

Levisson Institute

Eco-kashrut and Jewish Tradition
How the Food on our Table can Atoned for us

Clary Rooda
October 2013

Supervisors: Rabbi Yehoram Mazor and Dr. Bart Wallet

Contents

Contents	i
Introduction.....	iv
Acknowledgements	viii
Chapter 1: Bal Tashchit in Talmud and other Rabbinic Sources	1
1.1 Origin in Torah	1
1.2 Bal Tashchit in Talmud.....	1
1.2.1 BT Shabbat 67b	1
1.2.2 BT Shabbat 129a.....	2
1.2.3 BT Shabbat 140b	3
1.2.4 BT Kiddushin 32a	3
1.2.5 BT Chullin 7b	4
1.2.6 BT Baba Kama 91b.....	5
1.2.7 BT Baba Kama 91b (part two)	6
1.2.8 BT Baba Batra 24b.....	8
1.2.9 BT Baba Batra 26a.....	8
1.2.10 BT Berachot 55a	9
1.3 Rambam – Mishneh Torah and Sefer Hamitzvot	10
1.4 Shulchan Aruch	12
1.5 Sefer haChinuch	13
1.6 Summary	14
Chapter 2 Bal Tashchit and Eco-kashrut	16
2.1 Jews, Food and Holiness	16
2.1.1 Food and Holiness in Torah	16
2.1.2 Food and Holiness in Rabbinic Thought.....	17
2.1.3 Reform Jews and Kashrut.....	18

2.2 Bal Tashchit and Eco-kashrut in Jewish Renewal.....	20
2.2.1 Reb Zalman Schachter-Shalomi	21
2.2.2 Rabbi Arthur Waskow.....	24
2.3 Bal Tashchit and Eco-kashrut in Reform Judaism	27
2.3.1 ‘CCAR Journal’ and <i>The Sacred Table</i>	27
2.3.2 The Environment in Jewish Law	29
2.4 Bal tashchit and Eco-kashrut in the Conservative Movement	33
2.4.1 Lawrence Troster	33
2.4.2 Magen Tzedek, an Ethical Certification for Kosher Food	35
2.5 Summary	38
Chapter 3 Incorporating Eco-kashrut in our Daily Practice	40
3.1 Jews and Progressive Judaism in the Netherlands.....	40
3.2.1 Kashrut and Shechita in The Netherlands	40
3.2.2 Position of Progressive Jews in The Netherlands	41
3.2.3 Our Stand on Kashrut.....	42
3.3 Educated Choices.....	43
3.3.1 Importance of Education	43
3.3.2 Developing a Contemporary Reform Kashrut.....	44
3.4 Bal Tashchit in Talmud and Rabbinic Sources	46
3.5 Balancing Values and Setting Priorities.....	47
3.5.1 Options and Preferences	47
3.5.2 Examples of my Personal Practice.....	48
3.5.3 Our Influence as Consumers	49
3.6 Suggestions for an Eco-kosher Policy for the Progressive Movement in The Netherlands	51
Conclusions.....	53
Appendix 1: Organizations and websites for further reading	57

Appendix 2: Different labels in The Netherlands	59
Bibliography.....	61
Primary sources	61
Secondary sources	61

Introduction

The early Reformers of Judaism in 1885 abandoned kashrut because they considered it irrelevant and not spiritually uplifting. Over a hundred years later there is a process of return to the ritual aspects of Judaism and a revival of kashrut, though not necessarily the same kashrut that was rejected a century earlier. Kashrut is now considered a way to introduce spirituality in our daily existence, as a way to connect to the Source of all life and a way to contribute to tikkun olam.

Tikkun olam is an important feature of Reform Judaism as is clear from the central theme of the World Union of Progressive Judaism (WUPJ) Conference in Jerusalem in 2013. In the announcement it said: “The concept of Tikkun Olam, Repairing the World, is a core concept of Progressive Judaism, reflecting the responsibility of each and every member for social action and social justice.”¹ When we incorporate ethical principles in our eating practice, it turns into a means to contribute to tikkun olam. This practice is often called eco- or ethical kashrut in order to distinguish it from traditional kashrut, although ethical and ecological principles, like tza’ar ba’alei chayim (suffering of living beings), are considered part of regular kashrut as well, but not always recognized as such. When talking about regular or traditional kashrut I mean the generally accepted understanding of our dietary laws: not to eat pork and seafood, not to eat dairy and meat in the same meal and only to eat meat that is slaughtered according to the rules of shechita, although there are different opinions about the details of this practice among the different groups within Judaism. What is understood by eco-kashrut is point of discussion as we will see in this thesis.

In 2011 there was, like every couple of years, a discussion in Dutch politics and society about shechita and ‘dhabiha’ (Islamic ritual slaughter). Speaking on behalf of the Jewish community the debate was dominated by Orthodox rabbis who only spoke about the way animals are slaughtered. We, as Progressive rabbis, declared that also the way animals are raised, fed and treated should be taken into consideration. The Dutch Progressive Jewish Almanac, which is distributed among all members of Progressive congregations in the Netherlands, incorporates since 2011 a statement of preference for eco-kashrut by the Board of Rabbis, which includes welfare, labor conditions and environmental impact. But this statement is hardly reflected in our congregations’ practices. So when I started thinking about the subject for my thesis, my attention was drawn to this subject.

Thinking about environmental issues started in the 1960s. In 1967 the historian Lynn Townsend White Jr. wrote a critical article in *Science* in which he argued that the Jewish-Christian attitude towards the earth had contributed to the problems with pollution. The biblical view was that we could use the earth to satisfy our needs and that it did not have any intrinsic value. White’s article begged for a response and many spiritual leaders started to re-examine their own religious attitudes toward the environment. Nowadays we see, for example, a transformation in the celebration Tu Bishvat, the New Year of the Trees, in that it

¹ See: <http://wupj.org/News/NewsItem.asp?ContentID=666> (consulted on 05/28/2013)

is often linked to ecological issues. The new siddur of the Progressive Movement in The Netherlands provides an alternative, ecological interpretation of the second paragraph of the Shema.² Starting from White's critical article on the lack of Jewish (and Christian) awareness of ecology, today the subject of eco-kashrut is increasingly debated in books, on web sites and in organizations. Even though the discussion about ecology started through external pressure, changes in our tradition will have to be justified by internal, Jewish principles, because these carry more weight than external ones.

In one of our philosophy classes we discussed the ideas of Hans Jonas. He argues that with our increasing technical development, our responsibility for taking care of the environment and scarce resources also increases and that human survival depends on our efforts to care for our planet and its future. According to Jonas the essence of the Eternal One is reflected in our behavior, so we must be aware of the impact of our behavior, both on a practical and on an ethical level.³ In this class we also discussed the Jewish principle of *bal tashchit* (do not destroy), one of the subjects we had not studied in our Talmud classes. I decided that I wanted to know more about it and one day delve into that subject. Writing this thesis was the opportunity I sought.

I did not want to write a purely academic thesis; Judaism deals with our daily life and our behavior, so I wanted to make it relevant and link it to current discussions. That is why I chose the subject of eco-kashrut. The central question of this thesis is: how is the principle of *bal tashchit* used in contemporary discussions about eco-kashrut. I chose to focus on *bal tashchit* because it is broader than *tzaar ba'alei chayim* and *oshek* (not oppressing workers) and has broader implications for our behavior with regard to ecology and the way we deal with our environment, resources and waste. This doesn't mean that the others are less important; they play an equal part in the discussion, but for the sake of this thesis I had to limit myself to a subject that was appropriate for this purpose. And as Mary Zamore puts it in her introduction to the section 'Environmental Ethics' in *The Sacred Table*: "Renewed concern for our environment and our health has brought *bal tashchit* (do not wantonly destroy) issues to the forefront of kashrut."⁴

In order to get a good understanding of the discussion about *bal tashchit* and eco-kashrut, I will look at the question of how the principle of *bal tashchit* is understood by the rabbis in the first chapter. I will discuss rabbinic sources that are often used in the conversation, such as Talmudic texts and important sources like Rambam and *Sefer haChinuch*. In the second chapter I will examine and analyze how the rabbinic concepts of *bal tashchit* are used in contemporary Renewal, Reform and Conservative discussions of eco-kashrut. Because of the limited scope of this thesis I have to leave aside the discussion in the Orthodox world. It would be of great interest to see if and how they are willing to incorporate ethical values into

² LIG siddur *Tov Lehodot* (Verbond van Liberaal-Religieuze Joden in Nederland, Amsterdam, 5760-2000) p. 67, p. 215 and p. 273

³ See his book *The Imperative of Responsibility* that deals with social and ethical problems created by technology.

⁴ Introduction to 'Part three, Environmental Ethics: Bal Tashchit' in *The Sacred Table* edited by Mary L. Zamore (CCAR Press, New York, 2011) p.162

their kashrut practice, but in this respect the development of the Magen Tzedek in the Conservative Movement is already of great importance. In the third and last chapter I will give some guidelines and options for congregations and individual members to develop and incorporate eco-kashrut into their daily practice.

As Progressive Jews we have a different attitude towards kashrut than Orthodox Jews: some of us keep kosher, others refuse to keep kosher or keep ‘kosher style’. As rabbis we can give guidelines and establish a policy within our communities, but within the Progressive movement the principle of individual freedom is based on what we call ‘educated choice’. This means we have to educate ourselves and become knowledgeable in order to be able to make well-founded choices. In my discussions about the subject of my thesis with others and during a study-session I conducted this year for the Liberal Jewish Congregation (LJG) of Amsterdam’s Tikkun Leil Shavuot, I noticed that many people within our congregations wrestle with these issues as well and would like to incorporate new ethical values into their own eating practices.

But the question is whether they are really ‘new’. Many years ago, our food was more natural than industrial, and most of our food was grown locally. People would eat what the season offered and butchers would buy their meat from local farmers, knowing how the cattle was raised, treated and fed. We did not wrap every single vegetable in plastic, nor import massive amounts of food from other continents. We didn’t have that much ‘stuff’, so we would use whatever was available and not necessarily waste scarce resources. Kevin Kleinman describes this change in our eating habits: “Beginning with the Industrial Revolution, our society has been able to produce and distribute more food and goods at a lower cost than ever before. We have been trained to eat things and buy things without thinking about resources needed to produce and ship them all over the world, without thought of the human labor required to grow and harvest food and assemble products.”⁵ Nowadays we have lost our connection to the earth and the land that brings forth the food we eat. Eco-kashrut and not wantonly wasting our natural resources is a way to reconnect with the earth and influence the impact our behavior has on the environment. Looking back at the way it was, one could say that eco-kashrut is not a new invention but more like a return to the way eating practices used to be.

During the writing of this thesis, I was more than usually aware how much I throw away every day and how difficult it is, as written in *Sefer haChinuch*, not to spill even a mustard seed. That standard is too elevated for most of us, but this should not stop us from taking a first step and accept responsibility for the impact that our actions have today. Rabbi Sally J. Priesand, the first woman to be ordained as rabbi in the United States in 1972, said in an interview at her retirement: “Moses didn't get to go to the Promised Land, and it reminded me nobody ever gets to go to the Promised Land. You never accomplish everything that you want to accomplish. You do as much as you can to move things forward, and your consolation is

⁵ Kevin M. Kleinman ‘Curb your Consumerism: Developing a Bal Tashchit Food Ethic for Today’ in *The Sacred Table*, edited by Mary L. Zamore (CCAR Press, New York, 2011) p. 164

knowing there's a Joshua to follow.”⁶ Or as Rabbi Tarfon said in Mishna Avot: “It is not for you to complete the work, but neither are you free to desist from it.”⁷

May this thesis contribute to discussions about eco-kashrut in our congregations, to more knowledge among our members and to the introduction of it into in our practice.

⁶ New York Times, May 20, 2006

⁷ Mishnah, Avot 2:16

Acknowledgements

Exactly ten years ago I quit my job as a student-counselor for student refugees in higher education programs in order to seriously pursue a career as a rabbi. This career change became possible when Paideia, the European Institute for Jewish Studies in Stockholm which was brought to my attention by Rabbi Edward van Voolen, accepted me as their student.

During the ten years of study that followed there were many people who inspired me, encouraged me and supported me in very different ways: by their teaching, by their faith in me and by helping me in practical ways. It is not possible to thank them all, but I would like to mention a few who became dear to me and of great importance in this journey.

I would like to thank Barbara Spectre, founder of Paideia. It was through her vision and persistence that this non-denominational academic institute which enables so many students to contribute to the revival of Jewish culture and a pluralistic Judaism in Europe came into being. Being accepted at Paideia made it possible for me to make this pivotal change in my life. Thank you Barbara for your faith in me and my abilities and your encouragement to continue with my studies.

Zvi Zohar was one of the Hartman Institute fellows teaching at Paideia. His classes gave me a taste of Talmud and rabbinic thought. Over the years we kept in touch and we met in Jerusalem and Amsterdam. Zvi kept me updated about his research projects and publications and we discussed the subject of my thesis standing in the kitchen with his wife Avigail. Thank you Zvi and Avigail for the inspiring conversations and your encouragement over the years. At Paideia, scholar in residence Michael Swirsky made rabbinic texts accessible to us and led us through Jewish thought and history. I would like to thank him for sharing his knowledge, his good company, the wonderful tours he gave in Jerusalem and the shabbat meals he provided. Thank you Mike for sharing your knowledge, your singing and sense of humor, for bringing me in contact with so many wonderful people and introducing me to the Conservative Yeshiva in Jerusalem.

After Paideia I continued my studies at this Conservative Yeshiva in Jerusalem, a wonderful place to study, where Jewish texts are approached in both traditional and academic ways. The daily services taught me so much about prayer, holidays and halachah. Thank you Reb Shmuel Lewis, Rosh Yeshiva, and all of the faculty for giving me the opportunity to study with you. You taught us by means of the texts we studied, but also by the living examples you were of a meaningful and contemporary Jewish life in which both men and women participate fully.

After two years in Jerusalem I returned to Amsterdam and continued my studies at the Levisson Institute. I would like to thank all my teachers for the knowledge, enrichment and encouragement you gave me in all those years. It is because you that I was able to complete my studies. I owe special thanks to David Lilienthal, my rabbi and my teacher. From the moment we met, about seventeen years ago, he encouraged me to learn and deepen my knowledge, he was the first one to ask me to give a derasha and pushed me to attend a teaching course. In many personal conversations his advice and wise remarks supported and uplifted me. And in his wisdom he founded the Levisson Institute in order to train rabbis,

chazzanim, teachers and knowledgeable leadership for the Dutch Progressive Movement. Thank you, David, for your support in all those years, for your patience, for giving me space to make mistakes along the way, correcting me whenever I took a wrong turn and sharing your knowledge and experience of being a rabbi for 32 years with us.

In the process of writing this thesis several people were of great help and inspiration. First of all my supervisors Yehoram Mazor and Bart Wallet. Thank you, Rabbi Mazor for your positive feedback on my selection of materials and my text analyses. And thank you, Bart for the wonderful hours we spend discussing my drafts. Your critical questions and justified remarks challenged my thinking and enabled me to write a better thesis than I had ever expected.

Last but not least I would like to thank Manja Ressler for her tremendous help and support. With her I studied with great pleasure the Talmud texts in this thesis and discussed the first drafts. Her knowledge and critical analysis sharpened my thinking and improved this thesis a great deal. Not only did she improve the content of this thesis, but she also edited the English. Thank you Manja for being a true friend and great study companion.

And thank you Rabbi Debbie Young-Somers from whom I learned the following berachah: “Blessed are You Eternal, who creates each of us whole, and none of us perfect.” It has been a great comfort in hard times.

Blessed are You, Eternal One, Source of Life, Sovereign of all worlds, who has granted us life, sustained us and enabled us to reach this occasion

Chapter 1: Bal Tashchit in Talmud and other Rabbinic Sources

In this chapter I will look at the way the rabbis dealt with the issue of bal tashchit and how they developed it from one verse in Torah into a general principle with prohibitions and exceptions. First I will quote the text from Torah on which bal tashchit is based and then turn to the main passages in Talmud that deal with bal tashchit and that explicitly mention bal tashchit in their arguments. After that I will give some Talmudic texts in which it is allowed to cut down a tree without explicitly mentioning bal tashchit. Then I will turn to later rabbinic sources like Rambam and *Sefer haChinuch*, because they are often quoted in teshuvot and contemporary discussions about bal tashchit. At the end of this chapter I will summarize and analyze the material and propose a general guideline of bal tashchit as the rabbis understood it.

1.1 Origin in Torah

The principle of bal tashchit is rooted in the biblical verse Devarim 20: 19-20 which forbids to cut down fruit trees in times of war:

יט כִּי-תִצּוּר אֶל-עִיר יָמִים רַבִּים לְהִלָּחֵם עָלֶיהָ לְתַפְשָׁהּ, לֹא-תִשְׁחִית אֶת-עֵצֶיהָ לְנֹדַח עָלֶיהָ גְרוֹן כִּי מִמֶּנּוּ תֹאכַל, וְאַתָּה לֹא תִכְרֹת: כִּי הָאָדָם עֵץ הַשָּׂדֶה, לִבְנֵי מִצְרָיִם בְּמִצְרָיִם. כִּי רַק עֵץ אֲשֶׁר-תִּדְעֶה, כִּי-לֹא-עֵץ מִאֲכָל הוּא אֶתוֹ תִשְׁחִית, וְכָרְתָּ; וּבְנִיתָ מְצוּר, עַל-הָעִיר אֲשֶׁר-הוּא עֹשֶׂה עִמָּךְ מִלְחָמָה עַד רְדֹתָּהּ.

(19) “When in your war against a city you have to besiege it a long time in order to capture it, you must not destroy its trees, wielding the ax against them. You may eat of them, but you must not cut them down. Are trees of the field human to withdraw before you into the besieged city? (20) Only trees that you know do not yield food may be destroyed; you may cut them down for constructing siegeworks against the city that is waging war on you, until it has been reduced.”⁸

The biblical commandment “lo tashchit” (do not destroy) changed into “bal tashchit”⁹ in rabbinic Hebrew and is derived from these two p’sukim in Torah: pasuk 19 deals with the prohibition to cut down a tree, pasuk 20 gives the exceptions to this rule. So in the limited sense, forbidding to cut fruit trees in war time, it is a Biblical prohibition. The concept is further developed in Talmud and later rabbinic sources. The rabbis broadened the ban on cutting down fruit trees during a time of war to apply at all times and also to the destruction of any useful article.

1.2 Bal Tashchit in Talmud

1.2.1 BT Shabbat 67b

⁸ All translations from Tanach are from: *The Torah, a Modern Commentary*. Revisited Edition. General Editor W. Gunter Plaut. URJ Press, New York, 2005, 2006.

⁹ The word ‘bal’ itself is biblical Hebrew and used in Tanach as well, mainly in Tehilim. According to *Dictionary of the Tamud* by M. Jastrow it means “not in the sense of a prohibitive law.”

As we will see, discussions in the Talmud about bal tashchit deal with very different subjects. The text in Shabbat 67b deals with unnecessary waste of fuel. The text discusses which practices are allowed or prohibited with regard to following the 'ways of the Emorites'. Then, in a discussion about what one is allowed to put in a lamp to make it burn brighter or dimmer, the text continues as follows:

אמר רב זוטרא האי מאן דמיכסי שרגא דמשחא ומגלי נפטא קעבר משום בל תשחית

“Rav Zutra said: A person who covers an oil lamp or uncovers a naphta lamp has transgressed not to destroy (bal tashchit).”¹⁰

In order to understand what Rav Zutra is referring to, Rashi explains that an oil lamp burns more quickly when it is covered, so it uses more oil than necessary. With naphta it is the other way around: naphta is highly flammable, so when the cover is removed it burns all the fuel (and not only the wick), so the fuel is wasted. Both are instances of unnecessary waste of fuel and are considered a transgression of the commandment of bal tashchit by Rav Zutra.

1.2.2 BT Shabbat 129a

In this section another kind of 'fuel' is discussed, in the context of the question whether or not it is allowed to destroy furniture in order to use it as firewood. The text discusses situations in which it is allowed to make fire on shabbat, for example when a woman has given birth or after a bloodletting. Then the text talks about several similar cases where rabbis are involved:

שמואל צלחו ליה תכתקא דשאגא רב יהודה צלחו ליה פתורא דיונה לרבה צלחו ליה שרשיפא וא"ל אביי לרבה והא קעבר מר משום בל תשחית א"ל בל תשחית דגופאי עדיף לי

“Shmuel (let blood and) they chopped up for him a chair of shaga-wood. Rav Yehuda (let blood), they chopped up for him a table of yavnah-wood. For Rabbah (after he had let blood), they chopped up a footstool - whereupon Abaye said to Rabbah: ‘But master, this is transgressing the prohibition of “do not destroy”(bal tashchit)!’ (Rabbah) answered him: “Do not destroy (bal tashchit) with respect to my body is more important for me.””

The context of this passage is in which cases one is allowed to desecrate shabbat in order to save a life (pikuach nefesh), although that expression is not explicitly mentioned here. According to Keith Wolff: “Blood-letting (...) was known to temporarily weaken the patient without directly endangering his life. Nevertheless, since the weakened patient has an increased risk of illness, the health of his body takes precedence over the conservation of even very expensive material possessions such as those listed above.”¹¹ From this Talmud passage it is not clear if it is allowed to transgress bal tashchit only in situations in which rabbis are

¹⁰ All translations of the Talmud are from: *Talmud Bavli, The Artscroll series, The Schottenstein Edition* (Mesorah Publications, New York, 2005)

¹¹ K.A. Wolff *Bal Tashchit, The Jewish prohibition against needless destruction* (Leiden, Brill, 2009) p. 32

involved in order to save their bodies, or that it is also the case for ordinary people.

Pikuach nefesh always takes preference and allows us to break the laws of shabbat. But if it is allowed to transgress the laws of shabbat, why didn't they go out to collect regular wood to burn? In all of the cases described above it is not ordinary wood they are using, but rather a piece of wooden furniture, a useful object. Perhaps gathering wood would have taken too long? In neither case do the rabbis object to it. Only Abaye raises the matter of bal tashchit, but Rabbah answers that taking care of his body is more important. So, according to Rabbah, pikuach nefesh allows us to break to rule of bal tashchit as well as the laws of shabbat.

In discussing this passage with Bart Wallet, he made the following remark: could it be that, since the Torah compares the tree of the field to a man, the Talmud here makes, kal vachomer, the move from trees to the human body? A very interesting thought. Unfortunately researching it falls outside the scope of this thesis.

