

Ba'al Tashit: *Waste Not Want Not*

THE BIBLICAL PROHIBITION against wanton destruction is mentioned in two verses in Deuteronomy (20:19-20):

When thou shalt besiege a city a long time, in making war against it to take it, thou shalt not destroy the trees thereof by forcing an ax against them; for thou mayest eat of them, and thou shalt not cut them down, for the tree of the field is a man('s) life to employ them in a siege.

Only the trees which thou knowest that they be not trees for food destroy and cut them down: and thou shalt built bulwarks against the city that maketh war with thee until it be subdued.

Within this biblical context the prohibition of *ba'al tashit*—"not to destroy", is quite limited. It refers explicitly only to trees the fruits of which are edible, but not to fruitless ones, and this within the framework of siege warfare. It makes no mention of scorched earth policies, blocking off water sources and wanton destruction in general.

However, the Rabbis broadened the application of this prohibition. Thus, in the Sifre to Deuteronomy, *ibid.*, sect. 203¹ we read:

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

Maimonides (in *Hilkhot Melakhim* 6:8) explains that they wish to cut off the water supply in order to dry up the trees, and his explanation is borne out by the reading in the Sifre Ms. London *ad loc.*, "in order to dry up its trees."²

However, this expansion still remains within the context of siege activities. The Rabbis further broadened its application to apply to all sorts of dif-

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ferent situations, not merely during a military siege. Thus, Maimonides (*ibid.*)³ applies this not just to whole trees but to fruit in general, and not only to trees and fruit but to all manner of food, utensils, clothes, etc. (*ibid.* 10)⁴ And, indeed, this is surely the thrust of the biblical commandment. For if in times of war, and during an extended siege—“When thou shalt besiege a city a long time”—when the cutting down of trees serves a clear military purpose, such activity is forbidden, how much more so when there is less urgent a need, or no real need at all. Furthermore, even the barren trees may be cut down in order to serve as siege-engines to subdue the enemy, and presumably reduce potential loss of life on the part of the besieging army—from which we may logically and persuasively infer that the wanton destruction also of barren trees, serving no real purpose, would also be forbidden. A further formation of the extended application of this principle is to be found in *Sefer ha-Hinukh* (sect. 529). The author writes as follows:

. . . So too [there comes] under [the category of] this [prohibition] no to cause any sort of damage, such as burning or tearing a garment or breaking a utensil, and any similar kind of destructive activity. . . . And this was the way of the righteous and the men of [good] deeds . . . who would not even destroy a single mustard seed, and who would feel grief over any kind of waste and destruction they saw, and if they were able to save anything from destruction, they would do so with all the strength. . . .

R. Eliezer of Metz, writing in 12th cent. Germany, in his *Sefer Yeraim* (ed. A.A. Schiff, Vilna, 1892-1902 p.402, sect. 382 ad fin.) goes so far as to say:

And a person should take heed of this prohibition. For we have found that a great man was punished for this transgression, as it is written, “[Now King David was old and stricken in years;] and they covered him with clothes, but he got no heat” (I Kings 1:1), and [concerning this] the Rabbis said: For he shamed garments, when he tore Saul’s cloak, therefore he had no benefit from them (B. Berachot 62b). And he who destroys, transgresses two prohibitions: “thou shalt not destroy”—*lo tashit*, and “thou shalt not cut down—*lo tichrot* (Deut., *ibid.*)⁵

There is indeed ample Talmudic evidence that the principle of—was applied to all manner of destruction. Thus, in B. Kiddushin 21a we read that Rav Huna tore his clothing in front of his son, and the Gemara asks: Surely he transgressed *ba’al tashit!* And in Shabbat 129a Rava is said to have broken a bench in order to use it for firewood with which to warm himself, and Abbaye reacted in surprise that surely this constitutes a transgression of *ba’al tashit.*⁶

Thus wanton destruction, or, to use a different formulation, the wasteful use of natural resources, is clearly eschewed by biblical law, expounded and expanded by rabbinic law.

This, however, should be understood within a broader ideological context. For the reason given for not destroying the fruit trees, even for the purpose of optimizing military objectives, is because “thou mayest eat of them,” meaning they constitute a vital resource for the continuity of life. Even during periods of war one must take into account the basic injunction to preserve the world’s resources and its environment for future generations. Indeed, Adam, the prototypal human being, on entering the Garden of Eden, was enjoined “*le-ovdah u-le-shomrah*” (Genesis 2:15), “to tend it and to preserve it.” The Hebrew word “*le-shomrah*” bears two meanings: to look after it and to preserve it. These two meanings, which might seem to be almost identical, in actual fact reflect two different though related notions, both of which are alluded to by the use of this biblical term. *Le-shomrah*, looking after something indicates that the thing does not belong to you, that you are its shomer, its steward. Adam, in being told, as it were, that “*L’Adonai ha-Aretz u-Melo’ah*” (Psalms 24:1), that “the world and all that is in it belong to God”, but that “*ha-aretz natan li-vnei adam*” (Psalms 115:16), that the earth has been given over to human beings to be tended and guarded over. *Le-shomrah* also has the semantic meaning “to preserve” something for its continued use in the future. So man is mandated to preserve the world’s natural resources, which are not really his to waste, for the continuing benefit of future generations.⁷

