In that way, the insistent articulation of a Jewish environmental ethic over the past twenty to thirty years has created rich linkages between the ongoing conversation of Jewish texts and the basic categories and deep ethical concerns of contemporary Jews. The Judaism that emerges from this dialogue is not simply an application of goal text to new problems but is a fundamental retro fashioning of the textual tradition. What we are witnessing is a transformation of Judaism.

Will a Jewish environmental ethic be as one day taken for granted (at least in some settings) as the now pervasive "commitment to tikkun olam"? Like that discourse

the discussions of Jewish environmentalism are actually complex and nuanced, though certainly not dispassionate. As the Jewish environmentalist concepts spread, I venture that amongst the laity many will take for granted that Judaism reflects environmentalist positions.

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