1.2.3 BT Shabbat 140b

After discussing fuel used for light or heating, the next section talks about 'fuel' for one's body: food and drink. The passage first discusses several pieces of advice concerning (lack of) food for poor Torah scholars. Then the text turns in a different direction:

ואמר רב חסדא האי מאן דאפשר ליה למיכל נהמא דשערי ואכל דחיטי קעבר משום בל תשחית
ואמר רב פפא האי מאן דאפשר למישתי שיכרא ושתי חמרא עובר משום בל תשחית ולא מילתא
היא בל תשחית דגופא עדיף

“And Rav Chisda said: ‘Any person who is able to eat barley bread and instead eats (bread made) of wheat transgresses the sin of “You shall not destroy” (bal tashchit).’ And Rav Pappa said: ‘Any person who is able to drink beer and instead drinks wine transgresses the sin of “You shall not destroy”(bal tashchit).’ But there is actually no problem. ‘You shall not destroy’(bal tashchit) with regard to one's body is (a) greater (consideration).”¹²

It is interesting that the text does not speak about the poor as in the advice that precedes this passage, but explicitly refers to 'any person'. It seems that Rav Chisda and Rav Pappa insist on moderation: do not indulge in expensive food and beverages, for that is considered a waste of food and a transgression of the prohibition of bal tashchit. But as the Gemara concludes, referring to the discussion in BT Shabbat 129a, if one's life is at stake, it is allowed to transgress the prohibition of bal tashchit and eat more expensive foods if they are better for one's body.

1.2.4 BT Kiddushin 32a

¹² Some versions of the Talmud do not include this conclusion, leaving Rav Chisda's and Rav Pappa's teachings standing.

The next text turns the focus to a different kind of destruction that is forbidden: the unnecessary tearing of clothing. Context of the discussion is the extent to which a son is obligated to honor his father and mother and then the following example is given:

דרב הונא קרע שיראי באנפי רבה בריה אמר איזול איחזי אי רתח אי לא רתח ודלמא רתח וקעבר אלפני עור לא תתן מכשול דמחיל ליה ליקריה והא קעבר משום בל תשחית דעבד ליה בפומבייני ודילמא משום הכי לא רתח דעבד ליה בשעת ריתחיה

“For Rav Huna tore silks (garment) in the presence of Rabbah his son, saying: ‘Let me see if he gets angry (or) if he does not get angry.’ But perhaps (Rabbah) would have gotten angry, and (his father Rav Huna) would have violated the (Biblical prohibition) “Before a blind man you shall not place a stumbling block”?¹³ (Rav Huna) waived the honor (due him). But (Rav Huna) violated (the commandment) not to destroy (bal tashchit)? He did it along the seams. But perhaps that was the reason (Rabbah) did not get angry? He did it at a time of (Rabbah’s) anger.”

I find this a rather difficult and puzzling text. At first I read it as a limitation of bal tashchit: that if you tear something unnecessary along the seams it is not considered a violation of the commandment, because the garment can be repaired. Later I found out that that is also what Rashi is saying. According to Rashi tearing the garment on the seams is not considered a violation of bal tashchit, because the garment is repairable so there is no loss of monetary value. That is perhaps the reason that Rabbah did not get angry. But then the Gemara continues by saying that Rav Huna did it at a time of Rabbah’s anger, and this might indicate that either Rabbah respected his father too much to get angry, or that he knew his father did not transgress because he tore the garment along the seams.

1.2.5 BT Chullin 7b

The Talmud not only discusses waste of fuel, cloth and other inanimate objects, but includes also the unnecessary killing of animals in the discussions about bal tashchit, as the following text shows. The Gemara tells a story about Rabbi Pinchas ben Yair who came to Rabbi to dine with him. In front of the entrance stood the white mules of Rabbi (which apparently bring bad luck or can be dangerous), so what follows is a discussion between Rabbi and Rabbi Pinchas ben Yair what to do with them in order to make it possible for Rabbi Pinchas ben Yair to enter:

כי אתא איתרמי על בההוא פיתחא דהו קיימין ביה כודנייתא חוורתא אמר מלאך המות בביתו של זה ואני אסעוד אצלו שמע רבי נפק לאפיה אמר ליה מזבנינא להו אמר ליה ולפני עור לא תתן מכשול מפקרנא להו מפשת היזקא עקרנא להו איכא צער בעלי חיים קטילנא להו איכא בל תשחית

“When (Rabbi Pinchas ben Yair) came, it so happened (that) he entered (Rabbi’s home) through the entrance where white mules were standing. He said: ‘The angel of death is in this one’s house, and I will dine with him!?’ Rabbi heard (and) went out

¹³ Vayikra 19:14. According to the footnote in the Talmud edition that I used, this is interpreted to prohibit any act that could cause another person to violate the law.

towards him. He said to (Rabbi Pinchas ben Yair): ‘I will sell (the mules).’ (Rabbi Pinchas ben Yair) replied: ‘Before a blind man you shall not place a stumbling block.’¹⁴ (Rabbi said:) ‘I will abandon them.’ (Rabbi Pinchas ben Yair) replied: ‘You will increase the harm.’ (Rabbi said:) ‘I will cut their hooves.’ (Rabbi Pinchas ben Yair) replied: ‘There is suffering of living creatures (tza’ar ba’alei chayim).’ (Rabbi said:) ‘I will kill them.’ (Rabbi Pinchas ben Yair) replied: ‘There is (a prohibition) not to destroy wantonly (bal tashchit).’”

Apparently Rabbi tries to do everything to make Rabbi Pinchas ben Yair enter his house, but each of his suggestions to get rid of the white mules is rejected by Rabbi Pinchas ben Yair. The principle of tza’ar ba’alei chayim is mentioned, not to cause unnecessary suffering to animals. In this case, according to Rabbi Pinchas ben Yair, killing the animals in order to enable him to enter, is considered unnecessary and thus a violation of bal tashchit. Rabbi Pinchas ben Yair will not commit a transgression (or allow someone else to transgress) in order for him to be able to accept a dinner invitation.

1.2.6 BT Baba Kama 91b

In the text in Shabbat 129a we have seen that saving one’s body takes preference over bal tashchit, but in the following text there is a discussion about what is worse: hurting one’s body or rending one’s clothes. The passage discusses if it is allowed to inflict a wound upon oneself and then quotes a B’raita:

אמר רבי אלעזר שמעתי שהמקרע על המת יותר מדאי לוקה משום בל תשחית וכ”ש גופו ודלמא בגדים שאני דפסידא דלא הדר הוא כי הא דרבי יוחנן קרי למאני מכבדותא ורב חסדא כד הוה מסגי ביני היזמי והגא מדלי להו למאניה אמר זה מעלה ארוכה וזה אינו מעלה ארוכה

“Rabbi Elazar said: ‘I have heard that one who rends (his clothes) for the dead more than (what is) necessary (according to the law) is flogged for (violation of the prohibition) “you shall not destroy” (bal tashchit), then all the more so (for injuring) his body.’ Perhaps clothes are different because it is an irreversible loss. Like the practice of Rabbi Yochanan, who used to refer to his clothes as ‘those (things) that honor me.’ And Rav Chisda, when he would walk among thorns and thistles, would lift his clothing. He said: ‘This (my leg) heals, while this (my garment) does not heal.’”

First of all we learn from this B’raita that one should not tear one’s clothes (k’riya) more than the law prescribes when mourning the dead. Making the k’riya too big is considered a violation of the prohibition of bal tashchit. Furthermore, Rabbi Elazar says that if one should not violate the law of bal tashchit concerning one’s clothes, how much more so concerning one’s body; one’s body is more important than one’s clothes. But both Rabbi Yochanan and Rav Chisda hold, for different reasons, the opposite opinion: one’s body can heal, but clothes are an irreversible loss.

¹⁴ Vayikra 19: 14. Meaning: just as it is forbidden to own (dangerous) white mules, it is forbidden to sell them to someone else, who would transgress the prohibition by owning them.

Most relevant for our topic of discussion is Rabbi Elazar's remark: if bal tashchit is applicable to the rending of clothes, the more so it applies to harming one's body. Compare his remark with BT Shabbat 129a, where Rabbah states that his body is more important than bal tashchit (referring to the destruction of furniture). The result is the same, namely that they both hold that taking care of one's body always prevails, but the reasoning is quite different in both passages. For Rabbi Elazar bal tashchit prevents him from harming his body; Rabbah does allow to transgress the rule of bal tashchit in order to save his body.

1.2.7 BT Baba Kama 91b (part two)

A bit further down the same page, Baba Kama 91b, there is a lengthy discussion that talks about situations in which it is allowed to cut down a tree. Interestingly bal tashchit is not mentioned here to oppose the cutting of a tree; these seem to be the exceptional cases in which it is allowed to cut down a tree without transgressing bal tashchit.

אמר רב דיקלא דטען קבא אסור למקצציה מיתבי כמה יהא בזית ולא יקצצו רובע שאני זיתים
דחשיבי א"ר חנינא לא שכיב שיבחת ברי אלא דקץ תאינתא בלא זמנה אמר רבינא ואם היה מעולה
בדמים מותר

“Rav said: ‘A palm tree that bears a kav¹⁵ (of dates) is forbidden to be cut down.’ They challenged (this from a Mishnah): ‘How much (produce) must there be on an olive tree that one not (be permitted to) cut it down? A quarter (of a kav).’ Olive trees are different, for they are valuable. Rabbi Chanina said: ‘My son Shivchas died (prematurely) for no reason other than that he cut down a fig tree prematurely.’ Ravina said: ‘If (its wood) is high in value, it is permissible (to cut it down).’”

As David Nir points out in his article ‘A Critical Examination of the Jewish Environmental Law of Bal Tashchit’: “This understanding transforms bal tashchit into a fiscal rule of the thumb: do not destroy your fruit-bearing trees if they are still economically productive, and here is how you can tell if they are. This is a far cry from the lofty environmental precept often imagined of bal tashchit.”¹⁶

Here the question whether it is allowed to cut down a tree depends on its value in terms of produce or wood; economic considerations play an important part in the discussion. Since olives are more valuable than dates, an olive tree that gives a quarter of a kav of olives is considered too good to be cut down; for a palm tree the measurement is a kav. The story about Rabbi Chanina's son supports the first part of this passage: if you cut down a tree too early, when it still gives enough produce, it could mean your own premature death. But Ravina has a different approach to measuring a tree's value and says: when the wood of the tree is more valuable than the produce, you are allowed to cut down the tree and sell the wood. But I would say that cutting down the tree and selling the wood only gives you the money once, while the produce yields income every year. So in deciding to cut down a tree you should

¹⁵ Measure of volume. 1.2 liters according to *Encyclopaedia Judaica* (Keter Publishing House, Jerusalem, 1971)

¹⁶ David Nir, ‘A Critical Examination of the Jewish Environmental Law of Bal Tashchit’ in *Georgetown International Environmental Law Review*, winter 2006, Vol. 18-2, p. 343

make an estimate of your profit over a large number of years and not only consider short term profit.

The Gemara continues:

תניא נמי הכי רק עץ אשר תדע זה אילן מאכל כי לא עץ מאכל הוא זה אילן סרק וכי מאחר שסופו לרבות כל דבר מה ת"ל כי לא עץ מאכל להקדים סרק למאכל יכול אפילו מעולה בדמים ת"ל רק

“It was also taught so in a B’raitā: ‘Only a tree that you know’¹⁷ – this refers to a food tree. ‘That is not a food tree’¹⁸ – this refers to a nonfood tree. But since (the Talmud) ultimately includes everything (i.e. even food trees in its permit of cutting down) why does it state: ‘that is not a food tree’? To give precedence to the nonfood (tree) over the food (tree). It could be (thought that the precedence of the nonfood tree over the food tree applies) even if (the food tree) is more valuable (as timber than for its fruit). (The Torah therefore) states: ‘only’¹⁹ (to teach that the precedence is not absolute).”

So if there is a choice between felling a fruit tree and a nonfruit tree, the nonfruit tree must be felled. This opinion is also explicitly stated in Rambam’s *Mishneh Torah*, as we will see later. But in the end Ravina’s opinion is supported: if the fruit tree is worth more for its wood than for its fruit, it may be felled.

Then the Gemara continues with another story about cutting down trees:

שמואל אייתי ליה אריסיה תמרי אכיל טעים בהו טעמא דחמרא א"ל מאי האי א"ל ביני גופני קיימי אמר מכחשי בחמרא כולי האי למחר אייתי לי מקורייהו

“Shmuel’s sharecropper brought him dates. He ate (them, and) tasted in them the taste of wine. He said to (the sharecropper): ‘What is this?’ (The sharecropper) replied: ‘They (the date trees) stand among vines.’ (Shmuel) said: ‘They impair the wine to such an extent? Tomorrow bring me their roots.’”

From this story we learn that wine is more valuable than dates and that is why it is allowed – at least according to Shmuel - to cut down the palm trees because they are causing a loss by sapping strength from the vines.

This opinion is supported when the text continues as follows:

רב חסדא חזא תאלי בי גופני אמר ליה לאריסיה עקרינהו גופני קני דקלי לא קני גופני

“Rav Chisda saw palm saplings among the vines. He said to his sharecropper: “Uproot them. Vines can acquire date palms, (but) date palms cannot acquire vines.”

According to Rashi this means that from the sale of wine one can purchase land in which date

¹⁷ Devarim 20: 20

¹⁸ Ibid.

¹⁹ Ibid.

palms can be planted. But the produce of a date palm is not very valuable and cannot be used to procure land for vines. So in decisions about uprooting trees their economic value has to be taken into consideration.

1.2.8 BT Baba Batra 24b

The Mishnah in this section discusses which distance certain trees must be from a city and in which circumstances it is allowed to cut them down:

מרחיקין את האילן מן העיר עשרים וחמש אמה ובחרוב ובשקמה חמשים אמה אבא שאול אומר
כל אילן סרק חמשים אמה ואם העיר קדמה קוצץ ואינו נותן דמים ואם אילן קדם קוצץ ונותן
דמים ספק זה קדם וספק זה קדם קוצץ ואינו נותן דמים

“One must distance a tree twenty-five amot²⁰ from (the edge of) a city and a carob or a sycamore (tree) fifty amot. Abba Shaul says: ‘All barren trees fifty amot.’ If the city was first (and one planted a tree afterward), he must cut down (the tree), and (the city) need not pay (compensation). However, if the tree came first (and the city was build afterwards) he must cut down (the tree), and (the city) pays (compensation). If it is unclear whether (the tree) came first or (the city) came first, he must cut down (the tree) and (the city) need not pay (compensation).”

So this Mishnah allows cutting down a tree when it is too close to a city. Whether the owner is paid compensation depends on which was first, the city or the tree. It is interesting to notice that, just as in Baba Kama 91b, the verb used here for the cutting of the tree is not ‘shochet’ (shin-chet-tav), but ‘kotzetz’ (kuf-tzadeh-tzadeh), meaning to cut, to fell. The term bal tashchit is not used, so apparently this is not considered wanton destruction, but adhering to a rule in the Mishnah in which cases it is allowed to fell a tree.

1.2.9 BT Baba Batra 26a

The Mishnah in this section states that one must not plant a tree within four amot of his neighbor’s field. This rule is discussed in the following Gemara:

רבא בר רב חנן הוון ליה הנהו דיקלי אמיצרא דפרדיסא דרב יוסף הוון אתו צפורי יתבי בדיקלי
ונחתי בפרדיסא ומפסדי ליה א״ל זיל קוץ א״ל והא ארחיקי לי א״ל ה״מ לאילנות אבל לגפנים
בעינן טפי והא אנן תנן אחד גפנים ואחד כל אילן א״ל ה״מ אילן לאילן וגפנים לגפנים אבל אילן
לגפנים בעינן טפי א״ל אנא לא קייצנא דאמר רב האי דיקלא דטעין קבא אסור למקצייה ואמר ר׳
חנינא לא שכיב שכחת ברי אלא דקץ תאנתא בלא זימניה מר אי ניחא ליה ליקוץ

“Rava bar Rav Chanan had these palm trees along (his) boundary with Rav Yosef’s vineyard. Birds would come to perch in the palms and they would descend into the vineyard and damage (its crop). He said to (Rava bar Rav Chanan): ‘Go, cut down (your palms).’ (Rava bar Rav Chanan) replied to him: ‘But I have distanced (the palms four amot).’ (Rav Yosef) said to him: ‘Those words (of the Mishnah refer to the

²⁰ One amah is about 44.6 – 52.1 cm according to *Encyclopaedia Judaica* (Keter Publishing House, Jerusalem, 1971)

distance required) for trees, but for grapevines (a distance of) more (than four amot) is required.’ But we learned in the Mishnah (that the four amot distance applies to) grapevines as well as any other tree! He said to (Rava bar Rav Chanan): ‘Those words (of the Mishnah refer to the distance between) tree and tree, grapevines and grapevines, but (between) a tree and grapevines, (a distance of) more (than four amot) is required.’ He said to (Rav Yosef): ‘I will not cut down (the palms) myself, for Rav said: “It is forbidden to cut down a palm that bears a kav.” And Rabbi Chanina said: “My son Shikchas died (prematurely) for no (reason) other than that he cut down a date palm before its time.” If the master (Rav Yosef) wishes, he may cut them down (himself).”’

It is interesting to see how Rava bar Rav Chanan makes use of the arguments of Rav and Rabbi Chanina that we previously encountered in Bava Kama 91b (although Rabbi Chanina’s son is there called Shivchas). He uses those texts to support his refusal to cut down the palm trees himself. But he does allow Rav Yosef to cut down the palm trees if he wishes to do so. The case seems to be that, although the palm trees of Rava bar Rav Chanan are planted at the right distance of Rav Yosef’s vineyard, the fact that they indirectly – through the birds that descend from the palm trees into the vineyard - damage the crop, is a valid reason to cut them down. This opinion is supported by what is discussed at the end of BT Baba Kama 91b, that vines are more valuable than dates, so when palm trees damage the vines, it is allowed to cut down the palm trees. If Rav Yosef’s opinion that the distance between a tree and a grapevine should be more than four amot, is correct, it seems to me that in that situation Rava bar Rav Chanan would have to cut down the trees himself. But given the uncertainties whether Rav Yosef’s opinion is right, because that cannot be derived from this Mishnah,, it is hard to derive a general rule in which circumstances it is allowed to cut down a tree. It seems to be an unresolved case of conflicting opinions.

1.2.10 BT Berachot 55a

The next section does not deal with bal tashchit or the cutting of trees, but with the idea that, since the destruction of the Temple, our table is seen as the Altar. This is related to the subject of kashrut and eating which I will discuss in chapter two. The Gemara cites and discusses several practices of Rav Yehuda and then relates the following one:

והמאריך על שלחנו דלמא אתי עניא ויהיב ליה דכתיב המזבח עץ שלש אמות גבוה וכתוב וידבר אלי זה השלחן אשר לפני ה' פתח במזבח וסיים בשלחן ר' יוחנן ור' אלעזר דאמרי תרוייהו כל זמן שבהמ"ק קיים מזבח מכפר על ישראל ועכשיו שלחנו של אדם מכפר עליו

“And one who spends a long time at his table. Perhaps a poor person will come and he will give (food) to him. For it is written: ‘The Altar was of wood, three amot tall’ and it is written (further in that verse): ‘He said to me: This is the Table that is before Hashem.’²¹ (The verse) began by (speaking of) the Altar but ended (by speaking of) the Table. And both Rabbi Yochanan and Rabbi Elazar said: ‘The entire time that the Temple was standing, the Altar would atone for Israel. But now, a man’s table atones

²¹ Ezekiel 41:22

for him.”

The word that catches my immediate attention is ‘mechaper’ (atone). Very often the idea that our table is seen as the altar is quoted, but never in the context of atonement. Perhaps that is implicitly meant by using the word ‘altar’, because that was one of the purposes of the offerings in the Temple, but I think that for today’s readers this purpose is not always clear.

So the question is: how can food atone for us today? From the beginning of the section we learn that giving food to a poor person can atone. For Rav Yehuda that seems to suffice for him. In the days of the Temple the sacrifice had to meet up to the prescribed requirements, it had to be a perfect offering, an animal without blemish and which had to be offered in the prescribed manner by a Kohen who was fit to meet the standard. So my question would be: can you expand this argument to a requirement that our food has to be without “blemish” in the sense that it does not damage the environment or exploit the workers involved in growing and picking the produce? This idea I will explore further in Chapter Two when I will look at what others say about bal tashchit and (eco-)kashrut.

1.3 Rambam – Mishneh Torah and Sefer Hamitzvot

In his book *Mishneh Torah* (Repetition of the Law), a codification of the Talmud, Rambam focuses on the subject of bal tashchit. The first place is in the section ‘Hilchot Eivel’ (The laws of mourning). In chapter 14, halachah 24 he writes:

מלמדין את האדם שלא יהיה חבלן, ולא יפסיד את הכלים וישליכם לחבלה. מוטב ליתן אותן לעניים, ואל ישליכם לרימה ותולעה. וכל המרבה כלים על המת, עובר משום בל תשחית.

“We teach a person that he should not recklessly destroy property and throw it to oblivion. It is better to give it to the poor than to throw it to maggots and worms. Whoever casts many articles on a deceased person violates the commandment against destroying property.”²²

The first sentence of this halachah can be read as a general, broad description of bal tashchit: do not recklessly destroy property and throw it to oblivion; the Hebrew word he uses here is ‘chablan’ (chet-bet-lamed), to destroy. He suggests that giving the articles to the poor is better than to bury them with the deceased or throw them away; I am not sure from which source he derived this, perhaps it is his own opinion. The last part, that throwing many articles on a deceased person is seen as a violation of bal tashchit, is derived from a saying of Rabbi Meir in the Talmud: “All who bury useful items along with the dead violate bal tashchit.”²³

Apparently it was a practice in those days to bury useful items with the dead, just as in some of the surrounding cultures, think of Egypt.

In his book *Sefer Hamitzvot*, a listing of all the 613 commandments of the Torah with a brief

²² Eliyahu Touger *Maimonides, Mishneh Torah, A new translation with commentaries and notes* (Moznaim Publishing Cooperation, New York/Jerusalem, 1993)

²³ Eivel Rabbati chapter 9, halachah 23. This is one of the minor tractates of the Talmud, placed behind seder Nezikin, dealing with death and mourning and is sometimes euphemistically called Semachot ("joys").

description for each, Rambam gives an even broader definition of bal tashchit in negative commandment (lo ta'aseh) 57:

וכן נכנסת כל השחתה בכלל לאו זה, כגון: מי שישרוף בגד לבטלה או ישבור כלי לבטלה

“... And similarly, every loss enters into this prohibition (of bal tashchit), for example, one who needlessly burns a garment or needlessly breaks a vessel”²⁴

So here the issue is not only destruction, but every loss, which could imply a loss of value or a loss of utility of the object.

The second place in *Mishneh Torah* where Rambam discusses bal tashchit is in ‘Hilchot Melachim uMilchamotem’ (The laws of kings and their wars). In chapter 6, hilchot 8-10 he writes:

[ח] אין קוצצין אילני מאכל שחוץ למדינה, ואין מונעין מהם אמת המים כדי שייבשו שנאמר "לא תשחית את עצה"; וכל הקוצץ, לוקה. ולא במצור בלבד, אלא בכל מקום, כל הקוצץ אילן מאכל דרך השחתה לוקה. אבל קוצצין אותו, אם היה מזיק אילנות אחרות, או מפני שמזיק בשדה אחרים, או מפני שדמיו יקרים; לא אסרה תורה, אלא דרך השחתה.
[ט] כל אילן סרק מותר לקוף אותו, ואפילו אינו צריך לו. וכן אילן מאכל שהזקין, ואינו עושה אלא דבר מועט שאינו ראוי לטרוח בו מותר לקוצו. וכמה יהיה הזית עושה, ולא יקוצנו רובע הקב זיתים; ודקל שהוא עושה קב תמרים, לא יקוצנו.
[י] ולא האילנות בלבד, אלא כל המשבר כלים, וקורע בגדים, והורס בניין, וסותם מעיין, ומאבד מאכלות דרך השחתה עובר ב"לא תשחית"; ואינו לוקה, אלא מכת מרדות מדבריהם.

(8) “We should not cut down fruit trees outside a city nor prevent an irrigation ditch from [bringing water to] them so that they dry up, as states: ‘Do not destroy its trees.’ Anyone who cuts down [such a tree] should be lashed. [This does] not apply only in a siege, but in all situations. Anyone who cuts down a fruit tree with a destructive intent, should be lashed. Nevertheless, a [fruit tree] may be cut down if it causes damage to other trees or to fields belonging to others, or if a high price [could be received for its wood]. The Torah only prohibited cutting down a tree with a destructive intent.

(9) It is permissible to cut down any non-fruit bearing tree, even if one has no need for it. Similarly, one may cut down a fruit bearing tree that has become old and produces only a slight yield which does not warrant the effort [required to take care of it]. What is the yield that an olive tree must produce to warrant that it should not be cut down? A quarter of a kav of olives. [Similarly,] a date palm which yields a kav of dates should not be cut down.

(10) [This prohibition does not apply] to trees alone. Rather, anyone who breaks utensils, tears garments, destroys buildings, stops up a spring, or ruins food with a destructive intent transgresses the command ‘Do not destroy’ (lo tashchit). However, he is not lashed. Instead, [he receives] stripes for rebellious conduct [as instituted by] the Sages.”²⁵

²⁴ S. Frankel *Maimonides, Sefer Hamitzvot* (Jerusalem, B'nei B'raq, publisher unknown, 1995)

²⁵ Eliyahu Touger *Maimonides, Mishneh Torah, A new translation with commentaries and notes*, Moznaim Publishing Cooperation (New York / Jerusalem, 1993)

It is interesting to notice that Rambam places these laws in a chapter about kings and their wars. Perhaps that is because the source of bal tashchit is derived from a section of Torah that deals with war. Some of the rules that he gives come straight from passages of the Talmud as we have seen before, but other hilchot are completely new, which is typical for Rambam's work. The difficulty with the *Mishneh Torah* is that Rambam never gives the sources on which he based his halachah, so one has to be very familiar with Talmud in order to know from where he derived it. In the Talmud we didn't encounter the prohibition to prevent an irrigation ditch from bringing water to a tree with regard to bal tashchit, although there is one sentence in BT Pesachim 56a which says that the Sages did not agree with Chizkiah who stopped up the waters of the upper Gichon. But Rambam could have based his position on what is written in Sifrei: "Do not destroy its tree, by swinging an axe against it;" [from this] I only know [not to destroy with an] axe. From where [do I know] not even to draw away from it a water channel? The Torah says "don't destroy its tree" – with any thing [that could cause the tree to be destroyed]."²⁶

What caught my attention is the phrase “with a destructive intent”, because that is not mentioned at all in Torah nor Talmud. It could be a reference to a text in BT Shabbat 105b, which we will encounter in the section on *Sefer haChinuch*. Another remarkable addition is that Rambam allows to cut down any non-fruit bearing tree “even if one has no need for it.” The Talmudic texts that we have seen discuss cases in which it is allowed to cut down fruit trees, usually for economic reasons. Concerning the punishment when one transgresses the rule of bal tashchit, Rambam makes a distinction between the strict Biblical prohibition (d'Oraita) of cutting down fruit trees (in halachah 8) and the broader interpretation by the Rabbis (deRabbanan, in halachah 10). But note that in halachah 8 Rambam broadens the Biblical transgression of cutting down a tree to all situations and does not confine it to destruction in time of war. The punishment for the transgression is lokeh (lashes) d'Oraita. One's intention is what counts for Rambam; the Hebrew phrase he uses is ‘derech hashchatah’ which can be translated as ‘the way of wanton destruction’ or as our translation says ‘with a destructive intent’. In halachah 10 he extends the scope of bal tashchit to all things and then the punishment is makat (stripes) according to deRabbanan.

1.4 Shulchan Aruch

The Shulchan Aruch does not cite the law of bal tashchit. Keith A. Wolff remarks about this: “For most of human history, up until the past century, material resources were severely limited for the vast majority of the population, (...). Because of this lack of available and affordable material resources, conservation of these resources was the accepted norm and may have made most applications of bal tashchit appear superfluous. The near-omission of the prohibition of bal tashchit in the Shulchan Aruch may have been due to this situation, where it was obvious that resources should not be wasted.”²⁷

²⁶ Midrash based on the biblical books of Bamidbar (Numbers) and Devarim (Deuteronomy). This quote comes from *Sifrei on the book of Deuteronomy*, ed. Eliezer Arieh Finkelstein (New York and Jerusalem, publisher unknown, 1993)

²⁷ K.A. Wolff *Bal Tashchit, The Jewish prohibition against needless destruction* (Leiden, Brill, 2009), p. 48

Several other sources discussed why this is the case, but for the sake of our discussion I will not get into this matter and only focus on what is written about the subject of bal tashchit.

1.5 Sefer haChinuch

Sefer haChinuch, the book of (mitzvah) education, was published anonymously in the 13th century. The book enumerates the 613 mitzvot, based on Rambam's counting in *Sefer Hamitzvot*, and follows the sidrot of Torah. The mitzvot are discussed from a legal and moral perspective and texts from Tanach, Talmud and Midrash are used. The book is ascribed to Rabbi Aaron haLevi of Barcelona, although some say it was written by his brother Rabbi Pinchas.

In parashat Shoftim we find mitzvah 529 about bal tashchit; the subtitle of this mitzvah is: 'not to destroy fruit-trees in setting siege – and so is any needless destruction included in the ban'. The text is based on Rambam's *Sefer haMitzvah* (lo ta'aseh 57) and his *Mishneh Torah* (Melachim 6: 8-10) and it gives the exceptions from the Talmud for cases in which it is allowed to cut down a tree. But it also uses the subject of bal tashchit to teach people proper behavior and keeping the law when it tells us:

שְׂרֵשׁ הַמִּצְוָה יְדוּעַ, שֶׁהוּא כְּדִי לְלַמֵּד נַפְשֵׁנוּ לְאַהֲבָה הַטּוֹב וְהַתּוֹעֵלָת וּלְהִדְבֵק בּוֹ, וּמִתּוֹךְ כֶּף תִּדְבֵק בְּנוֹ הַטּוֹבָה, וְנִרְחִיק מִכָּל דָּבָר רָע וּמִכָּל דָּבָר הַשְּׁחָתָה, וְזֶהוּ דָרֵךְ הַחֲסִידִים וְאֲנָשֵׁי מַעֲשֵׂה אֱוֵהָבִים שְׁלוֹם וּשְׂמֵחִים בְּטוֹב הַבְּרִיּוֹת וּמְקַרְבִּים אוֹתָן לַתּוֹרָה, וְלֹא יֵאָבְדוּ אֶפְלוּ נִרְגִיר שֶׁל חֲרָדֵל בְּעוֹלָם, וְיִצַר עֲלֵיהֶם בְּכָל אֲבִדוֹן וְהַשְּׁחָתָה שְׂיִרְאוּ, וְאִם יוּכְלוּ לְהַצִּיל יִצִּילוּ כָּל דָּבָר מִהַשְּׁחָתָה בְּכָל כֹּחֵם

“The root reason of the precept is known (evident): for it is in order to train our spirits to love what is good and beneficial and to cling to it; and as a result, good fortune will cling to us, and we will move well away from every evil thing and from every matter of destructiveness. This is the way of the kindly men of piety and the conscientiously observant; they love peace and are happy at the good fortune of people, and bring them near the Torah. They will not destroy even a mustard seed in the world, and they are distressed at every ruination and spoilage that they see; and if they are able to do any rescuing, they will save anything from destruction, with all their power.”²⁸

So the goal is to train our spirits, to cling to what is good and follow the ways of the pious who will not even destroy a mustard seed. And it is a call for action to prevent destruction; not only is our own conduct important, just like the pious we need to save anything from destruction with all our power. At the end the text tells us:

נוֹהֵג אֲסוּר זֶה בְּכָל מְקוֹם וּבְכָל זְמַן בְּזָכָרִים וּבְנִקְבוֹת

“This prohibition applies in every place and time, for both man and woman.”

So it is also a call for action for us today. But *Sefer haChinuch* goes even one step further when it tells us:

²⁸ Charles Wengrow *Sefer haChinuch, The Book of Mitzvah Education*. (Feldheim Publishers, Jerusalem/New York, 5748/1988)

וְדָרָךְ כָּלֵל אֶסְרוּ זְכוּרֵי לְבָרְכָה לַעֲשׂוֹת כֹּל דָּבָר שֶׁל הַשְּׁחִתָּה וְהַמְשָׁחִית שׁוֹם דָּבָר מִתּוֹךְ חֲמָה אֶמְרוּ
עָלָיו (שבת קה, ב) שֶׁהוּא כְּעוֹבֵד עֲבוֹדַת זָרָה

“As a general rule however, the Sages of blessed memory forbade doing anything destructive. If someone destroys anything out of anger, they say of him that he is like an idol-worshipper.”

This is based on a text in BT Shabbat 105b, only there the text does not explicitly mention bal tashchit, but deals with one who tears garments, breaks vessels or scatters money in one’s anger (chamato). Just as Rambam does in *Mishneh Torah*, *Sefer haChinuch* takes one’s intention into account and if one destroys something out of anger, it is seen as idol-worship, a very serious transgression in Jewish law. The book wants to prevent people to follow their evil inclination (yetzer hara) and bring them closer to the Torah and follow the mitzvot.

1.6 Summary

Starting with one pasuk from Torah which forbids to cut down fruit trees in time of war²⁹, the Rabbis of the Talmud broadened the understanding of bal tashchit to all times and to all useful articles. The examples we encountered in the Talmud that are seen as a transgression of bal tashchit, are: unnecessary use of fuel, eating and drinking too expensive products, unnecessary tearing of garments, although tearing along the seam is not seen as a transgression, and tearing a garment more than is required for kriya, unnecessary killing of animals, even if they are a threat to or can be dangerous for human beings. But also examples like breaking utensils, burning garments, destroying buildings, stopping up a spring, or ruining food are mentioned by Rambam.

When human life is at stake the rabbis allowed to transgress bal tashchit to such an extent that even the chopping up of expensive furniture was allowed in order to save a life. And bal tashchit was also considered a principle that prevents one from harming one’s body. At the same time the Rabbis gave rules for situations in which it is allowed to cut down trees³⁰, e.g. if a tree would produce less than a certain amount of fruit or other produce, when its wood would be more valuable than the produce, or when damage is done to other, more expensive or more valuable produce that would lead to economic loss. David Nir summarizes this as follows: “If a larger pattern can be discerned from these examples, it is that rabbis took a permissive view of human health and economic concerns as they relate to *bal tashchit*. That health matters should prevail over *bal tashchit* seems entirely appropriate, given the preeminent roles that *pikuach nefesh* and the duty to watch over oneself play in Jewish law. (...) Thus, financial as well as physical well-being must take precedence over *bal tashchit*.”³¹

Rambam further extended the laws of bal tashchit and codified them in his *Mishneh Torah*. He mainly based these extensions on the sources we have seen in Talmud, but also added other prohibitions, for example casting articles on a deceased person, destroying buildings and

²⁹ Devarim 20:19

³⁰ Which is also allowed by Devarim 20: 20

³¹ David Nir ‘A Critical Examination of the Jewish Environmental Law of Bal Tashchit’ in *Georgetown International Environmental Law Review*, winter 2006, Vol. 18-2 p.351

utensils and ruining food. And he adds the appropriate punishments for the transgressions, in which he distinguishes between a transgression d'Oraita (lashes for cutting down a fruit tree, not only confined to times of war) and deRabbanan (stripes for all other transgressions).

Sefer haChinuch gives the most far-reaching understanding of bal tashchit when it writes that the ideal behavior is to prevent anything from destruction, even a mustard seed. It not only gives a halachic understanding of bal tashchit, but also a moral teaching when it tells us that the goal is to “train our spirits to love what is good and beneficial and to cling to it (...) and we will move away from every evil thing and from every matter of destructiveness.”³²

³² Charles Wengrow *Sefer haChinuch, The Book of Mitzvah Education..* (Feldheim Publishers, Jerusalem/New York, 5748/1988)

Chapter 2 Bal Tashchit and Eco-kashrut

Before I delve into the discussion about bal tashchit and eco-kashrut, I will first focus my attention on the relationship between Jews, food and holiness, in order to understand the importance of food and the role of kashrut in the Jewish world. Once this is established, I will take a look at the use of Talmudic and other rabbinic concepts of bal tashchit in contemporary Renewal, Reform and Conservative discussions about eco-kashrut. I chose to discuss them in this order, because of the actual historical order in which they began to discuss eco-kashrut. Within the framework of this thesis I can only focus on a limited number of books and articles about this subject, so I will focus on those by people who are trailblazers in this field, on influential publications and recent developments. At the end of this chapter I will summarize the discussion and the issues at stake.

2.1 Jews, Food and Holiness

2.1.1 Food and Holiness in Torah

When reading about (eco-)kashrut the first thing that stands out is the sheer amount of text about the relationship between food and holiness. Therefore I will start with some general remarks about this subject and then look at the specific Reform approach to kashrut and halachah.

The connection between food and holiness is derived from Biblical texts, such as Shemot 24:9-11 where God, eating and drinking are mentioned together in one sentence:

ט וַיַּעַל מֹשֶׁה, וְאַהֲרֹן נָדָב, וְאַבִּיהוּא, וְשִׁבְעִים, מִזִּקְנֵי יִשְׂרָאֵל. י וַיֵּרְאוּ, אֶת אֱלֹהֵי יִשְׂרָאֵל (...)
יא (...) וַיֵּחֲזוּ, אֶת-הָאֱלֹהִים, וַיֹּאכְלוּ, וַיִּשְׁתּוּ.

“(9) Then Moses and Aaron, Nadab and Abihu, and seventy elders of Israel ascended; (10) and they saw the God of Israel, (...) (11) (...) they beheld God, and they ate and drank.”

When studying this passage for the first time I used the Artscroll translation of Tanach and there it said in pasuk 11: “they gazed at God, yet they ate and drank.” The word that struck me in that translation is ‘yet’. Is it because they saw God and, despite the warning that no one is to see God’s face and live³³, stayed alive and were able to eat and drink? I found this explanation later also in a commentary by Ibn Ezra; but most other commentators use the fact that they were eating to make a distinction between them and Moshe, who went up the mountain and did not eat nor drink for 40 days. Or they discuss what they were eating, part of the peace offerings, and where they would eat it. Some commentators use the word ‘kewod’ (glory) or ‘Shechina’ (Gods presence on earth) instead of God; apparently they felt uncomfortable with this part of the pasuk.

³³ See for example Shemot 19:21 and 33:20

A list of forbidden and allowed food and drink can be found in Vayikra 11. For the forbidden foods the words ‘tamei’ (unclean) and ‘sheketz’ (detestable thing) are used. This list with forbidden food ends with pasuk 43-44:

מג אל-תשקצו, את-נפשתיכם, בכל-השׂרץ, השרץ; ולא תטמאו בהם, ונטמתם בם. מד כי אני יהוה, אלהיכם, והתקדשתם והייתם קדושים, כי קדוש אני; (...)

(43) “You shall not draw abomination upon yourselves³⁴ through anything that swarms; you shall not make yourselves impure therewith and thus become impure. (44) For I the Eternal am your God; you shall sanctify yourselves and be holy, for I am holy. (...).”

In this text a very clear distinction is made between what is forbidden to eat and drink and what we should strive for, namely: to sanctify ourselves and become holy. Usually the word tahor (pure) is used to oppose tamei (impure), but here the word kodesh (holiness) is used. We are to strive for holiness because God is holy. Placing this pasuk in a framework of forbidden and allowed food, suggests an immediate connection between food, holiness and God, as in Shemot 24:11.

This connection is repeated in Devarim 14 which also gives an overview of permitted and forbidden food, now using the word ‘to’evah’ (abomination), instead of the earlier ‘sheketz’. The word ‘to’evah’ is also used in for example the rejection of homosexuality³⁵, abominable traditions³⁶ and for foreign gods³⁷. In Devarim 14:21 the text provides the same reason as we have seen in Vayikra 11:43 for keeping the dietary laws, namely holiness. We are a holy people to God and therefore we should strive for holiness ourselves:

(...) כי עם קדוש אתה, ליהוה אלהיך (...)

“(...) For you are a people consecrated to the Eternal your God. (...).”

So God, Jews and food, in the sense of permitted food and holiness are inextricably intertwined. Striving for holiness is the central aim and refraining from eating certain foods is part of the way to achieve it.

2.1.2 Food and Holiness in Rabbinic Thought

As we have seen in chapter one, the Talmud³⁸ compares our table with the Altar. “With the Temple destroyed, our table has become the altar, and the food we consume on it should assist our march to holiness,”³⁹ writes Richard Levy, Rabbi of Campus Synagogue and Director of Spiritual Growth at Hebrew Union College – Jewish Institute of Religion (usually abbreviated

³⁴ Literally the text reads “nafshotechem” (your souls).

³⁵ Vayikra 18:22 and 20:13

³⁶ Vayikra 18:30

³⁷ Devarim 32:16

³⁸ BT Berachot 55a

³⁹ Richard N. Levy ‘Kashrut: A New Freedom for Reform Jews’ in *The Sacred Table* edited by Mary L. Zamore (CCAR Press, New York, 2011) p. 71

as HUC) in Los Angeles, in the book *The Sacred Table*. So here the author adheres to the Biblical call for holiness and not to the atonement that the Talmud writes about.

Simeon Maslin, Rabbi Emeritus of Reform Congregation Keneseth Israel, the oldest Reform congregation in Greater Philadelphia, also emphasizes the notion of holiness when he writes: “The Jewish people is commanded to observe the dietary laws as a means of making it kadosh - holy. Holiness has the dual sense of inner hallowing and outer separateness. The idea of sanctifying and imposing discipline on the most basic and unavoidable act of human behavior, eating, is one of the reasons that may lead a person to adopt some form of kashrut.”⁴⁰ According to Maslin, keeping kashrut has, beside making the Jewish people holy, the function of separating us from other nations and training ourselves in discipline regarding one of our basic needs. This in itself would be a reason to keep some form of kashrut. Our striving for holiness seems to be the central motivation with regard to food and keeping kashrut can be seen as a way to strive for holiness. Food and holiness are both dealing with boundaries and separations between that which is fit or included and that which stands outside and is not appropriate to eat or to be offered.

Arthur Waskow, one of the leading rabbis of Jewish Renewal (see also section 2.2.2) has a different approach when he refers to the role of food in Biblical times: “ (...) in Biblical society, offerings of food were intimately connected with healing the psyche.”⁴¹ This is the only place that I found with a reference to atonement in the context of food and offerings at the Altar instead of the notion of holiness.

In the Talmud the rabbis instituted various berachot to be said before and after eating and drinking. The idea is that food is a gift of God and was never to be taken for granted. Eating without saying the required berachah is seen as stealing food from God. Saying a berachah expresses our gratitude for the food and reminds us of the partnership between God as Creator and source of our sustenance on the one hand, and the earth and humanity on the other. So in that respect, eating becomes a conscious act of interconnectedness. Or as Reb Zalman Schachter-Shalomi, founder of Jewish Renewal and the first one to use the term eco-kashrut (see also 2.2.1), puts it: “One thing we find is that there are *mitzvot* which connect to a lot of instinctual things that we do. Let’s take eating as a first example. When I feel hungry and want to eat, I first must make a *brachah*. So, before I actually put any food in my mouth, I’m required to become conscious of what I’m doing and connect my instinctual behaviour to the Divine.”⁴² So, according to Reb Zalman Schachter-Shalomi, saying a brachah has a twofold purpose: becoming aware of what I am going to eat and connecting to God. He does not mention the word holiness, but perhaps that is part of making the connection to God.

2.1.3 Reform Jews and Kashrut

⁴⁰ Simeon J. Maslin ‘Kashrut: A Reform Point of View’ in *The Sacred Table* edited by Mary L. Zamore (CCAR Press, New York, 2011) p. 51

⁴¹ Arthur Waskow *Down-to-Earth Judaism* (William Morrow and Company, Inc. New York, 1995) p.141

⁴² Rabbi Zalman Schachter Shalomi and Rabbi Daniel Siegel *Integral Halachah, Transcending and Including* (Trafford Publishing, Victoria, BC, Canada, 2007) p. 13

Over time Reform Jews have had different approaches towards kashrut. The early Reformers did not write much about kashrut; they saw diet as a private matter and abandoned the dietary laws. In this section I will focus on the developments in the American Reform Movement, because they were forerunners and dominant in the changes that the worldwide Reform Movement made with regard to kashrut and keeping the commandments.

In line with the early Reformers, the Pittsburgh Platform of 1885⁴³ abandoned kashrut because it would obstruct the modern spiritual elevation. But, more than a hundred years later, Rabbi Eric Yoffie, at that time President of the Union for Reform Judaism (URJ), points out that rituals like kashrut are a way of structuring the relationship with holiness and bringing elements of sanctity into our day-to-day existence. “It is about inviting God into our homes, our family life and our tables. (...) if we are to sanctify our most mundane acts, we must begin to see eating as a gateway to holiness.”⁴⁴ Especially in the last decades we have seen a process of ‘re-ritualization’ in which there is a return to certain mitzvot that were previously abandoned because they seemed irrelevant. So in 1999 the Platform, again held in Pittsburgh, decided that “certain sacred obligations ... demand renewed attention as the result of the unique context of our own times.”⁴⁵ As sacred obligations are mentioned the observance of holidays and Shabbat, study of Torah and prayer, and the Hebrew language. Although the word kashrut was not explicitly mentioned in the 1999 Statement of Principles, it was part of the preliminary discussions and some interpreted it as such. Rabbi Rachel Mikva, professor of Jewish studies at the Chicago Theological Seminary, writes: “Contrary to the original Pittsburgh Platform, the dietary laws do still ‘sanctify our lives’ and ‘further modern spiritual elevation’.”⁴⁶ It is interesting to notice that she uses quotations from the text of the 1885 Platform in order to make the opposite statement. To her opinion kashrut can be a means to add spirituality to our lives and is in that respect important in sanctifying our life.

Were lack of relevance and obstruction to our spiritual elevation in 1885 reasons to put kashrut aside, in 1999 the exact opposite reasons led to reinstatement of some form of “sacred obligations”. It is interesting to notice that spirituality is used as an argument. Rachel Mikva connects kashrut to ethical and spiritual behaviour when she writes: “*Kashrut* enables an aspect of holiness and wholeness. You are what you eat. The spiritual is expressed in material ways and vice versa. Also, the ritual and the ethical are intimately connected, each dependant on the other. (...) Ritual acts take on significance when they are understood as signposts on

⁴³ The Pittsburgh Platform of 1885, a meeting of Reform rabbis from the Union of American Hebrew Congregations, declared that: “We hold that all such Mosaic and Rabbinical laws as regulate diet, priestly purity, and dress, originated in ages and under the influence of ideas altogether foreign to our present mental and spiritual state. They fail to impress the modern Jew with a spirit of priestly holiness; their observance in our days is apt rather to obstruct than to further modern spiritual elevation.”

⁴⁴ Eric H. Yoffie ‘Foreword’ in *The Sacred Table* edited by Mary L. Zamore (CCAR Press, New York, 2011) p. xviii

⁴⁵ Aaron Gross ‘Continuity and Change in reform Views of Kashrut 1883-2002’ in *CCAR-Journal*, Winter 2004 (CCAR Press, New York, 2004) p. 6

⁴⁶ Rachel S. Mikva ‘Adventures in eating: An Emerging Model for Kashrut’ in *CCAR-Journal*, Winter 2004 (CCAR Press, New York, 2004) p. 64

the road toward healing our broken world; and ethical impulses are in constant need of symbolic reminders, reinforcements (...).”⁴⁷ So, beside elevating us on a personal level, Mikva connects our actions to the ideal of *tikkun olam* and sees the *mitzvot* as our constant reminders of that mission along the way.

Richard Levy also writes about the connection between *kashrut*, spirituality and social action: “But to keep kosher as a Reform Jew is (...) different from what it meant for Jews a century ago to keep kosher. The time has come to demonstrate how expansive the dietary possibilities might be for serious Reform Jews who want to deepen the spiritual content of their lives by transforming the act of eating into a celebration of the presence of God in their homes, and strike a blow for social justice in the fields and factories where food is produced.”⁴⁸ In keeping some kind of *kashrut* we can both nurture our own spiritual longings and, by transforming eating into an ethical act, we can contribute to social action and work toward our continuous striving for *tikkun olam*. Levy also points out another aspect of *kashrut*: the way we keep kosher today will differ from the way Jews kept *kashrut* a hundred years ago.

The importance of the issue of change in attitude towards and different opinions about *kashrut* is also stressed by Aaron Gross, founder and CEO of Farm Forward⁴⁹ and professor of Jewish Studies at the University of San Diego, when he writes: “Today, for example, a full range of options for *kashrut* – from avoidance of pork, to various forms of vegetarianism, to traditional rabbinic regulations – are permitted as valid by the CCAR⁵⁰.”⁵¹ Beside these options within the traditional framework of *kashrut*, there is another, more radical approach to *kashrut* that Gross mentions when referring to Levy’s article: “Richard Levy expresses his hope that keeping kosher (...) is not to be restricted to the separation of milk and meat, refraining from biblical *treif*, and accepting only traditional methods of *shechita* (slaughter). A Reform approach to *kashrut* should also encourage concern for *tzar ba-alei chayim*, the pain of living creatures cruelly penned in and fattened. Similarly, a Reform embrace of *kashrut* might well ban veal as biblical *treif*, and might prohibit fruits and vegetables grown with pesticides or harvested under inhumane conditions.”⁵² In this respect, what we eat reflects on our lives as Jews; our eating should also reflect our values and leading ethical principles. In chapter three I will get back to the different options in keeping (eco-)kosher.

2.2 Bal Tashchit and Eco-kashrut in Jewish Renewal

In this section I will focus on two main figures of Jewish Renewal: Reb Zalman Schachter-Shalomi as one of the founders of Jewish Renewal and the first one to use the term eco-

⁴⁷ Ibid. p. 63

⁴⁸ Richard N. Levy ‘Kashrut: A New Freedom for Reform Jews’ in *CCAR-Journal*, Winter 2004 (CCAR Press, New York, 2004) p.46

⁴⁹ Farm Forward implements innovative strategies to promote conscientious food choices, reduce farm animal suffering, and advance sustainable agriculture

⁵⁰ Central Conference of American Rabbi’s, a leading body in the development of *teshuvot* for the Reform Movement.

⁵¹ Aaron Gross ‘Continuity and Change in reform Views of Kashrut 1883-2002’ in *CCAR-Journal*, Winter 2004 (CCAR Press, New York, 2004) p. 7

⁵² Ibid. p. 14

kosher, and Rabbi Arthur Waskow, one of the leading figures in the discussion about eco-kashrut in Jewish Renewal.

2.2.1 Reb Zalman Schachter-Shalomi

The word eco-kosher was used for the first time in the 1970s by Reb Zalman Schachter-Shalomi. Coming from a Lubavitcher Chassidic background in pre-War Europe, he moved to the United States in 1941; in the 1960s he left Chabad and became the founder of Jewish Renewal. He describes this process as follows: “I have moved from this position, the one we call ‘restoration’, one seeking to restore Judaism to its pre-Holocaust status. (...) Instead, I have embraced and propagated a vision of Jewish Renewal, one in which we metamorphose in the *Paradigm Shift* to be transformed again now as we have been transformed in the past.”⁵³ With this last sentence he refers to the destruction of the Temple and the emergence of Rabbinic Judaism. In his opinion, after our near-destruction in Auschwitz, we need another transformation towards a “Judaism that will be the vital process for us Jews and produce the vitamins needed for the health of the entire planet.”⁵⁴

His thinking about eco-kashrut started when he realized how much harm we were causing to our environment. Coming from an orthodox, yeshivah background, he is familiar with halachic issues and discussions, but, as we have seen above, urges for a paradigm shift in halachic thinking. “Somewhere in the seventies I coined the term *eco-kosher*. I raised questions about one-way bottles that in the classical understanding of kosher are more kosher than two-way bottles, but I argued in contrast eco-kosher would claim that the one-way bottle is less kosher than the two-way bottle and that there is a real question from eco-kosher *halachah* if the electricity from a Nuke is kosher.”⁵⁵ So he reinterprets the concept of ‘kosher’; he leaves the traditional approach which only looks at the origins of the food and materials, whether ingredients are fit to eat and the utensils are not contaminated by non-kosher food, and shifts his focus to the impact on the environment, including the energy we are using. He also gives another example of how his thinking about eco-kashrut evolved when the problems of raising box calves became known: “(...) this led to a revolt by Jewish consumers who refused to buy veal until the practices were changed to become more humane. This represented one of the early ways in which eco-kashrut began – by invoking the principle of *tza’ar ba’alei chayyim* (the suffering of living beings) as an integral part of what it means to say that meat is *kosher*.”⁵⁶ So here, Schachter-Shalomi does not put regular kashrut aside, but adds an element to it. In his opinion the principle of *tza’ar ba’alei chayyim* has to be an integral part of the halachah about kashrut. He also points out another interesting element: the power that we have as consumers to buy certain products or not. He gives another example of consumers refusing to buy grapes that were grown under very bad working conditions (known as the strike that Cesar Chavez organized for the United Farm Workers to protest for higher

⁵³ Reb Zalman Schachter-Shalomi *Paradigm Shift* (Jason Aronson Inc. Northvale, New Jersey, Jerusalem, 1993) p. xix

⁵⁴ Ibid. p. 265

⁵⁵ Ibid. p. 269

⁵⁶ Rabbi Zalman Schachter-Shalomi and Rabbi Daniel Siegel, *Integral Halachah, Transcending and Including* (Trafford Publishing, Victoria, BC, Canada, 2007) p. 97

wages): “There were enough people who refused to buy non-union grapes to allow the effort to organize and then improve the working conditions of workers to be successful (at least for a time). This corresponds to precedents in *halachah* which forbid buying products produced under extortion or under slave labor, under duress. Even if all the ingredients are kosher, it has an unethical taint which makes it forbidden.”⁵⁷ So ethics has to be taken into consideration and has to be an integral part of kashrut. In chapter three I will get back to the responsibility and power that we as consumers have.

But adding another principle to traditional halachah can lead to a situation in which they clash, like in the example that he gives about shechitah: “(...) the way the animals are shackled can cause great *tza’ar ba’alei chayyim* which (...) can be grounds for rendering an animal not kosher even if the proper procedures have been observed.”⁵⁸ So there always has to be a weighing of values and choices to be made; which element does prevail: the ethical principle of *tza’ar ba’alei chayyim* or the traditional way of slaughtering? The importance of *tza’ar ba’alei chayyim* is for Schachter-Shalomi self-evident, when he remarks: “Sparing an animal unnecessary suffering is so basic that it is considered one of the seven mitzvot given to Noah and his sons after the flood and it is independent of kashrut.”⁵⁹ But among the various ethical principles one has to make choices and set priorities. Is traditional halachah clear in what is permitted and what not, with regard to eco-kashrut one has to balance priorities and make choices according to one’s own conscience. This also means that one has to have knowledge about the products that one is eating, for example where and how is it grown or raised, find information under which circumstances and how workers are treated. This also means that one has to study the various Jewish ethical principles in order to be able to make one’s own choices. I will get back to this in Chapter Three.

When Schachter-Shalomi started thinking about eco-kashrut, he tried to find a way to connect the practices of kashrut with Jewish ethics. “The way I began was to look up the two word phrase *bal tashchit* / lest you destroy. Originally this law referred to a war; when besieging an enemy town, it is forbidden to cut down the nearby fruit trees. Over time, this specific law was expanded into a more general principle which required respect for anything that is usable and has value to the world.”⁶⁰ This is in short a summary of the development that we have seen in Chapter One, although he adds another way of looking, namely: value to the world. I am not sure if he means by this the intrinsic value of an object or value in terms of usefulness. But for me talking about ‘value to the world’ transcends the narrow approach of something being of use for an individual.

In another text he even goes one step further in his opinion of the scope of *bal tashchit*: “At this point in our thinking it is abundantly clear that the basic command in the Torah, ‘Do not

⁵⁷ Ibid. p. 127

⁵⁸ Ibid. p. 98

⁵⁹ Ibid. p. 125

⁶⁰ Ibid. p. 126

destroy her trees’, extends even to those trees whose fruit is ‘only oxygen’⁶¹. Beyond this it extends from the minor to the mayor, by *kal vachomer* to the entire planet. It begins from a mere *lav*⁶², the Torah’s simple prohibition to cut down fruit trees during a siege to extend to the *bal tashchit*, the prohibition to destroy the entire planet. If homicide is a capital crime, how much more so is being an accessory to planeticide.”⁶³ By seeing our planet as a living creature and applying the rabbinic principle ‘kal vachomer’, a halachic inference from a halachah of lesser consequence to one of greater consequence (usually translated with ‘all the more so’), from homicide to destroying the entire planet, he makes a radical move. But in a sense, if you think this through, he is right: the planet is the condition for our life, so if we destroy (parts of) it, in the long run, we will destroy our own lives. It is also another way of thinking about our relationship to the earth: we are a part of nature, not separated from and above it. This way of thinking about the planet emerged in the late 1960s when people began to see the earth as a living organism and began to think about the environmental impact of our collective behavior as human beings on the living earth. So Schachter-Shalomi extends the principle of *bal tashchit* from individual trees and living beings to whole species and to the planet itself.

Reb Zalman Schachter-Shalomi usually speaks in general terms about *bal tashchit* and the prohibition to destroy the environment. In his book *Integral Halachah* he gives one concrete example of *bal tashchit* as discussed in BT Baba Kama 91b in relation to eating. He talks about the potential conflict when applying this principle, namely between the prohibition to throw away food and the protection of one’s body. “Its humorous side is in old jokes about Jewish mothers pushing their children to eat everything on their plates even when they are no longer hungry. In order not to have throw away good food people are pushed to eat beyond what is good for them. On the serious side, there is a discussion in the Talmud about whether a person can be forced to renounce an oath that would harm his/her body. The answer is yes, and one reason suggested is because the *mitzvah* of *bal tashchit* applies to one’s own body as well as to living creatures outside that body. In a way, it’s too bad that we didn’t know how to invoke that conclusion when we were encouraged to eat too much.”⁶⁴ So here, Schachter-Shalomi emphasizes the principle of taking care of one’s body, *shmirat haguf*, based on this example from the Tamud, in relationship to eating, which was not the original context in the Talmud. When talking about one’s body and eco-kashrut, you could say that it is not only forbidden to eat too much, but also that it is forbidden to eat food that harms one’s body. That gives a completely new perspective on the approach to kashrut. Or as Schachter-Shalomi puts it: “Something could be kosher but still forbidden if it might have a harmful effect.”⁶⁵ In this example he is talking about something being harmful for one’s own body or health, but you

⁶¹ A couple of years ago I attended a shabbaton with Reb Zalman Schachter-Shalomi in London and remember how he, right before the ‘Nishmat kol chay’ prayer, talked about trees that ‘breath out’ the oxygen that we breath in. He used it as an example to show our dependence on nature and our interconnectedness.

⁶² I am not sure why he uses here the Aramaic word ‘lav’ and not the Biblical ‘lo’ that is used in Devarim.

⁶³ Reb Zalman Schachter-Shalomi *Paradigm Shift* (Jason Aronson Inc. Northvale, New Jersey Jerusalem, 1993) p. 269

⁶⁴ Rabbi Zalman Schachter-Shalomi and Rabbi Daniel Siegel, *Integral Halachah, Transcending and Including* (Trafford Publishing, Victoria, BC, Canada, 2007) p.126

⁶⁵ *Ibid.* p. 127

could extend this to being harmful to the environment, as in the example he gave about the one-way and two-way bottles.

2.2.2 Rabbi Arthur Waskow

Rabbi Arthur Waskow is the founder of The Shalom Center⁶⁶ and one of the leaders of Jewish Renewal. In his book *Down-to-Earth Judaism* he discusses some examples of bal tashchit from the Talmud. He introduces these passages as follows: “When we look at the tradition about not ‘gobbling’ the earth by other means than literally eating, we find a whole set of teachings about protecting both God’s Creation and the results of human creativity. (...) The Rabbis decreed that if trees must be protected even in time of war, then – all the more so!- all sorts of natural and human-made objects must be protected under ordinary circumstances. And yet, of course, human beings must have wood, and cloth, and water to meet their needs. How to strike the balance?”⁶⁷ Waskow is aware of the tension between our needs and the need for protection and says that it is a matter of balancing these needs. He then very shortly describes some passages of Talmud that we have seen in Chapter One, from Chullin, Baba Kama and Shabbat, that set boundaries to unnecessary destruction. He gives the example from Shabbat 129a, the burning of expensive furniture to keep warm, as the most far-reaching situation in which a “human being may destroy what God and they have made, to meet their own needs.”⁶⁸

But Waskow is looking for a broader meaning or intention of the rule of bal tashchit; for him only discussing these examples and looking for the boundaries, is not enough. So he mainly focuses on the text from Shabbat 105b, that was also used in *Sefer haChinuch*, which regards someone who destroyed something in anger as an idolator. “In this last case it is not need that is fueling the destruction but a kind of sullen anger. On the surface, the anger may be aimed at other people, but in a deeper sense, it bespeaks a rage at God. (...) it is God’s Creation we are destroying. (...) So here we find the Rabbis making a spiritual and psychological diagnosis of wasteful and angry destruction. Just as heedlessly gobbling up our food betokens a spiritual hunger, an emptiness, so does heedless destruction of the world around us. Today, these rules and this spiritual analysis point us in the direction of an environmental ethic that is Jewishly and spiritually rooted. It is an ethic that takes seriously the limits on our ownership of any part of Creation, while it understands that only the fullness of spiritual life can nourish people well enough to respect these limits.”⁶⁹ So for Waskow bal tashchit is a way to develop an environmental ethic in a very broad sense. He includes in this our relationship to the earth, the way we as ‘earthlings’ treat her, and whether we consider ourselves or God as owner of the

⁶⁶ The Shalom Center seeks to be a prophetic voice in Jewish, multireligious, and American life. The Shalom Center equips activists and spiritual leaders with awareness and skills needed to lead in shaping a transformed and transformative Judaism that can help create a world of peace, justice, healing for the earth, and respect for the interconnectedness of all life. See: <http://theshalomcenter.org/content/about-shalom-center-mission-more> for more information.

⁶⁷ Arthur Waskow, *Down-to-Earth Judaism* (William Morrow and Company, Inc. New York, 1995) p. 94

⁶⁸ Ibid. p. 95

⁶⁹ Ibid. p. 96

earth. For him spirituality is an integral part and underlying force in the discussion. It is our spiritual hunger and feeling of emptiness, that leads to overconsumption and overeating, but that spiritual gap will never be filled if we don't take spirituality into account. This is a very different approach than we have seen in the first part of this chapter, where some people, like Yoffie and Mikva, argued that being conscious about our eating practices could bring spirituality into our day-to-day existence. They would like to transform our eating practice into a spiritual one, while Waskow is saying that our spiritual needs can never be filled through eating and should be taken care of in a different manner.

Waskow shares his concern about the destruction and pollution of the earth. He points at the negative effects of industrialization and modern technology and our need for more food and other 'consumables'. "(...) the human race has subjugated the earth — subjected it to pollution and destruction. And the whole earth is striking back at human exploitation by threatening atmospheric decay, desertification, drought, flood, famine, the extinction of species. On the one hand, the whole notion that food must be treated as sacred has almost vanished. And on the other hand, the whole notion of treating the earth as sacred through rhythmic sabbatical rest for earth and earthlings has almost vanished."⁷⁰ Here he brings back the Biblical notion of sacredness with regard to food and in the way we treat the earth and ourselves. I will try to get back to the subject of eco-kashrut and narrow down the discussion, but Waskow has a very broad take on eco-kashrut, he sees it as "a broader sense of 'good practice' in everyday life that draws on the deep well-springs of Jewish wisdom and tradition about the relationships between human beings and the earth."⁷¹ He raises very different environmental issues, from cutting down forests for Jewish newspapers to investing money in polluting companies. The question he asks with regard to food is: "Are tomatoes grown by drenching the earth in pesticides 'kosher' to eat, at home or at the synagogue's next wedding reception?"⁷² Since most Jews do not keep kosher and feel uncomfortable about the subject, raising these questions and accepting communal standards for what to eat in a community, is for Waskow also a way to affirming and strengthening Jewish life. "For many people, the ethical issues stem from a sense that today all peoples eat from all the earth, and that a specific Jewish peoplehood does not address such broad concerns. So they may welcome communal discussions and decisions about vegetarianism, macrobiotic diets, or boycotts of food grown by oppressed workers, but feel much less comfortable about choosing a diet that is distinctive according to a uniquely Jewish pattern. (...) But in the last several years, some Jews have been trying to reshape Jewish values so that they might affirm and protect the wholeness of the earth precisely by affirming and strengthening Jewish life. They have been trying to do this by reconnecting the idea of kashrut — what we allow ourselves to eat — with some broader values and obligations toward the earth that stem from Jewish tradition. They have drawn upon those underlying ethical concerns for the earth and its creatures that some have said were encoded in traditional kashrut."⁷³ I am not sure to what he is referring with this last remark. Perhaps to the following that Rambam wrote in *Moré Newuchim (The Guide of*

⁷⁰ Ibid. p.119

⁷¹ Ibid. p.117

⁷² Ibid. p.117

⁷³ Ibid. p. 120

the Perplexed): “since the necessity to have good food requires that animals be killed, the aim was to kill them in the easiest manner, and it was forbidden to torment them through killing them in a reprehensible manner.”⁷⁴ By saying that these values were encoded in traditional kashrut, it becomes easier to justify the application of those values to new situations. According to Waskow, eco-kashrut can, by incorporating broader Jewish values, be a way to draw Jews nearer to the Jewish tradition and strengthen their Jewish life. Interesting is his remark about kashrut: “what we allow ourselves to eat” instead of what our tradition prescribes as allowed. Or perhaps by formulating it like this, he includes all of us in the process of developing kashrut and doesn’t only see it as the responsibility of the rabbis that preceded us.

About the issue of choices and setting priorities between different values, Waskow writes: “A new kashrut that drew on the ethical strands of Torah would also demand that people make choices about how to observe the rules. For example, some might treat the principle of *oshek* (not oppressing workers) as paramount, and use only products that are grown or made without oppressing food workers. Others might make the principle of *bal tashchit* (protection of the environment) paramount, and put *oshek* in a secondary place (...). Choices would depend more on balancing and synthesizing underlying values than on an absolute sense of Good and Bad, more on a sense of Both/And than Either/Or.”⁷⁵

In 1990, Waskow was also the founder of the ‘Eco-Kosher Project’, that was initiated by ALEPH (Alliance for Jewish renewal) in which people from different Jewish backgrounds participated, from religious to secular, from orthodox to renewal. The aim was to explore issues about eco-kashrut and bring them back to the broader Jewish community. Discussing the issue of eco-kashrut with orthodox Jews brought up questions about the relationship between kashrut and eco-kashrut. The precaution the Project took was: “to say explicitly that ‘eco-kashrut’ stood outside of and independent from traditional kashrut, in a different rather than a competing sphere. (...) The Project decided that in judging what is eco-kosher, it would develop standards both out of the ethical earth-preserving elements of Jewish tradition such as *Bal tashchit* (not ruining the earth), *Tza’ar ba’alei chai’im* (respect for animals), *Sh’mirat haguf* (protection of one’s own body), and *shmitah* and *yovel* (the rhythm of allowing the earth to rest), and also from contemporary secular work on protection of the environment.”⁷⁶ One of the conclusions of the Project was that “(...) what we will need is a kind of ‘living Talmud’ — a group of people who are Jewishly knowledgeable, ethically sensitive, and willing to become reasonably expert on questions regarding food, other consumer products, and money — so that their advice would be taken seriously by large parts of the Jewish community. Such a Eco-Kosher Commission might periodically issue reports and suggestions on specific matters, listing specific products and perhaps even brands that it regarded as ‘highly recommended,’ and others it viewed as ‘to be avoided if at all possible.’”⁷⁷ I am not

⁷⁴ Shlomo Pines, *The Guide of the Perplexed by Moses Maimonides* (University of Chicago Press, Chicago/London, 1963) p. 599

⁷⁵ Arthur Waskow, *Down-to-Earth Judaism* (William Morrow and Company, Inc. New York, 1995). p. 123

⁷⁶ *Ibid.* p. 127

⁷⁷ *Ibid.* p. 128

sure if such a Commission exists or ever existed, but The Shalom Center has “(...) developed the approach of ‘eco-kosher’ practice for consuming not only food but other gifts of the Earth -- coal, oil, etc. -- in order to affirm a sacred relationship with the Earth.”⁷⁸

2.3 Bal Tashchit and Eco-kashrut in Reform Judaism

In this section I will focus on the Reform approach to eco-kashrut and the way bal tashchit is used in the discussion. I will not limit myself to one or two authors as in the previous section, although some names will appear more frequently than others; my main focus will be on one magazine and two books on this subject: ‘CCAR Journal, A Reform Jewish Quarterly, winter 2004’⁷⁹, *The Sacred Table*⁸⁰ and *The Environment in Jewish Law, Essays and Respona*.⁸¹

2.3.1 ‘CCAR Journal’ and *The Sacred Table*

In his preface to the ‘CCAR Journal Winter 2004’, Rabbi Bennet Miller, Instructor in Pastoral Theology at HUC and chairman of various Jewish groups and organisations, writes about the emergence of the CCAR Task Force on Kashrut, which he chaired at that time. It started after the Pittsburgh Platform in 1999 accepted a new Statement of Principles for Reform Judaism that would serve as a guideline to define Reform Judaism in our own time (see also the beginning of this chapter). “In the summer of 2000, a number of Reform rabbis in attendance at the Shalom Hartman Institute’s Summer Rabbinic Program began a discussion about diet and *qedushah* as it applies to the new Statement of Principles. Out of that discussion the Central Conference of American Rabbis established a task force on *kashrut*. As part of its mission, the task force chose to provide opportunities for study and learning about Judaism and diet in order to look at the issues related to the subject of *kashrut* from a variety of perspectives.”⁸² After a conference in Boston in the fall of 2001, the task force invited a number of people to write papers. These papers were published in the ‘CCAR Journal’ in Winter 2004 with the theme ‘A Contemporary Approach in Reform Judaism to the Spiritual and Ethical Dimensions of Eating’. Its explicit aim was “to develop a deeper understanding of how and why Reform Jews should approach diet as a serious expression of their lives as Jews’.”⁸³ Most of these articles were also included, together with many new ones, in the recently published book *The Sacred Table*.

One of the subcommittees of the Task Force on Kashrut was specifically concerned with the area of eco-kashrut. Aaron Gross describes the development of ideas in this subcommittee about the subject of eco-kashrut: “(...) this subcommittee will present guidelines for how broad Jewish ethical values might be tied to the Reform practice of *kashrut*. In doing so it is

⁷⁸ <http://theshalomcenter.org/content/about-shalom-center-mission-more>

⁷⁹ *CCAR-Journal, A Reform Jewish Quarterly*, Winter 2004, editor Jonathan A. Stein (Published by the Central Conference of American Rabbis, New York, 2004)

⁸⁰ Mary L. Zamore *The Sacred Table* (CCAR Press, New York, 2011)

⁸¹ Walter Jacob and Moshe Zemer *The Environment in Jewish Law, Essays and Respona* (Berghahn Books, New York - Oxford, 2003)

⁸² Bennet F. Miller ‘Preface’ in *CCAR-Journal*, Winter 2004 (CCAR Press, New York, 2004) p.3

⁸³ *Ibid.* p.4

looking at previous CCAR resolutions calling for participation in the United Farm Workers grape boycott (see resolutions from 1985, 1989) and the CCAR's support of legislation opposed to dangerous pesticides (see resolutions from 1984, 1989, 1990) as precursors to eco-*kashrut* thinking in the Reform Movement."⁸⁴ Although these previous CCAR Resolutions were not explicitly labeled as based on eco-kashrut, in hindsight, because of their content, they could be categorized as such. This makes clear that in Reform thinking the ethical values of kashrut were always taken into consideration; they form an integral part of the Reform understanding of kashrut. Or, as Aaron Gross puts it: "Rabbi Barry Schwartz, who chairs the subcommittee on eco-kashrut (...) suggests that eco-*kashrut* can be envisioned as a 'four part test of *bal tashchit* (excessive waste and environmental impact), *tzaar baalei hayim* (cruelty to animals), *shmirat haguf* (health) and *oshek* (labor exploitation)'. Such contemporary arguments for revising *kashrut* to give it a strong ethical basis are indeed new, though perhaps not particularly revolutionary, given the Reform willingness to modify so much Jewish tradition on ethical grounds."⁸⁵ From a Reform point of view ethics has to form an integral part of our ritual practice and by wanting our practice to reflect our ethical values, it can be a ground to reform the tradition.

One of the underlying questions with regard to this subject is whether eco-kashrut stands outside the realm of kashrut and should be seen as a different approach altogether to our food practice or that it should be an integral part of the Reform approach to kashrut. Rabbi Mary Zamore, editor of *The Sacred Table* is very clear in her opinion: "As our community reappropriates the word 'kashrut,' we will broaden its definition, Reforming as we have with so many aspects of Judaism. This (...) challenges us to view kashrut not only as a ritual practice, but also as a multifaceted Jewish relationship with food and its production, integrating values such as ethics, community, and spirituality into our dietary practice. Please note that I do not use the term 'eco-kashrut' or 'ethical kashrut,' as I believe that kashrut must be a holistic approach to eating and food production. From a Reform point of view, ritual cannot be orphaned from ethics."⁸⁶ Rachel Mikva does not use the term eco-kashrut, but talks about 'an emerging model for kashrut': "(...) this new *kashrut* (...) that demonstrates by where we shop, how we cook, what we eat – that we value each person, all of us created in the image of God; that we are committed to preserve the earth and its animals entrusted to our care; that our most basic animal need, to eat, is transformed and becomes an entrance to holiness."⁸⁷ One could argue that by using the term eco-kosher we place ourselves outside the framework of the bigger Jewish community. On the other hand, when we use the term kosher instead of eco-kosher, we should make clear what we mean by it and what we include that is different from the traditional understanding of kashrut. So, whether we use the term eco-kashrut or include the new values into kashrut itself, is point of discussion, but all writers are clear that adding ethical values to our ritual practice is what our time and our new

⁸⁴ Aaron Gross 'Continuity and Change in Reform Views of Kashrut 1883-2002' in *CCAR-Journal*, Winter 2004 (CCAR Press, New York, 2004) p. 18

⁸⁵ *Ibid.* p. 16

⁸⁶ Mary L. Zamore *The Sacred Table* (CCAR Press, New York, 2011) p. xxvii

⁸⁷ Rachel S. Mikva 'Adventures in eating: An Emerging Model for Kashrut' in *CCAR-Journal*, Winter 2004 (CCAR Press, New York, 2004) p. 65

understanding of kashrut asks of us. So how then is the principle of bal tashchit used in this discussion?

Many of the contributors to ‘CCAR Journal’ and *The Sacred Table* mention the term bal tashchit and make general remarks about it, but they hardly examine its origin and development, its implications and restrictions. For them the use of bal tashchit seems to be self-evident, and not in need of further exploring or more profound thinking about how to apply this to kashrut or to environmental issues. Richard Levy writes: “The whole area of *bal tashchit* – avoidance of practices destructive of nature (based on Deut. 20:19f.) – should lead us to build aspects of conservation into our observance as well.”⁸⁸ Another example is Rabbi Kevin Kleinman, Associate Rabbi at Reform Congregation Keneseth Israel in Elkins Park, PA and Jewish Environmental Educator at the Teva Learning Center, who in his article ‘Curb your Consumerism: Developing a Bal Tashchit Food Ethic for Today’ only uses one Talmudic discussion of bal tashchit, namely the discussion between Rav Chisda and Rav Papa in BT Shabbat 140b about eating barley or wheat and drinking beer or wine, to make his point: “(...) they discuss the imperative to eat food and consume beverages that are produced locally and to take fewer resources over those that must travel further from their point of origin to the consumer and are more resource intensive to produce.”⁸⁹ He bases this on information about the agriculture at that time, about which he gives a lot of background information, and draws the general conclusion: “Using the laws of *bal tashchit* as a guide, we can reduce the impact that our food choices have on the earth. By eating food that is not treated with harsh chemicals as they are grown and foods that are grown closer to the places that we live, we fulfill the dictums of our tradition not to destroy the land or waste food. The laws of *bal tashchit* have been expanded throughout history to meet the changing needs of Jewish Communities. With each development, the prohibition against destroying resources and wasting food have been made meaningful and relevant for the societal complexities of their time period.”⁹⁰ This is a way of reasoning and looking at bal tashchit that I have often seen in the literature that I read: people choose only those texts that suit them and do not give an overview of bal tashchit with its limitations or exceptions of how to apply it today.

2.3.2 The Environment in Jewish Law

A positive exception to this approach is the book *The Environment in Jewish Law* which, in several essays, does address bal tashchit and environmental issues in a more profound way. The subject of this book is the environment in general and it is not specifically focused on eco-kashrut, although this is discussed by several authors. In general one could say that bal tashchit is more often applied to environmental issues than to kashrut, since it deals with all kind of natural resources. But, if we want a new approach to kashrut and want to include various ethical values, we should take also the environment into consideration, because we

⁸⁸ Richard N. Levy ‘Kashrut: A New Freedom for Reform Jews’ in *CCAR-Journal*, Winter 2004 (CCAR Press, New York, 2004) p. 51

⁸⁹ Kevin M. Kleinman ‘Curb your Consumerism: Developing a Bal Tashchit Food Ethic for Today’ in *The Sacred Table*, edited by Mary L. Zamore (CCAR Press, New York, 2011) p. 166

⁹⁰ *Ibid.* p. 170

know for example the impact that our food consumption has on the environment in terms of use of resources and pollution.

In his article ‘Eco-Judaism: Does It Exist?’ Rabbi Walter Jacob, former president of the CCAR, an expert in Reform halachah and writer of numerous Reform responsa, is very critical about the application of the principle of *bal tashchit* to environmental issues. He describes our changing view of nature throughout the ages and gives many examples from Talmud about the concern of pollution of air, water supply and noise, but is very critical about expanding *bal tashchit*. He writes: “Most of the rabbinic literature that dealt with its (*bal tashchit*, CR) halakhic setting provides a narrow interpretation by limiting it to fruit trees, by restricting it to times of war, and by stating that virtually any economic benefit, or threat of harm from it, may be sufficient reason for the destruction of the tree or trees. Maimonides, for example, limited the verse to useful trees and stated that wanton destruction of a fruit tree was punishable, but he also permitted their destruction from even preventable dangers.”⁹¹ I was rather confused when I read this text; it seems that we read completely different texts or interpreted them very differently. In the last part of the quotation he is referring to Maimonides’ *Mishneh Torah*, Hilchot Melachim 6:8-9 the text that we have seen in Chapter One as well, but Jacob does not include the broadening of *bal tashchit* to times of peace and to other useful objects, like Maimonides himself does in Hilchot Melachim where he states that it applies in all situations (6:8) and not to trees alone (6:10), as we have seen in the Talmudic discussions as well. I am not sure why Jacob takes such a narrow view of *bal tashchit*. Perhaps he gets to this conclusion because his focus is on environmental issues like pollution and not on unnecessary waste and destruction.

Jacob also refers to other examples from Talmud and later rabbinic interpretations. Based on the discussion in Shabbat 140b, he concludes: “ (...) those who consume more luxuriously than necessary have violated *bal tashchit*, in other words, the meaning of this verse was expanded to include any excessive consumption.”⁹² But in his final conclusion he seems to contradict this previous interpretation and he returns to the narrow Biblical definition of *bal tashchit* and rejects later Rabbinic interpretations, when he writes: “The concept of *bal tashchit* can become a more valuable tool, but we need to be aware of its limitations. The biblical verse is narrow and does not lend itself to expansion. Those who have done so have used it to attack excessive consumption, which is hard to define. The halakhah has been most successfully developed in the areas of pollution control and zoning (...). Here the traditional pattern can serve as a strong basis.”⁹³ I am not sure why he is so reluctant to use the broader application of *bal tashchit*, because at the same time he remarks: “The flexibility of Judaism, a hallmark throughout our history, which we as Liberal Jews continue to emphasize, enables us to explore and develop our tradition.”⁹⁴ But he seems to have a preference for focusing on the

⁹¹ Walter Jacob, ‘Eco-Judaism: Does It Exist?’ in *The Environment in Jewish Law, Essays and Responsa* edited by Walter Jacob and Moshe Zemer (Berghahn Books, New York - Oxford, 2003) p. 19

⁹² Ibid. p. 20

⁹³ Ibid. p. 20

⁹⁴ Ibid. p. 21

areas of pollution; I am not familiar enough with these Talmudic sources to be able to judge if they would give better arguments for the protection of the environment.

In his article ‘Ecology as a Mitzvah’ Rabbi Moshe Zemer, boardmember of CCAR and MARAM - (the Council of Progressive Rabbis in Israel) and senior lecturer of Halachic studies at HUC in Jerusalem, also discusses the relationship between humankind and nature and looks at issues like noise, pollution and smoking. Briefly he touches upon the application of bal tashchit to environmental issues and takes a different approach than Walter Jacob when he writes: “This rule of *bal tash-hit* ‘do not destroy’ is extended to all objects that may have value. This prohibition includes killing animal life and destroying plants and even inanimate objects. (...) *Bal tash-hit* sets the outer limits of the enfranchisement given to us to utilize all the resources of nature for human purposes. When we cross these boundaries and demolish the works of God, we lose our delicate equilibrium with nature. Only by observing the guidelines of the *mitzvot* of ecology may we hope to regain this balance with the world around us.”⁹⁵ So, according to Zemer the Talmud sets the outer limits to our use of the products that the earth brings forth, in order to keep our delicate balance with nature. For him, as for many other ecologists, the pasuk in Bereshit 2:15 that commands us in the Garden of Eden “to work it and to guard it” (l’avdoh ul’shamroh) is the leading principle. Zemer doesn’t talk about situations in which we are allowed to cut down trees, so I am not sure if he sees those texts also as the outer limits, or as the exceptions to the prohibition.

Zemer also gives a similar example of the use of bal tashchit as Schachter-Shalomi uses and that many of us ourselves might know: “My late grandmother used to say that this *mitzvah* (of bal tashchit, CR) is what made it so difficult for her to throw anything away when cleaning out cellars and attics, especially before Pesah. This applies to food, as well. She said that her rather full figure was due to obeying the commandment ‘do not destroy.’ At the dining table the corollary imperative for all the family was that there should be no leftovers.”⁹⁶ But he, contrary to Schachter-Shalomi, doesn’t use the Talmud with regard to protecting one’s body as a counter argument.

Rachel Mikva is, in my view, the most balanced in her article ‘When Values Collide. Economics, Health and the Environment’ and stays closest to my understanding of the Talmudic debate. She starts with some general remarks about how the Talmudic discussion functions in the rabbinic tradition: “The classic rabbinic text of the Talmud focuses much of its analytical methodology on balancing priorities and ranking the status of one *mitzvah* relative to others. Also, since the halakhic tradition is a pluralistic one, it offers a perspective almost unique in today’s politicized discussion of these issues: an acknowledgement of value

⁹⁵ Moshe Zemer ‘Ecology as a Mitzvah’ in *The Environment in Jewish Law, Essays and Respona* edited by Walter Jacob and Moshe Zemer (Berghahn Books, New York - Oxford, 2003) p. 27

⁹⁶ Ibid. p. 26

on both sides of the debate and a nuanced response that attempts not to oversimplify or exaggerate the problems.”⁹⁷

Concerning *bal tashchit* she writes: “Our favorite text to quote to advance the preservation side of the argument is Dew. 20:19, from which we derive the principle of *bal tash-hit*. After all the rabbis already extend the protection of fruit trees during time of war to any kind of wanton destruction. Also, they understand that there are many indirect ways of destroying things, and they prohibit these as well. If a tree dies because we divert water from it, for instance, we are equally responsible for its destruction, as if we had chopped it down.”⁹⁸ This last sentence refers, according to the footnote in her article, to Sifre Devarim 20:19, we also encountered in Rambam’s *Mishneh Torah*, Hilchot Melachim 6:8. So not only direct destruction, but also indirect damage is included in the prohibition to destroy.

Mikva is one of the few who also writes about reasons that permit us to cut down a tree: “We often neglect to mention, however, that the rabbis identify many reasons that would justify the removal of a fruit tree; if it causes damage to other, more valuable trees or property, if it is valuable for construction, if it is needed for personal heating and nothing else is available, if the location is needed for other purposes, if you plan to build a house on the site, or if it is necessary in order to do an important *mitzvah*.”⁹⁹ For all of these examples she gives the source, some of which we have seen in chapter one as well, others are new and are mainly based on ‘Shulchan Aruch haRav’, a codification of halachah by Rabbi Shneur Zalman of Liadi, an 18th century Chassidic rabbi. I have seen quotations from this book in other discussions as well, especially based on his ‘Hilchot Shmirat Haguf V’nefesh’ (laws of protecting one’s body and soul). The importance of one’s body we have also seen in the Talmud and Mikva refers to this when she writes: “In discussing the general principle of *bal tash-hit* the Talmud clearly establishes that health concerns, for instance, outweigh the prohibition against wastefulness. Precious furniture may be broken down for firewood and unnecessarily dear foods may be consumed because the needs of the body are *adif*, preferable or higher.”¹⁰⁰ It is interesting to notice that, referring to this last part, Mikva has a very different approach to the text from BT Shabbat 140b than for example Kleinman has. In her opinion taking care of one’s body takes preference and is a reason to allow one to transgress the law of *bal tashchit*. These differences in approach could have to do with a different interpretation of the Talmudic text, or with the fact that the conclusion ‘Do not destroy with regard to one’s body is a greater consideration’ is omitted in some versions of the Talmud.

Mikva’s main concern is about balancing competing values and she gives several examples of decisions that other rabbis made: “In addition to acknowledging competing values, the *halakhah* also reaches for compromise positions. It talks about cutting only branches of trees

⁹⁷ Rachel S. Mikva ‘When Values Collide. Economics, Health and the Environment’ in *The Environment in Jewish Law, Essays and Respona* edited by Walter Jacob and Moshe Zemer (Berghahn Books, New York - Oxford, 2003) p 34

⁹⁸ Ibid. p. 36

⁹⁹ Ibid. p. 36

¹⁰⁰ Ibid. p. 36

or replanting it elsewhere. In the response literature, Rabbi Yair Hayim Bacharach and others confirm that these are preferred resolutions when values collide, even though it may well take additional and even repeated cost or effort to make it work. Rashi warns us that we must still not diminish the tree's value by trimming it. Hatam Sofer insists that we not pretend to replant a tree that we know has little chance of surviving. Already, then, we can see that the *halakhic* approach takes into consideration direct and indirect environmental impact, the validity of the arguments on both sides, the possibility of compromise, and the awareness of the nuances of cost-benefit analysis, depreciation, deception, and other factors.”¹⁰¹

With regard to the Talmudic story of Rabbi Hanina's son who dies prematurely because he cuts down a date palm before its time, Mikva remarks: “The principle of *bal tash-hit* is seen as quite serious, since it seems to carry both the punishment of lashes (enforced by humanity) and the possibility of an early death (enforced by God). It becomes even more complex, however, in that the rabbis assume that Rabbi Hanina's son would not knowingly violate a principle of Torah. Some conclude that it must have been permitted, but that there are still consequences for making such a choice. Thus, ‘danger’ may still apply even when we follow the letter of the *halakhah*.”¹⁰² So, with regard to cutting down trees we should be even more stringent than the law requires. This is an example of aggadah setting the measure for halachah; it stands for something more than just the simple story it appears to be at first reading.

2.4 Bal tashchit and Eco-kashrut in the Conservative Movement

Due to the limited scope of this thesis, I will not be able to discuss all Conservative literature that has been published about this subject. This is a pity, since the discussion in the Conservative Movement, defining itself as a ‘halachic movement’ in order to distinguish themselves from Reform, might be of interest. But, on the other hand, the materials I read, like the article ‘Ecology and the Judaic Tradition’¹⁰³ by Rabbi Robert Gordis, mainly repeated the texts and the arguments we have seen before. I will focus my attention on Lawrence Troster who wrote very critical about the application of bal tashchit and insists on a radically different move. And I will look at the ‘Magen Tzedek’ program of the Conservative Movement, which implements ethical values in a new and additional certificate to kashrut.

2.4.1 Lawrence Troster

In his article ‘The book of Black Fire: An Eco-Theology of Revelation’¹⁰⁴, Rabbi Lawrence Troster, the director of Green Faith's Fellowship Program, an organization that wants to inspire, educate and mobilize people of diverse religious backgrounds for environmental leadership, is very critical about using bal tashchit as a way to change our attitude and

¹⁰¹ Ibid. p. 36

¹⁰² Ibid. p. 37

¹⁰³ Robert Gordis, ‘Ecology and the Judaic tradition’ in *Contemporary Jewish Ethics and Morality, a reader*. Edited by Elliot N. Dorff and Louis E. Newman (Oxford University Press, New York/Oxford, 1995)

¹⁰⁴ Lawrence Troster, ‘The book of Black Fire: An Eco-Theology of Revelation’ in *Conservative Judaism*, Volume 62, Numbers 1-2, Fall-Winter 2010, p. 132-151

behavior in environmental issues. He writes: “In Jewish environmentalism, we are now at the legal logjam (...). A new situation has arisen that cannot be dealt with by the system and so a new narrative must be created, one which will produce whole new areas of concrete responses.”¹⁰⁵ In this respect Troster can be compared to Schachter-Shalomi who also insisted on a paradigm shift in order to be able to respond to environmental problems. That he is willing to change halachah outside the generally accepted borders becomes clear from this text: “Like the new responses to the status of women and the status of gays and lesbians¹⁰⁶, there is a critical need to create new Jewish environmental *halakhah*, as developments within the tradition have reached a theological and legal dead end. Jewish theological and halakhic environmental writings have centered on a small number of traditional sources, which have proven insufficient in producing a significant Jewish communal response to the environmental crisis. For example, Jewish environmental writers since the 1970s have noted that Deuteronomy 20:19-20, the *mitzvah* of *bal tash-hit*, could be used as a Jewish environmental law against conspicuous consumption. But despite the repeated invocation of the biblical text, there has been only minor progress in changing Jewish consumption habits.”¹⁰⁷ It seems that Troster does not have substantive objections against the broadening of *bal tashchit*, but that his concern is about the low impact of the implementation and changes in our consumer behavior.

But for Troster the traditional framework is too narrow, even if we are willing to broaden it on traditional halachic grounds, so he writes: “(...) Israeli environmentalist Jeremy Benstein has created a new category (of mitzvot, CR): between people and the world (*bein adam la-olam*). Included in this category would be traditional mitzvot such as *bal tash-hit* and *tza'ar ba'alei chayim*, the prohibition of cruelty to animals. (...) While Benstein recognizes that there may be other sources in the development of Jewish environmental *halakhah*, he himself does not really go beyond these traditional texts and categories. Thus Jewish environmental theology and *halakhah* have stayed for the most part within a fairly narrow textual approach. Even in liberal Jewish circles, there has been too much willingness to act as if biblical and rabbinic texts are so canonical that only they can be sources of environmental action.”¹⁰⁸

Troster suggests to develop a new theology “based on vast knowledge of the universe that has come from modern science.”¹⁰⁹ Whether or not this new theology is accepted, seen as ‘revelation’ as Troster calls it, depends on the acceptance by the Jewish community. He draws a parallel to the emergence of the Torah: “We will do it the same way that the books of the

¹⁰⁵ Ibid. p. 136

¹⁰⁶ My own remark on this: accepting women and gays and lesbians for the rabbinate was heavily debated within the Conservative Movement. On halachic grounds there rose a problem, although it was easier to accept women than it was to accept lesbians and gays because of the explicit condemnation of homosexuality in Torah. In this last case ‘*kewod habriyot*’ (human dignity) was used to outweigh other halachic objections.

¹⁰⁷ Lawrence Troster, ‘The Book of Black Fire: An Eco-Theology of Revelation’ in *Conservative Judaism*, Volume 62, Numbers 1-2, Fall-Winter 2010 p. 135

¹⁰⁸ Ibid. p. 135-36

¹⁰⁹ Ibid. p. 142

Bible themselves were canonized: if the new voices find ‘existential value’¹¹⁰ within the diverse forms of the Jewish community, then eventually they too will come to be seen as revelation and will be incorporated into liturgy, ritual, and text.”¹¹¹ Troster uses the example of the observance of Tu Bishvat, that in the last twenty years turned from minor observance to a ‘Jewish Earth Day’. It is interesting to find someone so critical of the halachic implications of bal tashchit as Troster within the Conservative Movement, but I am not sure how successful his plea will be, because, as he stated in the beginning, the main problem is the willingness of people to change their behavior.

We need people like Schachter-Shalomi and Troster to critically reflect on our own tradition, to make us aware of the limitations of our traditional framework and to consider if we need other approaches to solve the problem. But I am not sure if we need this with regard to bal tashchit; this and other concepts give us enough room to argue for change and in order to change a tradition you need arguments based on the tradition itself, not on external sources.

2.4.2 Magen Tzedek, an Ethical Certification for Kosher Food

One concrete example of how ethical values are applied with regard to our food production is the Magen Tzedek certification of the Conservative Movement. Starting in 2008 under the name ‘Hechsher Tzedek’, a Commission of the Rabbinical Assembly and the United Synagogue of Conservative Judaism was formed “to develop and apply a set of standards that would certify that kosher food manufacturers in the US operate according to Jewish ethics and social values.”¹¹² Harvey Popolow, Executive Director of Magen Tzedek, explained the change in name in an e-mail answering my question about this: “We officially changed our name to Magen Tzedek in February 2012 after many discussions with Orthodox kashrut agencies, who were strongly of the opinion that Hekhsher is strictly reserved for kosher certification. Since we are not a kashrut agency (by design) but an enhancement to ritual kashrut, we chose Magen to replace Hekhsher, It translates to Shield of Justice, reflecting our desire to ensure ethical production standards are employed.”¹¹³

The Magen Tzedek certificate is additional to the regular one for kosher food; it does not replace the traditional hechsher but can be seen as complementary to it. This is in line with the stand of the Conservative Movement as a halachic movement, so keeping traditional kashrut is for them no point of discussion. Compare this to what for example Zamore and Mikva wrote about this subject; they argue for incorporating these values in regular kashrut and not to see it as a separate approach. In developing the new certification the Commission has developed a “program that combines the rabbinic tradition of Torah with Jewish values of social justice, assuring consumers and retailers that kosher food products have been produced in keeping with exemplary Jewish ethics in the area of labor concerns, animal welfare,

¹¹⁰ The use of the term ‘existential value’ in relation to sacred text and how it is created within the Jewish community as canonized Scripture is taken from Shaye Cohen, ‘From the Maccabees to the Mishnah’ (Westminster John Knox Press, year unknown) p. 172-73 [first edition 1987, second 2006]

¹¹¹ Ibid. p. 146

¹¹² <http://www.magentzedek.org/> (consulted on 3/8/2013)

¹¹³ E-mail from Harvey Popolow from 13-3-2013 answering my question about the change in name.

environmental impact, consumer issues and corporate integrity. (...) Magen Tzedek is a symbol that all people of conscience can support, without regard to their religious affiliation or observance.”¹¹⁴ The development of the certificate is based on the Jewish tradition that teaches us to pursue justice and to repair the world. And ultimately in our role as consumers we can ask businesses to make changes in line with these Jewish values. They are now in the early stages of soliciting kosher food manufacturers to apply for certification and expect to have certified products on the shelves by the end of this year (2013).

In January 2008 Rabbi Avram Reisner, a member of the Conservative Movement’s Committee on Jewish Law and Standards, published the paper ‘Hekhsher Tzedek, Al Pi Din’ in which he discusses the principles and standards for corporate practice that are used to justify the Hechsher Tzedek, on basis of “halachic materials from the Bible and throughout the development in Jewish law.”¹¹⁵ It is interesting to notice that he uses the term ‘al pi din’, meaning: according to the letter of the law. I asked him why he choose this title and this is what he answered: “(...) in halakhic business ethics there are two standards, ‘shurat hadin’¹¹⁶ the minimum a court can require, and ‘lifnim mishurat hadin’¹¹⁷ or ‘latzet y’dei shamayim’¹¹⁸ and other such concepts. Indeed there is a lively literature, as you saw mentioned in the paper, of whether a court may compel behavior at that level. (...) the Hechsher Tzedek standard was that higher standard of righteous behavior, which it could aspire to precisely because it was NOT compulsory, but voluntary. And this higher standard was being defined ‘al pi din’.”¹¹⁹ So according to Reisner the behavior that they require from businesses is that they keep voluntary the higher standard (lifnim mishurat hadin), but in his opinion this is not beyond the letter of the law, but it is the letter of the law (al pi din).

One of the fields that the Hechsher Tzedek Commission dealt with is the environmental impact that a food producing company has. Reisner starts this part of the paper with the famous and often quoted midrash from Kohelet Rabbah 7:13:

“When the Holy One created the first man, He took him around all the trees in the Garden of Eden and said to him: See how beautiful and wonderful my works are. Everything I have created, I have created for you. Be mindful that you do not ruin and devastate my world, for if you ruin it, there is no one to repair it after you.”

He also refers to the command from Bereshit 2:15 to work and protect the Garden of Eden together with the commentaries on it of Ibn Ezra and Ibn Attar. But for Reisner only midrash is not sufficient as a legal basis for Hekhsher Tzedek and he writes: “These (...) are certainly sufficient to ground a basic Jewish concern for taking care not to pollute the environment. But

¹¹⁴ Ibid.

¹¹⁵ Rabbi Avram Israel Reisner, ‘Hekhsher Tzedek, Al Pi Din’ published by the Hekhsher Tzedek Commission of the Rabbinic Assembly and the United Synagogue of Conservative Judaism (31 January 2008, updated 7/09), p. 2

¹¹⁶ Literally: the line of the law; meaning: the minimum a court can require or the letter of the law.

¹¹⁷ Literally: inside the line of the law, but meaning: beyond the letter of the law.

¹¹⁸ Literally: going out of the hands of heaven; usually translated as: having fulfilled one’s obligation beyond the requirements of the law.

¹¹⁹ Private e-mail from Rabbi Reisner on March 22th, 2013

the legal basis upon which Hekhsher Tzedek depends in setting environmental concerns as an area of specific social responsibility on the part of participating businesses is simply the matter of liability for the damage they cause by their operation.”¹²⁰ So he focuses on damage and the question of liability and turns to Talmudic and Rabbinic sources that deal with pollution of water sources and zoning laws that deal with damages “that may be caused by one’s licit activity upon adjacent areas through various runoff and pollution. This is not, as in some other measures, beyond the letter of the law, rather it is the letter of the law which, at times past, we did not sufficiently understand or enforce. Indeed, the law specifies that while some damages may be waived consensually, pollution damages may not be waived (Shulchan Arukh, Choshen Mishpat 155:36).”¹²¹ So just as Walter Jacob, Reisner uses the halachic texts that deal with pollution and the damages they cause and says ‘it is the letter of the law’ (to which he refers in his title) to show the severity of the legal impact. He also quotes Maimonides who wrote that: “One is not permitted to cause damage, planning to pay for the damage. Even to cause the damage is prohibited.”¹²² In a footnote Reisner explains that this is about damages to others, but that from a midrash in Baba Kama 50b the rabbis derived that in damaging the public domain one also damages oneself. I am not very familiar with the halachic texts that deal with damages, but it seems that Reisner here gives a very strong basis for companies to change their behavior and the damage they cause by their production process and for consumers to ask for applying these higher standards based on Jewish grounds. To me this approach seems very promising and useful, but for the sake of this thesis I will return to the issue of bal tashchit.

Reisner also points out that the principle of bal tashchit is used for environmental issues. He gives Devarim 20:19 as the source, but also gives other biblical examples from which this principle may be derived: “For example, before he declares a house impure, the priest is to order the house to be emptied of clothes and furnishings (Leviticus 14:36), by this stratagem saving the contents of the house from themselves becoming impure.”¹²³ He also uses the example of Shemot 12:4 that tells us that if the household is too small for a lamb [to eat as a pesach-offering], he should share one with his closest neighbor. In no other text did I find these as examples for bal tashchit; usually only Dew.20:19 is seen as the source of bal tashchit, but Reisner could be right, perhaps there are more examples of carefully avoiding destruction or waste to be found in Torah. Reisner also quotes *Sefer haChinuch* and remarks: “This is the way of the righteous. It is not the standard of everyman. But as Mishnah Avot 5:10 suggests, what seems to some the standard of the average person, appears to others as too pinched and niggardly, and the gold standard is that of the ways of the righteous. In addition to insisting that Kosher food manufacturers abide by the fullness of halakhic demands, Hekhsher Tzedek is also conceived as a tool for the Jewish consumer to be able to make

¹²⁰ Rabbi Avram Israel Reisner ‘Hekhsher Tzedek, Al Pi Din’ published by the Hekhsher Tzedek Commission of the Rabbinic Assembly and the United Synagogue of Conservative Judaism (31 January 2008, updated 7/09), p. 19

¹²¹ Ibid. p. 19-20

¹²² Hilkhhot Nizkei Mamon 5:1

¹²³ Rabbi Avram Israel Reisner ‘Hekhsher Tzedek, Al Pi Din’ published by the Hekhsher Tzedek Commission of the Rabbinic Assembly and the United Synagogue of Conservative Judaism (31 January 2008, updated 7/09), p. 20

righteous choices about their kosher eating which were never possible before. Like consumer ingredient and health information labeling, this is one more step toward putting into action the goals that God and the Torah have set for us, and toward which we strive. (...) We have a right, and we are right, to expect our coreligionists, our kosher food purveyors, to sanctify God's name by their business practices and to allow, even to aid us in, the pursuit of righteousness."¹²⁴ And he ends with a quotation of Abraham Joshua Heschel to show the importance of our actions in this field: "The teaching of Judaism is the *theology of the common deed*. The Bible insists that God is *concerned with everydayness, with the trivialities of life...* in how we manage the commonplace. The prophet's field of concern is not the mysteries of heaven... but the blights of society, the affairs of the marketplace. He addresses himself to those who trample upon the needy, who increase the price of grain, use dishonest scales and sell the refuse of corn (Amos 8:4-6). The predominant feature of the biblical pattern of life is unassuming, unheroic, inconspicuous piety... 'The wages of the hired servant shall not abide with thee...' (Lev. 19:13)... When you build a new house, you shall make a parapet for your roof" (Deut. 22:8)... The challenge we face is a test of our integrity."¹²⁵ This last remark by Abraham Joshua Heschel summarizes our concern for and the importance of 'the everydayness, (...) the trivialities of life', and is an inspiration for action. To say 'the teaching of Judaism is the theology of the common deed' is to say that we, in our daily affairs, should be concerned with ethical values and that our mundane concerns should reflect our striving to repair the world and make it a better place. This is why the Conservative Movement established the Magen Tzedek Certificate. In the next chapter I will get back to this aspect and focus on how we, as consumers and congregations can contribute to that ideal.

2.5 Summary

As we have seen in this chapter, the approaches to eco-kashrut are very diverse, also concerning the role that bal tashchit plays in the discussion. Most writers agree that kashrut can be seen as a way to bring holiness and spirituality into our daily lives and that we, in the daily act of eating, can connect ritual and ethics in our striving for tikkun olam. How we do this and on what grounds is point of discussion. Some, like Schachter-Shalomi, see bal tashchit as a prohibition to destroy the entire planet; others, like Jacob, are more critical on the use of bal tashchit with regard to environmental issues.

One point of discussion is whether we call this practice of incorporating ethical values into kashrut, eco- or ethical kashrut or simply kashrut. In other words: do we see this as additional to traditional kashrut, like the Conservative Movement does with their Magen Tzedek certificate, or as an integral part of regular kashrut as many Reform and Renewal thinkers prefer?

¹²⁴ Ibid. p. 21

¹²⁵ Original quotation from: Abraham Joshua Heschel *The Insecurity of Freedom*, 102-104, emph. in original. Quoted in 'Hekhsher Tzedek, Al Pi Din' by Rabbi Avram Israel Reisner, published by the Hekhsher Tzedek Commission of the Rabbinic Assembly and the United Synagogue of Conservative Judaism (31 January 2008, updated 7/09), p. 21

It is interesting to notice that the differences in approach are not necessarily between the different movements, but rather among various people within a certain movement. So in the Reform Movement, where on the one hand Walter Jacob is not in favor of using bal tashchit with regard to environmental issues but prefers to refer to other Talmudic sources, and on the other hand Moshe Zemer and Rachel Mikva who emphasize the importance of bal tashchit. Likewise in the Conservative Movement Lawrence Troster and Avram Reisner hold opposing views with regard to the use of bal tashchit. In my opinion we should use all possible Jewish sources to set limits to destruction, pollution and waste of natural resources and use bal tashchit among other principles like tzaar ba'alei chayim, oshek and shmirat haguf. The challenge is how to balance these values, what to do with competing values and when they clash with traditional halacha or kashrut. That is a question of both personal conscience and discussion within congregations. I will get back to this in the next chapter.

Chapter 3 Incorporating Eco-kashrut in our Daily Practice

In this chapter I will apply the findings of chapters one and two to the situation in the Netherlands. I will specifically focus on the Progressive Jewish Congregations, since I study at the Progressive Levisson Institute and will work for these congregations in the future as a rabbi. First I will give a general overview of our position in the Netherlands and our policy towards (eco-)kashrut. Then I will look how bal tashchit can be applied to eco-kashrut. I will end with some guidelines and options for congregations and individuals to develop and incorporate eco-kashrut in their daily practice.

3.1 Jews and Progressive Judaism in the Netherlands

Today there are about 52,000 Jews living in the Netherlands¹²⁶; in this number are included people with only a Jewish father (about 30%). Less than 40% of the Jewish population has a Jewish partner. There is a relatively high number of elderly people and there are relatively few young people. Among the Jewish population are about 9,000 Israelis. Half of the Jewish population lives in Amsterdam and its suburbs. In general, Dutch Jews are very well educated and there is a high participation of women in the labour market. Only about 16% is member of a congregation. A previous survey in 1999 showed that congregational affiliation among Jews is still highest among the orthodox: 58% belonged to an Orthodox congregation, 32% to a Progressive congregation and 9% to the Portuguese (Sephardic) congregation. There seems to be a development towards ‘Judaism à la carte’, a Judaism in which people pick and choose what suits them instead of institutionalised religion. As a community we face the challenge of assimilation and intermarriage like most Jewish communities around the world; still many Jews want some ‘Yiddishkeit’ in their lives, but not necessarily be members of a congregation.

The Levisson Institute where I take my rabbinical training is part of the ‘Dutch Union for Progressive Judaism’ (NVPJ), which is a member of the World Union for Progressive Judaism. In the past, most of our rabbis were trained at Leo Baeck College in London and a few at HUC Jerusalem. In 2008 the first five students at the Levisson Institute received their smicha; it was the first time that Progressive rabbis were ordained in the Netherlands. The NVPJ has ten Liberal or Progressive member congregations¹²⁷ in the Netherlands. The congregations in Amsterdam and The Hague are the largest and have Shabbat services every week; scattered over the country there are a number of smaller congregations which have services twice a month and also celebrate the major holidays.

3.2 Kashrut and Progressive Jews in The Netherlands

3.2.1 Kashrut and Shechita in The Netherlands

¹²⁶ These figures are based on a demographic survey from 2009, published in *Benjamin Special* by Joods Maatschappelijk Werk, September 2010, p. 4-6

¹²⁷ Most congregations use the name Liberal Jewish Congregation, but a couple of years ago the Dutch Union changed its name from Liberal to Progressive, to be more in line with the international community.

Before the Shoah there was a thriving kosher infrastructure, today as you can glean from the relatively small number of Jews in the Netherlands, only a small number of the Jews keep kosher and so there is only a tiny market for kosher products. Jews and Muslims are still allowed to perform their ritual slaughter practices; they are exempt from laws regulating regular slaughter which requires that animals be stunned before they get killed. Even after 1945 this exemption has been heavily debated. Especially since the Animal Rights Party got elected in the Parliament in 2006, there is an increasing pressure to outlaw shechita and halal slaughter practices; just as was the case during the Nazi occupation from 1940 to 1945.

Traditionally the orthodox community takes care of kashrut infrastructure and supervision. After the Shoah, shoachim, shomrim and rabbis came from abroad who were not familiar with Dutch, more lenient practices; under their influence and the demands for international export Dutch kashrut became stricter. Whereas kosher food originally was a way to keep the Jewish community together, today, among the orthodox there is a tendency towards increasingly strict interpretations of kashrut, which leads to private imports of glatt kosher products from Belgium (Antwerp) and the UK. The Netherlands has different hechsherim: Amsterdam has joint Ashkenazi and Sephardi rabbinical supervision which is responsible for meat, bread, restaurants and groceries in the Amsterdam area; the chief rabbis of the other provinces take care of hechsherim in their region and the chief rabbinate of The Netherlands takes care of the hechsherim for export products. There are also some companies that provide kosher catering for hotels and simches. Most shops, butchers and (departments of) supermarkets that sell kosher products are found in the Amsterdam area (including Buitenveldert and Amstelveen where most Jews live).¹²⁸

3.2.2 Position of Progressive Jews in The Netherlands

The term Liberal or Progressive Judaism can be confusing, since it has different meanings in different countries. For American standards, our congregations lean more towards the Conservative movement in terms of liturgy and services and more towards Reform in terms of individual observance, although this obviously varies according to personal standards. Reform Judaism was introduced here rather late, compared with Germany, England and the United States. It was not until 1930 when the first congregation was founded in The Hague; later followed by the Amsterdam congregation.¹²⁹ After the Shoah we faced a decimated Jewish population, but over the years the Liberal congregations started to grow and today we are considered by the government and the majority of the Jewish community as part of mainstream Judaism. This even though the Orthodox Rabbinate doesn't consider our congregations and converts as Jewish, nor our rabbis as rabbis. This means that there is no official contact or cooperation on rabbinic level. Every now and then there are joint events, as

¹²⁸ Bart Wallet, 'Kasjroet' in *Sjehechejanoe. Die ons heeft laten leven. De geschiedenis van de Joodse Gemeente Amsterdam (NIHS) van 1945 tot 2010.*(NIHS, Amsterdam, 2011)

¹²⁹ See Chaya Brasz *In de tenten van Jaïkov. Impressie van 75 jaar Progressief Jodendom in Nederland 1931-2006* (Nederlands Verbond van Progressief Jodendom, Amsterdam/Jerusalem 5767-2006) and Dan Michman *Het Liberale Jodendom in Nederland 1929-1943* (Van Gennep, Amsterdam 1988)

with Shoah commemorations. But on the political level, the Liberals work together with the Orthodox and Sephardic congregations and some other organisations in the CJO (Centraal Joods Overleg, an organisation representing the Jews in contact with the government and looking after matters of communal Jewish interest).

In the last decade we have seen new developments: independent congregations that are more oriented towards Renewal or Reconstructionism have emerged and, with the orthodox community becoming more strict, also one Conservative and one Modern Orthodox congregation. So the Jewish landscape in The Netherlands is changing and this gives us a new kind of responsibility, apart from the orthodox world. Two major changes that we introduced are the ordination of women as rabbis and the performing of a 'brit ahavah' for homosexual couples.

3.2.3 Our Stand on Kashrut

Our stand on kashrut is very much in line with international developments. In the early days of Dutch Reform kashrut was no issue and mostly rejected by the Reform community. When Rabbi David Lilienthal was appointed at the LJG Amsterdam in 1971 the kashrut practice meant that Biblical treif was forbidden, but meat did not have to be kosher, nor were milk and meat separated; Rabbi Lilienthal gradually introduced some basic principles of kashrut and the congregational kitchen became chalavi.¹³⁰ Over the last decades we have seen a growing number of members become more observant and keep some form of kashrut. Nowadays some of our members have a kosher household with separate kitchens, some keep kosher-style, others buy halal meat, others refuse to keep kosher out of principle or do not eat meat at all; some only drink kosher wine, others refuse to on principle, etcetera. So there is much difference in level of kashrut observance among members of the Progressive congregations .

In line with Reform tradition the rabbis have always been reluctant to formulate an official opinion with regard to kashrut; it is everyone's individual choice whether or not to observe mitzvot. But the rabbis receive questions from members about kashrut policy, so two years ago we began to give some kashrut guidelines in our Yoman, the diary that every member receives. These general guidelines pertain to our most important principles: not to cause unnecessary harm to animals, carefully performed shechita according to the latest scientific insights, not to eat meat and dairy in the same meal (although we allow cheese which is prepared with animal rennet), not to eat blood of animals, and some details about which kinds of meat and fish are allowed and which additives are forbidden. For more specific kashrut questions we refer to the list of the Orthodox Rabbinate that can be found on the internet.¹³¹ The section in the Yoman about kashrut is preceded by a general remark that the Board of Rabbis is in favour of eco-kashrut, which is described in broad strokes and includes animal welfare, workers' rights and care for the environment, but this policy is not further specified nor is it reflected in our own practices in congregations. The words are beautiful, but how do

¹³⁰ Chaya Brasz. *In de tenten van Jaäkov. Impressie van 75 jaar Progressief Jodendom in Nederland 1931-2006*. (Nederlands Verbond van Progressief Jodendom, Amsterdam/Jerusalem 5767-2006) p. 266

¹³¹ See www.nik.nl for more information.

we put them into practice? What example do we set for our congregations? And how do we, as rabbis, ourselves practice eco-kashrut in our own homes? I asked my future colleagues about this and send out a questionnaire. Since the numbers are small, seven out of eleven rabbis and rabbinical students who I questioned answered my questions more or less in detail, and since I promised to handle the information anonymously, I will give a general overview of their answers.

Most congregations do not have a policy with regard to, nor keep any form of eco-kashrut, although some are more environmentally aware than others; usually this depends on individual members. Most, and perhaps all, congregations, have a ‘milkich’ (dairy) kitchen and do not allow meat in their buildings. One could say this is animal friendly, but I think it is mostly for practical reasons: it is easier to keep a kosher (or kosher-style) kitchen without meat. There are many differences in observance between the individual rabbis: some do not eat meat at all, or hardly any meat, out of principle, some prefer kosher meat, others eat only organic meat; some have never thought about this subject while others only buy organic vegetables and try to use as little (plastic) wrapping materials as possible. Concerning wine it is the same story: some only use kosher wine to make kiddush, while others on principle refuse to drink kosher wine. Organic kosher wine does exist¹³², but it is expensive and, to my knowledge, not available in The Netherlands, but can be ordered on the internet. Sometimes there can be a discrepancy between the individual practice of a rabbi and the practice of the congregation: most congregations use kosher wine to make kiddush out of nostalgic motives (‘tradition’). So on the one hand we say we prefer eco-kashrut, but on the other it is hardly a subject of discussion or awareness. So how can we expect members to develop personal observance in this respect?

3.3 Educated Choices

3.3.1 Importance of Education

Today, Jews who are serious about their religion must make informed choices about their level of observance and which mitzvot to observe. This only stresses the great importance of education for Reform Jews, also in matters of halachah. Or, as Mark Washofsky, Professor of Jewish Law and Practice at HUC Cincinnati and chair of the Responsa Committee of the Central Conference of American rabbis, puts it: “Our Jewish conversations on issues of personal morality and social justice, in which we attempt to apply Jewish values to construct our responses to the challenges we encounter in the marketplace, in medicine, in politics, and in world affairs, is based upon a discourse that is anchored in the Rabbinic literature and is suffused with references to halachic texts. Halachah, it turns out, is all around us in Reform Judaism, giving structure, meaning and context to our community’s ritual practice and our religious life.”¹³³ This means that we as rabbis need to educate people, teach them Talmud and halachah and discuss the ethical principles that underlie the choices we make. But it also

¹³² See for example: <http://www.hazon.org/resource/kosher-organic-wine-list/> (consulted on 5/1/2013)

¹³³ *Reform Responsa for the Twenty-First Century, Sh'eilot Ut'shuvot 1996-1999, Volume 1* editor Mark Washofsky (CCAR Press, New York, 2010). p. xvii

means that rabbis need to be educated in these fields. Rachel Mikva also realizes this when she writes: “A serious revival (of kashrut, CR) in the community would require an enormous commitment to education and a rabbinic body devoted to the ongoing development of guidelines. *Kashrut* would need to be revitalized with modern extensions of its sacred purpose, and our *kehilot* acclimated to new ‘adventures in eating.’”¹³⁴

As we have seen in chapter two, we need knowledge in order to be able to make choices, especially if we say that ‘educated choice’ is the backbone of Reform Judaism. Knowledge is especially important because our approach to rabbinical authority in matters of halachah and personal observance differs from that in the (ultra-)orthodox world. In this respect Washofsky made a remark of great interest about the authority of responsa for Reform Jews: “No Reform Jew is obligated to adopt a responsum’s conclusion if he or she disagrees with it. Reform responses are ‘authoritative’ if and only if they are persuasive, to the degree that they convince their readers that *this* particular answer, this particular application of Torah corresponds to the reader’s own conception of Judaism.”¹³⁵ But in order to be able to judge a responsum and decide about one’s own conception of Judaism, one needs to be knowledgeable.

Richard Levy writes extensively about the importance of study as a way to bring people closer to keeping mitzvot: “(...) even though a minority of Reform Jews in a synagogue may keep kosher, the synagogue community can help its members understand what kashrut is in a reform context and offer them models for personal observance if they feel called for it.”¹³⁶ And: “(...) so that they may enter the dialogue with Torah and with God to explore what their response to those *mitzvot* can be.”¹³⁷ But, in his opinion, studying these issues and developing a personal kashrut practice is not noncommittal, but something that can be asked of people, as he writes: “The home in Jewish tradition is the ‘mikdash m’at’ (small sanctuary) and the table is the ‘mizbei-ach’ (altar); it is reasonable, therefore, to ask the Reform Jew to study and consider kashrut so as to develop a valid personal position.”¹³⁸ Also the 1999 Pittsburgh Platform stresses the importance of study: “ (...) through study we are called to *mitzvot*, the means by which we make our lives holy.”¹³⁹ So in order to develop a deeper understanding of kashrut and be able to make our own choices, education is of great importance.

3.3.2 Developing a Contemporary Reform Kashrut

¹³⁴ Rachel S. Mikva ‘Adventures in eating: An Emerging Model for Kashrut’ in *CCAR-Journal*, Winter 2004 (CCAR Press, New York, 2004) p. 64

¹³⁵ *Reform Responsa for the Twenty-First Century, Sh’eilot Ut’shuvot 1996-1999, Volume 1* editor Mark Washofsky (CCAR Press, New York 2010) p. xxii

¹³⁶ Richard N. Levy ‘Kashrut: A New Freedom for Reform Jews’ in *CCAR-Journal*, Winter 2004 (CCAR Press, New York, 2004) p.52

¹³⁷ *Ibid.* p.46

¹³⁸ *Ibid.* p.49

¹³⁹ See <http://web.archive.org/web/20060621004932/http://data.ccarnet.org/platforms/principles.html> for the Statement of Principles. (consulted on 10/5/2013)

Beside educating our congregations we should give a new meaning to what we consider 'kosher'. Eric Yoffie recommends that "Reform Jews adopt our own definition of what is proper and fit to eat."¹⁴⁰ Also Richard Litvak, Rabbi and member of the faculty of the CCAR Chesky Institute for Religion and Health, discusses this: "Just as one would read labels for that which is ritually 'kosher' or 'treif', we can read labels and purchase those that are ethically 'kosher' (...). Our food purchases can sanctify our meals."¹⁴¹ Rachel Mikva links checking ingredients to shaping a life of holiness when she writes: "It is precisely through such mundane concerns that we approach the holy. Checking ingredients becomes a sacred activity. What we eat and how it got to our table matters. This embrace of *mitzvot* in shaping a life of *qedushah* is, perhaps, most appealing to Reform Jews; it is the essential *ta'am* for our reconsideration of many commandments. If the purpose of the law is to refine humankind, if the act of eating is a gateway to learning, to spiritual growth, and to ethical striving – then we must also incorporate contemporary concerns. Our capacity for compassion and commitment to justice can extend to all the 'animals' involved in food production, including human labor."¹⁴²

But, if we give a new meaning to what we consider kosher, the question is, as we have seen in chapter two, do we consider it an addition to regular kashrut as the Conservative Movement does with their Magen Tzedek, or do we adopt our own definition of what is proper and fit to eat, as Yoffie says. These are basically the two models one could choose from; although there can be a mix in which one chooses for certain foods to follow traditional halachah and with others to set different standards. But if we decide to put traditional kashrut aside and follow only ethical values in our eating practice, is it still Jewish or has it become a universal practice? Lawrence Englander, founding Rabbi of Solel Congregation, Mississauga, Canada, former Editor of the 'CCAR Journal' and active in establishing Foodpath, a community food bank, writes about this dilemma: "Since our movement is based upon diversity of thought and observance, there is no foolproof method to ensure universal adherence to any behavior beyond those ethical principles that achieve a wide consensus. However, by restricting the discussion to the ethical alone, we will fail to identify what is particularly Jewish in our dietary observance."¹⁴³ I think he is right in this respect; we should not focus on the ethical aspects alone, but also keep an eye on the Jewish values and restrictions and intertwine the two. This is also what Arthur Waskow recommends. For him it is not an 'either/or' discussion but a 'both/and' and he looks at eco-kashrut as a way to strengthen our Jewish identity: "What the Eco-Kosher Project implies is that we can strengthen our Jewish distinctiveness and serve the needs of the earth as well; (...) If keeping kosher is partly about making distinctions, then keeping eco-kosher deals with the issue of 'distinctions' in a new way: not by separating only,

¹⁴⁰ 'Making Every Forkful Count, Reform Jews, Kashrut and Mindful Eating, 1840-2010' by Carole B. Balin in *The Sacred Table* edited by Mary L. Zamore (CCAR Press, New York, 2011) p. 13

¹⁴¹ Richard Litvak, 'Osheq: The Meeting Point of Ritual Piety and Moral Purity in a Contemporary Reform Kashrut' in *CCAR-Journal*, Winter 2004 (CCAR Press, New York, 2004) p.41

¹⁴² Rachel S. Mikva 'Adventures in eating: An Emerging Model for Kashrut' in *CCAR-Journal*, Winter 2004 (CCAR Press, New York, 2004) p. 63

¹⁴³ 'Afterword, some observations' by Lawrence A. Englander in *CCAR-Journal*, Winter 2004 (CCAR Press, New York, 2004) p. 69

but by consciously connecting. Connecting what is uniquely Jewish with what is shared and universal.”¹⁴⁴ Whether we call this practice eco-kashrut or just kashrut, is a subject of discussion as we have seen in chapter two. As Reform Jews, our kashrut practice is different from what an Orthodox Jew understands kashrut to be. But whichever term we use, we should be clear about what we mean by it and what we include. With Laurence Trosters approach in mind, perhaps we should change our approach to kashrut drastically, just as we accepted women for the rabbinate and decided to marry lesbians and gays.

We, as Dutch Progressive rabbis we should be more explicit about our views of this subject, making clear which model we choose and which priorities we set if we take seriously our own statement that we are in favor of eco-kashrut. We should discuss it in our congregations, set an example and provide opportunities for eco-kosher catering. We should discuss it with parents of benei mitzwa and couples that get married when discussing the kiddush and catering. We should pay attention to eco-kashrut in our derashot and shiurim and the practice in our congregations should reflect our point of view as well. For example, the congregation in Amsterdam started to work with one regular company that provides several catering options, but to my knowledge not one for eco-kashrut. This is a missed opportunity because it is also a way to bring this subject to the attention of our members. And if we start to use for example only fair-trade chocolate or organic wine, we should make this public, so people become aware of our practice.

3.4 Bal Tashchit in Talmud and Rabbinic Sources

I started this thesis with a chapter about bal tashchit and its implications. At the end of this thesis I would like to return to that issue. It is hard to draw a straight line from Talmudic times to our days, but the Talmud and other rabbinic sources provide guidelines for our behavior today. In general I am hesitant to draw general conclusions based on these Talmudic texts, since they are so varied and often contradict one another, weighing values and priorities, but in a few cases it is tempting to do so. For example with the discussion in Shabbat 67b in mind, not to unnecessary waste fuel, I prefer to eat locally grown fruits and vegetables. Also with regard to wine I prefer to buy wine that is produced in Europe, because I think it is ridiculous to ‘shlep’ wine from the other side of the ocean to our country. In that respect I agree with Kleinmans conclusion “(...) to eat food and consume beverages that are produced locally and take fewer resources over those that must travel further from their point of origin to the consumer and are more resource intensive to produce.”¹⁴⁵ But it is interesting to notice that he comes to this conclusion based on the discussion between Rav Chisda and Rav Papa in BT Shabbat 140b about eating barley or wheat and drinking beer or wine. So different Talmudic sources can lead to the same conclusion. Or the same Talmudic source can lead to different conclusions, although one would not invalidate the other, but can be seen as complementary, as Rachel Mikva shows with an example from the Talmudic text in Shabbat 67b: “The command to conserve oil could easily be extended to conservation of electricity,

¹⁴⁴ Arthur Waskow *Down-to-Earth Judaism* (William Morrow and Company, Inc. New York, 1995) p. 129

¹⁴⁵ Kevin M. Kleinman ‘Curb your Consumerism: Developing a Bal Tashchit Food Ethic for Today’ in *The Sacred Table*, edited by Mary L. Zamore (CCAR Press, New York, 2011) p. 166

gas, and other natural resources. Based on the fact that one could not even put a shade on the oil lamps because it would waste oil, it seems unlikely that the Talmudic rabbis would tolerate gas-guzzling automobiles or similar indulgences today, when there are alternatives available.”¹⁴⁶ So, one can read a Talmudic text with a different perspective and draw a different conclusion, depending on one’s view or priorities. In that respect it would be of great interest to look at different teshuvot through the ages and see how the rabbis interpreted these Talmudic texts. But, due to the limited scope of this thesis, I did not delve into that subject as well. With other Talmudic and rabbinic texts it may be harder to find a more or less immediate connection, but it would be interesting to discuss them in the Jewish community and see how people connect them to their daily lives.

In general I prefer to look at the overall picture and the general idea of bal tashchit. If we take the development from the prohibition to cut a fruit tree in times of war to the call in *Sefer haChinuch* not to spill a mustard seed and look at bal tashchit as a call for action to prevent destruction and unnecessary pollution, then it provides guidelines for our actions. As we will see in the following section, it is a matter of balancing priorities and values in line with our own principles and the way we understand Judaism and our role in this world. Studying Torah and Talmud is essential for developing our understanding of the rabbinic sources, so that is where we should start and then, based on this rabbinic understanding, develop our own interpretation for our days. Or as, Arthur Green puts it, quoting Chassidic masters: “How can we use this text? If Torah is eternal, this text has to speak to every generation. What does it have to say to ours?”¹⁴⁷ And that is our task as rabbis: to make the text speak to our generation, to educate people, draw them closer to Torah and mitzvot and make them aware that they are part of the bigger Jewish community and that they stand in a rich and longstanding tradition of wisdom and joy, of shared memory and past. It is upon us to shape the future, based on this chain of tradition in which we are a small, yet significant link.

3.5 Balancing Values and Setting Priorities

3.5.1 Options and Preferences

In The Netherlands there are various labels which show whether products are produced in good conditions for farmers and workers (fair trade), grown with care for the environment (organic, ecological) and the welfare of animals (organic, free-range). In appendix 2 I will give an overview of the most frequently used labels in The Netherlands. Most of these products can be purchased in regular supermarkets or in specific organic or health food shops. But then the question is: which label do I choose, which ethical value do I prefer?

¹⁴⁶ Rachel S. Mikva ‘When Values Collide. Economics, Health and the Environment’ in *The Environment in Jewish Law, Essays and Responsa* edited by Walter Jacob and Moshe Zemer (Berghahn Books, New York - Oxford, 2003) p. 39

¹⁴⁷ Preface and dedication to *The Language of Truth, The Torah Commentary of the Sefat Emet*, translated and interpreted by Arthur Green (The Jewish Publication Society, Philadelphia, 5759/1998), p. xii

As Rabbi Barry Schwartz pointed out, eco-kashrut can be envisioned as a four part test of bal tashchit (excessive waste and environmental impact), tzaar baalei hayim (cruelty to animals), shmirat haguf (health) and oshek (labor exploitation). Some foods are both organic and fair trade, but it is not always possible to take all four of these criteria into account at the same time, one has to balance priorities and make choices in line with one's own principles. One could choose for example to buy from now on, or for a certain period, only fair trade chocolate or only organic milk or meat or whatever food is of significance for one self. I think it is important to start with something, however small and insignificant it may seem on the scope of the entire planet. Change starts with awareness and being aware of what you buy and eat is one way to take a step in the direction of tikkun olam and be reminded of our task as Jews in this world on a daily basis.

We should start by studying the different ethical principles, tza'ar ba'alei chayim, oshek, bal tashchit and shmirat haguf, with the members of our congregations. Make people familiar with the rabbinic approach and way of thinking; start with Torah texts, move to Talmud and other rabbinic sources and include modern responsa, so people are really able to make well-founded choices in their private and congregational practices. In our drashot we should discuss these subjects and in the daily lives of our congregations we should set examples. As Reform Jews we emphasize ethical mitzvot and our striving for tikkun olam, but how is that reflected in our day to day existence? Why not use organic wine to make kiddush or use fair trade wine for the Seder? Or, if we decide to use kosher wine, why do we do it? Is it tradition and emotion or is there another reason that we prefer kosher wine? Or is there perhaps an option to buy organic kosher wine? These could be questions to discuss in one's congregation.

When I started to live an observant Jewish life, I decided to say the brachah over wine every time I drank a glass. I especially chose wine because of its significance in making kiddush on shabbat and festivals. For me that was the start of incorporating 'something Jewish' in my daily life. In that respect I agree with people like Mikva who pointed out that the act of eating has ethical and spiritual dimensions. By saying a berachah we connect to God (Adonai), to the Jewish people (Elohenu) and to the world (Melech haOlam) and are, for a moment, elevated from our individual selves. By being aware of where and how our food is grown or raised, we take care of the earth and our own health. And in buying 'ethical' kosher food, we can contribute to social action and work to achieve tikkun olam. Richard Levy summarizes it as follows: "(...) for those Jews who want to deepen the spiritual content of their lives by transforming the act of eating into a celebration of the presence of God in their homes, an advancement of social justice in the fields and agricultural factories, and a contribution to the health of individuals and the planet itself."¹⁴⁸

3.5.2 Examples of my Personal Practice

In line with my own principles and the way I understand bal tashchit and eco-kashrut, I have a few guidelines with regard to my own kashrut practice. With regard to everything I eat and

¹⁴⁸ Richard N. Levy 'Kashrut: A New Freedom for Reform Jews' in *The Sacred Table* edited by Mary L. Zamore (CCAR Press, New York, 2011) p. 69

drink I prefer organic food and drink, so, for example, I buy organic, not kosher, meat and I drink non-kosher organic wine. Since organic meat and ‘sustainable’ fish are expensive and because I think that in raising cattle for food we use a lot of resources that could be used to feed people instead and that the production of meat has a bad impact on the environment, I eat it at most once a week.

I prefer to buy food that is grown or raised locally, but sometimes ‘locally’ can mean Europe, depending on the product. One could be strict about this and only buy products from one’s own region or country, but I do drink coffee and eat chocolate, so I buy products from farther away as well, but in those cases I prefer to buy products that take fair trade or care for the rain forest into account. But, when I have the choice between, let’s say apples from New Zealand or The Netherlands, I will buy the latter ones even if they are more expensive (which, puzzling as it is with food prices, sometimes happens). But sometimes when a shop sells vegetables from Israel, I will buy them out of love for the country. As you can see, I have no fixed rules, but keep some guidelines in mind, depending on my mood, needs and availability of food items. Or, as a colleague put it: sometimes convenience plays a part, despite all our good intentions.

Organic waste I take to my garden and turn it into compost to fertilize the soil for growing my own vegetables. Paper bags that I use for buying vegetables and nuts, I bring back with me to the shop, so I use them many times before I throw them in the paper-recycling bin. I try to buy as little as possible food that is wrapped in plastic, although I must admit that also in organic food shops a lot of plastic is being used. Recently in The Netherlands they started to recycle plastic packaging material, just as we do with paper and glass.

For me taking care of the impact of my behavior on the environment is not limited to food alone; I extend this also to, for example, at which bank I deposit my money (making sure it is not investing in polluting industries, weapons trade or companies that make use of child labor) or the kind of soap I use for cleaning my dishes and house. Strictly speaking one would not call this eco-kashrut, although someone like Arthur Waskow does use a broader definition as well. For me it is essential how we treat the earth and our fellow citizens, whether we exploit the natural resources and exploit human labor or take care of the earth and each other.

3.5.3 Our Influence as Consumers

We can influence policies of stores and factories not only by which products we buy or do not buy, but also by asking them for organic, fair trade or healthier kosher products. The Conservative Movement writes about our role as consumers in this respect: “We are the consumers of *kosher* foods. We are in a great position to help *kosher* food producers meet the desires of their customers, become more just in their practices, and have their products be more attractive. Also, when consumers come together and ask businesses to make change, oftentimes businesses listen.”¹⁴⁹ As consumers we are in a position of power by what we buy and eat. Richard Litvak writes about the importance of letting managers know why we no longer buy in their shop: “Refraining from eating at a popular pizza chain that purchases the majority of mushrooms harvested by exploited labor, and letting its managers know, is

¹⁴⁹ http://www.koach.org/documents/2007_koach_shabbat_material_guide_ii.pdf (consulted on 4/16/2013)

another way of practicing this dimension of the sanctification of food.”¹⁵⁰ But the reality in The Netherlands is, especially because there is such a small market for kosher food, that our influence is limited because numbers and money play a significant role. There was a rumour that one of the kosher shops in Amsterdam, Mouwes, started to sell kosher, organic chicken, but when I asked them, they denied that was the case. So I made phone calls to the kosher butcher and the firm that imports kosher chickens from a slaughterhouse in Belgium. Their answer was that it is not possible to get kosher, organic chicken in Holland and that it will not be likely to make it available in the near future, since they depend on this one slaughterhouse in Belgium for kosher chicken (in Holland it is impossible to find a slaughterhouse that can take care of it) and that it would be too expensive, as kosher meat itself is already expensive, so people would not buy it. I told them that several people I spoke would be interested, but in economic terms the numbers would probably be too low to start importing. Another example is the Dutch matza factory, Hollandia; it began to produce organic matzot, but unfortunately not kosher for Pesach. But if we ask the Orthodox Rabbinat for kosher, organic matzot, perhaps next year they will be able to provide these. Interesting in this respect is a recent series of articles and television-programs that Jigal Krant, journalist and member of an Orthodox congregation, made for the Dutch Jewish press and broadcasting company. In these series, titled ‘The Kosher Dilemma’ he interviewed rabbis, shopkeepers and butchers and asked them critical questions about why some products, like eggs and chicken, are considered kosher, but at the same time their production does not take animal welfare into account; he stated that this lack of consideration often made him feel ashamed. He urged to improve these practices and called for action, f.e. to write letters to kosher butcher Marcus to ask for ‘free-range chicken’. Since I strongly believe that change has to come from within the system, his remarks and critical questions carried much more weight than ours (Progressive Jews) would. Even so, his call was in June 2012, but there has been no change so far ...

Arthur Waskow writes about this dilemma of kosher and organic food: “What might we choose to eat when the rules of traditional Rabbinic *kashrut* collide with the eco-kosher approach? For example, ‘kosher’ chickens have been slaughtered correctly, with minimal pain, but many have been raised under factory-farm conditions and fed growth hormones. Free-range organic chickens have probably not been killed by kosher means. So, under these circumstances what can we eat? One answer is to approach free-range organic farmers to urge them to invite a trained *shochet* to slaughter their chickens. (...) Another approach is not to eat either kind of ‘partially kosher’ chicken, whether on vegetarian grounds or as a boycott, and perhaps send letters to eco-kosher farmers and Rabbinic-kosher slaughterers urging them to begin cooperating.”¹⁵¹

What we choose to eat as ‘eco-kosher Jews’ will be a matter of personal conscience, but in order to have more options in The Netherlands we should work together with organic farmers to provide kosher, organic chickens and, just as we train our own mohalim, train our own *shochtim*. Or we should work together with individuals in the Orthodox community who are

¹⁵⁰ ‘Richard Litvak ‘*Osheq*: The Meeting Point of Ritual Piety and Moral Purity in a Contemporary Reform Kashrut’ in *CCAR-Journal*, Winter 2004 (CCAR Press, New York, 2004) p.41

¹⁵¹ Arthur Waskow *Down-to-Earth Judaism* (William Morrow and Company, Inc. New York, 1995) p. 137

in favor of change in the traditional approach to kashrut; perhaps they can put pressure on their rabbinate, kosher shops and shochtim. Or we can form a coalition with an organization called ‘Green Muslims’ an organization that “raises environmental consciousness among Muslim consumers and entrepreneurs and wants to further sustainable consumption and socially responsible entrepreneurship.”¹⁵² They found a way of providing organic, halal meat for Muslims. Perhaps together we can put pressure on halal and kosher slaughterhouses to provide organic kosher meat as well.

We should make our voices heard, also in cases in which we decide to no longer buy certain goods because they are made under duress, with too much pesticides or cause too much harm to the environment. Talk or write to the shopkeeper or producer why you no longer buy something, so they know and can change their policy. The least we can do is raise our voices and make clear that we do not agree with a certain policy.

If we really take our goal as Progressive Jews seriously and see it as our responsibility to contribute to tikkun olam, it must be reflected in our daily actions, in what we do or refrain from doing. Especially one of our most basic needs, eating, gives us the opportunity to make a difference and provides us with a daily reminder of the continuous work towards healing the world and mankind. Or as Arthur Waskow puts it: “(...) we could show our concern for the health of human beings and of the earth when we choose foods.”¹⁵³

3.6 Suggestions for an Eco-kosher Policy for the Progressive Movement in The Netherlands

Heschel wrote: “The teaching of Judaism is the *theology of the common deed*. The Bible insists that God is *concerned with everydayness, with the trivialities of life...* in how we manage the commonplace. (...) The challenge we face is a test of our integrity.” The two operative words here are ‘everydayness’ and ‘integrity’. If we say we are in favor of eco-kashrut, this should be reflected in our own lives and in our recommendations to members of our congregations. When we, as rabbis, choose to eat vegetarian or organic, this should be options of equal merit. We shouldn’t pose as more ‘kosher’ than we are. Our conduct should be sincere and in line with our convictions.

To begin with, we should provide an outline of our kashrut system: what do we consider the elementary rules of our kashrut? Which animals are kosher and which aren’t; separating meat and dairy; avoiding certain ingredients and gelatin.

Besides the existing guidelines for kosher food, we should also mention eco-kashrut as an equally valid option and even let it precede our remarks about regular kashrut. This means we have to give the following options:

- for meat: vegetarian, organic and kosher
- for wine: organic, fair trade and kosher (kiddush) wine

¹⁵² See: <http://www.groenemoslims.nl/> for more information. (consulted on 4/16/2013)

¹⁵³ Arthur Waskow *Down-to-Earth Judaism* (William Morrow and Company, Inc. New York, 1995) p. 137

- for fish: only with sustainable fishing label

- for eggs: organic eggs

And consider to buy f.e. organic, fair trade and rainforest friendly coffee, chocolate, vegetables and fruit.

As far as congregational practices are considered: discuss them with our members, choose organic food and wine for an oneg or kiddush for a change; offer fair-trade coffee and chocolate or products that carry the Rain Forest Alliance label and tell the congregation that you are doing this and why. Offer these options also when discussing a chuppah or a bar/bat mitzvah with the parents. Propose that 10 per cent of the gifts for the bat or bar mitzvah will be donated to a cause that is involved in tikkum olam. Make the subject part of the curriculum for kids, in the giur procedure and adult education. Study ethical principles like bal tashchit, tza'ar ba'alei chayin, oshek and shmirat haguf with the other rabbis, with rabbinical students and with the members of our congregations.

Conclusions

In this thesis I have described and analyzed how the ethical principle of bal tashchit has developed over the centuries, how it is used in the current discussion about eco-kashrut, what issues are at stake and the options that we as individual consumers and congregations have.

Based on one pasuk in Torah, the Rabbis of the Talmud expanded the commandment bal tashchit from the prohibition to cut down fruit trees in times of war to all times and to all useful articles. They discussed many different situations, from unnecessary waste of fuel and overindulging in food and drink to making a deeper tear in a garment than required for kriya. In these discussions they weigh different values and priorities against one another. For example, when one's life or livelihood is at stake it is allowed to burn expensive furniture or cut down a tree. Rambam summarizes the Talmudic prohibitions in his *Mishneh Torah* and *Sefer Hamitzvot* and adds the applicable punishments: lashes d'Oraita for cutting down a fruit tree – although he expands it to all times as opposed to the original times of war - and stripes deRabbanan for all destruction applied to other objects. *Sefer haChinuch* gives the most far-reaching interpretation of bal tashchit. It says that even a mustard seed may not be destroyed. The goal of these behavioral prescripts is to train our spirits to do what is good and beneficial and to turn away from evil and every manner of destruction. From this large variety of texts it is hard to infer one clear statement about how the Rabbis understood bal tashchit, what its implications are and how it should be applied. The general idea can be summarized as the prohibition not to waste unnecessarily useful articles and resources. But, as mentioned above, there is always a weighing of different values and in the end it is one's live or livelihood that is the decisive factor. *Sefer haChinuch* has the most far reaching implications and calls us, man and women in every place and time, to prevent destruction and waste.

The other subject of my thesis is eco-kashrut, an ecological approach to kashrut. Thinking about environmental and ecological problems started at the end of the 1960s within society at large and consequently within religious traditions. Reb Zalman Schachter Shalomi was the first to use the term 'eco-kosher', by which he meant to include the environmental impact of products in the classical understanding of what was considered kosher. Also other ethical values, like causing unnecessary pain to animals and the treatment of workers, were included in the concept of eco-kashrut. Schachter Shalomi argued that even if all the ingredients are kosher, if one of the underlying ethical principles was transgressed, it renders the product forbidden to eat. Barry Schwartz describes eco-kashrut as the four part test of bal tashchit (excessive waste and environmental impact), tzaar baalei chayim (cruelty to animals), shmirat haguf (health) and oshek (labor exploitation). Arthur Waskow extends eco-kashrut to all sources we use from the earth, including paper and electricity, and he highlights the ethical dilemmas we face as consumers, f.e. in which companies we invest our money. Others, like the Magen Tzedek organization of the Conservative Movement, limit the scope of their work strictly to food, which after all is what kashrut is about. So how eco-kashrut is understood and what the extent of adhering to this interpretation of kashrut implies, varies from only food to all the resources we use from the earth. In general the following ethical principles play a part: bal tashchit, tzaar baalei hayim and oshek; shmirat haguf is not always included although

some, like Schwartz, mention it. Magen Tzedek stays within the traditional framework of kashrut and is an additional seal for food that is declared kosher by the orthodox rabbinate. Shachter Shalomi holds an opposing view, namely that if one of the ethical principles was violated it would render the food not fit to eat, even if all the ingredients are kosher. So how eco-kashrut is understood is a matter of personal preference and how much room there is within the denomination of Judaism to which one belongs; within Reform and Renewal there is more room for change and different interpretations. But also within the different movements there will always be a variety of opinions and behaviour among the members.

Another point of discussion is whether we call this practice simply kashrut or explicitly eco-kashrut. Mary Zamore argues against the use of the word eco-kashrut, but instead to call it simply kashrut; in her opinion the ethical values underlying eco-kashrut should be incorporated in regular kashrut. In the Reform and Renewal movements (partly) replacing traditional kashrut with eco-kashrut is certainly an option. For the Conservatives, being a halachic movement, it is not possible to put aside regular kashrut, although Lawrence Troster advocates a radical change outside the system. The Conservative Movement does not use the term eco-kashrut, although they incorporated the same ethical principles when developing an additional certificate for kosher food.

The central question of my thesis was how the principle of bal tashchit is used in the contemporary discussion about eco-kashrut. How various people use bal tashchit depends on how they understand and apply the Talmudic texts. In chapter one of this thesis I described and analyzed many different Talmudic texts and opinions of the Rabbis, but in the contemporary debate about bal tashchit and eco-kashrut most authors use only one passage from the Talmud to support their opinions. Schachter-Shalomi considers bal tashchit to be a prohibition to destroy the entire planet; others, like Walter Jacob, are more critical in the use of bal tashchit with regard to environmental issues. People like Rachel Mikva and Avram Reisner are more balanced in their opinions and draw on many different Talmudic texts, of which they weigh and try to reconcile the different, sometimes clashing, values. So yes, bal tashchit does play a part in the current discussion about eco-kashrut, but the way it is used depends on one's understanding of it, because it is hard to derive a clear-cut definition of bal tashchit from the Talmudic texts, since that is not the way the Talmud usually works. So the way eco-kashrut and bal tashchit are understood varies from narrow to much broader concepts, from dealing with issues of food alone to a more general and wider view of ethical behavior in all situations we encounter as human beings and consumers and from limited environmental issues to preventing us from destroying the entire planet.

The importance of this subject is related to the revival of ritual practice in the Reform Movement. In general we see a return to rituals and practices that were abandoned in the past and kashrut is one of them, although not necessarily the same as it was a hundred years ago. Keeping some form of kashrut and including ethical values in it can be a way to strengthen our Jewish identity today. And our daily acts of eating can become a means to contribute to tikkun olam, one of the central features of Reform Judaism. Our values must be reflected in our daily behavior, in what we do or refrain from doing. Bal tashchit can be viewed as one of our leading ethical principles, together with others as tza'ar ba'alei chayim, oshek and kewod

habriot (human dignity). They should be part of our halachic discussion about food and the choices we make as consumers, as temporary users of the earth and as its guardians. What values we incorporate and how they are balanced with traditional kashrut is point of discussion; discussion with one's own conscience and within congregations. As rabbis we must be trailblazers in this respect by starting the discussion, setting examples and educating people so they will be able to make their own choices. We should provide opportunities for people to keep eco-kashrut by including it for example as one of the points to consider when celebrating a chuppah or bat or bar mitzvah in synagogue. As individual consumers and as congregations we can put pressure on stores to provide eco-kosher food, or instead import our own, since the kosher market in The Netherlands is small and many more products are available in, for example, the United Kingdom and the United States; although that raises issues about the impact of transportation on the ecological system. This shows exactly how complex and complicated the discussion is; it is more about weighing values and setting priorities than giving simple and clear-cut answers.

For Arthur Waskow the story of Gan Eden is the archetype for our current situation. Today, just as then in the Garden, we are fully knowledgeable of the impact and consequences of our actions, but despite this, we continue to pollute and destroy the earth. Waskow warns that the danger is that we may be forever exiled from this one great earthly garden. Or in the words of the Talmud, as stated in Berachot 55a: will our food and the choices we make, *atone* for us? Because that is the comparison that this text makes; which goes a step further than saying that our table is the small sanctuary, our altar, as we often do. Realizing that our table is compared to the Altar in order to atone for us, means that we have to consider seriously what food we bring to our tables and into our mouths. How can we make sure that it will atone for us? Why would we pray every year at Yom Kippur for atonement, if we do not take our lives as Jews seriously throughout the year?

And isn't that what the prophet Yeshayahu refers to in the haftarah we read every year on Yom Kippur? "Behold on your fast day you seek out personal gain and you extort all your debts. Because you fast for grievance and strife, to strike [each other] with a wicked fist; you do not fast as befits this day, to make your voice heard above. Can such be the fast I choose, a day when man merely afflicts himself? (...) Surely this is the fast I choose: To break open the shackles of wickedness, to undo the bonds of injustice, and to let the oppressed go free, and annul all perversion. Surely you should break your bread for the hungry, and bring the moaning poor [to your] home; when you see a naked person, clothe him; and do not hide yourself from your kin." (Yeshayahu 58: 3-7). We should not be occupied with ourselves, but what counts are our daily actions, our deeds in striving for justice and taking care of the poor."

Knowing what standards the offerings in the Temple had to meet, the question is: what are the standards we apply today? In biblical times an animal that was not completely perfect, that had a 'mum' (blemish), could not be offered. So what do we consider today a "blemish"? That is the real question we as individuals and as congregations need to answer. And how we call that practice or what we include in it, is of secondary importance. If we take our Judaism seriously, our values should be incorporated and reflected in our daily actions, in what we do

and refrain from doing. Or as Heschel put it: “The teaching of Judaism is the *theology of the common deed*. The Bible insists that God is *concerned with everydayness, with the trivialities of life...* in how we manage the commonplace. (...) The challenge we face is a test of our integrity.” In our daily affairs we should be concerned with the ethical values of which we say that they are part of our Judaism. Our actions in this world should reflect our striving for tikkun olam, healing the world, and making it a better place for all creatures that live on it. In that respect, adding ethical values into our daily act of eating shows where we stand as Reform Jews and what is really of importance to us.

Appendix 1: Organizations and websites for further reading

Union for Reform Judaism

Greening Reform Judaism endeavors to promote an awareness of environmental considerations and environmentally responsible acts by integrating Jewish values, learning and actions that promote sh'mirat ha-adamah - protection and renewal of the world.

www.urj.org/green/

Union for Reform Judaism

Green table, just table: committed to "carefully, thoughtfully, Jewishly" make healthy and sustainable food choices through education, programming, and advocacy.

www.urj.org/life/food/

Coalition on the Environment and Jewish Life (COEJL)

The COEJL deepens and broadens the Jewish community's commitment to stewardship and protection of the Earth through outreach, activism and Jewish learning.

www.coejl.org/

Hazon

Hazon wants to create healthier and more sustainable communities in the Jewish world and beyond.

www.hazon.org/

The Shalom Center

This Center equips activists and spiritual leaders with awareness and skills needed to lead in shaping a transformed and transformative Judaism that can help create a world of peace, justice, healing for the earth, and respect for the interconnectedness of all life.

www.theshalomcenter.org/

GreenFaith

Its mission is to inspire, educate and mobilize people of diverse religious backgrounds for environmental leadership. The work is based on beliefs shared by the world's great religions - we believe that protecting the earth is a religious value, and that environmental stewardship is a moral responsibility.

www.greenfaith.org/

Jewcology

A resource for the entire Jewish-environmental community. Jewcology incorporates collaboration from a wide range of Jewish environmental leaders and organizations worldwide.

www.jewcology.com/

The Shamayim V'Aretz Institute

The Institute is a spiritual center intertwining learning and leadership around the intersecting issues of preventive health, kosher veganism, animal welfare, activism, preservation of the environment, and Jewish spirituality for those anywhere on their journey towards compassionate eating and living within Judaism.

<http://www.shamayimvaretz.org/>

Uri L'Tzedek

An Orthodox social justice organization guided by Torah values and dedicated to combating suffering and oppression. Through community based education, leadership development and action, Uri L'Tzedek creates discourse, inspires leaders, and empowers the Jewish community towards creating a more just world.

<http://www.utzedek.org/>

Ma'aglei Tzedek

Ma'aglei Tzedek merges social activism with education in an effort to fix social ills. One of their projects is the Tav Chevra, a certificate granted to restaurants that are accessible to people with disabilities and treat their workers ethically.

<http://mtzedek.org.il/>

Biblical Foods

The UK's only provider of Organic Kosher and Halal Meat and Poultry.

<http://biblicalfoods.co.uk/>

Big Green Jewish Website

This website is a resource for Jewish people. The organization campaigns to raise awareness about environmental issues in the Jewish community. The aim is to educate about climate change and empower people to make changes in their lives that will make a difference to the world.

<http://www.biggreenjewish.org/>

And there will be much more organizations that are active in this field Check the internet.

Appendix 2: Different labels in The Netherlands



Het Europees biologisch keurmerk maakt duidelijk dat het product voldoet aan de EU-regels voor biologische landbouw. Er zijn geen chemische bestrijdingsmiddelen en geen kunstmest gebruikt en bij de productie van vlees is rekening gehouden met dierenwelzijn.



Het EKO keurmerk is het Nederlandse keurmerk voor biologische producten. Er zijn geen chemische bestrijdingsmiddelen en kunstmest gebruikt. Boeren gebruiken geen genetische modificeerde zaden en veehouders hebben een diervriendelijke werkwijze.



Het Beter Leven kenmerk is een sterrenstelsel voor eieren, kip en vlees, waarbij geldt: hoe meer sterren, hoe diervriendelijker. 3 sterren is het meest diervriendelijk en is vergelijkbaar of gelijk aan biologisch.



Marine Stewardship Council (MSC) certificeert duurzame visserij. Het is een wereldwijde organisatie die samenwerkt met vissers, de visverwerkende industrie en –handel, wetenschappers, natuur- en milieuorganisaties om milieuvriendelijke vis en visproducten te promoten.



Het Max Havelaar keurmerk garandeert dat producten voldoen aan de normen voor eerlijke handel. De boeren en telers hebben een eerlijk loon gekregen, en met hun rechten en gezondheid is goed omgegaan. Veel Max Havelaar producten hebben ook het EKO-keurmerk.



Via eerlijke handel met handelspartners in Afrika, Azië en Latijns-Amerika wil Fair Trade Original een positieve bijdrage leveren aan de bestrijding van armoede. Met onze handelspartners bouwen we aan een rendabele en duurzame handelsrelatie, met respect voor ieders zelfstandigheid en eigenwaarde.



UTZ Certified is een internationaal keurmerk voor eerlijke handel. Het keurmerk staat op koffie, thee en chocolade die afkomstig is van boeren die oog hebben voor mens en milieu. Zij gebruiken bijvoorbeeld minder bestrijdingsmiddelen en garanderen goede werkomstandigheden voor hun arbeiders.



Het Milieukeur wordt verleend aan producten die, vergeleken met soortgelijke producten, minder belastend zijn voor het milieu. Er wordt rekening gehouden met grondstofwinning, productie van materialen, fabricage van product, gebruik van product, afvalverwerking.



Rainforest Alliance is een internationale onafhankelijke organisatie die wereldwijd werkt aan de bescherming van het tropisch regenwoud, biodiversiteit en andere ecosystemen en eisen stelt aan de arbeidsomstandigheden, milieu en natuurbehoud. Rainforest Alliance is actief in de cacao, koffie, thee, bosbouw en toerisme.



Het Demeter keurmerk is het keurmerk van de Vereniging voor Biologisch-dynamische Landbouw.

Andere Europese keurmerken:



Frans



Belgisch



Engels



Duits

Bibliography

Primary sources

The Torah, a Modern Commentary. Revisited Edition. General Editor W. Gunter Plaut. URJ Press, New York, 2005, 2006.

Talmud Bavli, The Artscroll series, The Schottenstein Edition. Mesorah Publications, New York, 2005

Frankel, S. ed. *Maimonides, Sefer Hamitzvot*. Jerusalem, B'nei B'raq, publisher unknown, 1995

Pines, Shlomo translation. *The Guide of the Perplexed by Moses Maimonides*. University of Chicago press, Chicago/London, 1963

Touger, Eliyahu. *Maimonides, Mishneh Torah, A new translation with commentaries and notes*. Moznaim Publishing Cooperation, New York/Jerusalem, 1993

Wengrow, Charles, translation and notes. *Sefer haChinuch, The Book of Mitzvah Education*. Feldheim Publishers, Jerusalem/New York, 5748/1988

Secondary sources

Brasz, Chaya. *In de tenten van Jaäkov. Impressie van 75 jaar Progressief Jodendom in Nederland 1931-2006*. Nederlands Verbond van Progressief Jodendom, Amsterdam/Jerusalem 5767-2006

Encyclopaedia Judaica. Keter Publishing House, Jerusalem, 1971

Frank, Yithak. *The Practical Talmud Dictionary*. Feldheim Publishers, Jerusalem, 2001

Gordis, Robert. 'Ecology and the Judaic tradition.' in *Contemporary Jewish Ethics and Morality, a reader*. Edited by Elliot N. Dorff and Louis E. Newman. Oxford University Press, New York/Oxford, 1995

Green, Arthur, translator and interpreter. *The Language of Truth, The Torah Commentary of the Sefat Emet*. The Jewish Publication Society, Philadelphia, 5759/1998

Jacob, Walter and Moshe Zemer, editors. *The Environment in Jewish Law, Essays and Respona*. Berghahn Books, New York - Oxford, 2003

Jastrow, Marcus. *Dictionary of the Talmud*. Originally published in 1886, reprinted with author's preface in 1903

Koehler, Ludwig and Walter Baumgartner. *A Bilingual Dictionary of the Hebrew and Aramaic Old Testament*. Brill, Leiden-Boston-Köln, 1998

LJG siddur *Tov Lehodot*. Verbond van Liberaal-Religieuze Joden in Nederland, Amsterdam 5760-2000

Michman, Dan. *Het Liberale Jodendom in Nederland 1929-1943*. Van Genneep, Amsterdam 1988

Nir, David. 'A Critical Examination of the Jewish Environmental Law of Bal Tashchit.' In *Georgetown International Environmental Law Review*, Winter 2006, Vol. 18-2

Reisner, Avram Israel. 'Hekhsher Tzedek, Al Pi Din' published by the Hekhsher Tzedek Commission of the Rabbinic Assembly and the United Synagogue of Conservative Judaism. 31 January 2008, updated 7/09

Schachter-Shalomi, Zalman and Daniel Siegel *Integral Halachah, Transcending and Including*. Trafford Publishing, Victoria, BC, Canada, 2007

- *Paradigm Shift*. Jason Aronson Inc. Northvale, New Jersey, Jerusalem, 1993

Stein, Jonathan A. editor. *CCAR Journal, A Reform Jewish Quarterly*, Winter 2004 Published by the Central Conference of American Rabbis, New York, 2004

Troster, Lawrence. 'The book of Black Fire: An Eco-Theology of Revelation.' In *Conservative Judaism*, Volume 62, Numbers 1-2, Fall-Winter 2010

Wallet, Bart, Paul van Trigt en Hans Polak. *Sjehechejanoe. Die ons heeft laten leven. De geschiedenis van de Joodse Gemeente Amsterdam (NIHS) van 1945 tot 2010*. NIHS Amsterdam, 2011

Washofsky, Mark editor. *Reform Responsa for the Twenty-First Century, Sh'eilot Ut'shuvot 1996-1999, Volume 1*. CCAR Press, New York 2010

Waskow, Arthur. *Down-to-Earth Judaism*. William Morrow and Company, Inc. New York, 1995

Wolff, K.A. *Bal Tashchit, The Jewish prohibition against needless destruction*. Dissertation. Leiden, Brill, 2009

Zamore, Mary L., editor. *The Sacred Table*. CCAR Press, New York, 2011