The Rabbis went even further to warn against overindulgent wastage. Thus, R. Hisda (Babylonia, 3rd cent. C.E.) says: Whosoever can eat bread made from barley, and eats bread made from wheat,⁸ transgresses the prohibition of *ba’al tashit*. And Rav Pappa (two generations later) added: Whosoever can drink beer and drinks wine, transgresses the prohibition of *ba’al tashit* (B. Shabbat 140b).⁹ It is true that the Talmud indicates that these opinions are not accepted, for one should not eat inferior food, but rather care more for one’s health than one’s purse. However, from the above we can deduce that when the foods are equally healthy, we should prefer the cheaper brand. Indeed, the Rabbis regarded waste of monetary resources as something that the Bible strongly advises to be avoided,¹⁰ and they waged a constant battle against the overindulgent use of luxuries, for “the Torah expressed concern for the financial resources of the individual—“*Ha-Torah hasah al memonam shel Yisrael*” (B. Yoma 39a, based on Leviticus 14:36). Hence, Jewish law enjoins us not to make demands that go beyond the

means of the individual. And this, too, as we have seen above, comes under the category of *ba'al tashit*, as does excessive and wasteful use of any resources. And on the basis of such a principle Jewish communities throughout the ages instituted bylaws limiting overspending, such as wearing extravagant clothing and jewelry. We find detailed rules of this nature enacted by the heads of Italian Jewish communities at Forli in 1408, and followed by rulings in Spanish Castille in 1432, etc. And already in the period of the Tosafists in the 13th cent., we learn how the Rabbis of the Rhineland limited the extent of feasts and banquets. Limits were placed on the number of invitees to wedding celebrations etc., as well as the fare offered them at such banquets, and these local communal enactments are to be found throughout Europe right up until the Second World War.¹¹ Such measures were taken to protect the poorer classes from societal pressures as well as to preserve the precious resources of the communities. We see, then, the extent to which this concept has been expanded in its practical applications. And indeed, the great 19th cent. scholar, Rabbi Samson Rafael Hirsch saw *ba'al tashit* as “the most wide-ranging warning to man not to abuse the position he has been given in the world for moody, passionate or mindless destruction of things on earth” (commentary on Deuteronomy 20:20).

The preservation of our natural resources is a concept that permeates biblical and rabbinic thought. Let us consider one simple example, *shemittah*, the sabbatical year, as it has much to teach us. As a strictly agricultural level, one may not exploit the earth without pause. The soil cannot generate crops year after year without losing its nutrients. You have to let the earth, the soil, rest—“*az tirtzeh ha-aretz et shabtotelah*”, “then shall the land be paid her Sabbaths” (Leviticus, 26:34). We know that in the medieval era, the feudal system divided parcels of land into three fields, one of which was left fallow at any given time. This made for a double *shemittah*, as it were. Similarly it appears that in the Land of Israel in Talmudic times the fields were left fallow once every two or three years, and not merely in the seventh. So we learn from rabbinic sources.¹² The earth has to gather its strength, as it were, to recharge its batteries, in order to be able to continue to produce crops and remain fertile.¹³

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

tions—and usually politically satisfactory ones! However, the long-term effect of pollution, both of seawater and of fresh-water aquifers, has disastrous effects. Rapidly diminishing fresh-water sources constitute a threat to future life, and the momentary benefits of our generation—i.e., the immediate “siege benefits”—must in no way jeopardize our progeny’s ability to eat “the fruit of the trees”.

Thus, the principle of *ba’al tashit* touches upon the most basic mandate of the conservationist—the absolute prohibition of wasting our natural resources.

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

One does not have to be a Bible-believer to understand the incontrovertible logic of this argument. One just has to be willing to look slightly farther afield, beyond one’s immediate needs and environment and to think in a broader geographical and temporal context.

But for the believing Jew, on the other hand, saving electricity and fuel,¹⁴ the reduction in the use of non-biodegradable materials, and a hundred other little things of which one is hardly consciously aware, but which reduce wastage—these all may be perceived as coming under the category of a positive mitzvah. Thus, the use of both sides of writing paper, changing to energy-saving devices lighting systems, air conditioners, washing machines, etc., may all be viewed as the carrying out of a divine commandment. For there are halakhic authorities who regard the words “for thou mayest eat of them” as a separate positive commandment, i.e., eating in such a way as to enable the fruits to be eaten also in the future.¹⁵ Indeed,

he who does not take account of such matters, end even thoughtlessly indulges in wanton wastefulness, according to some rabbinic opinions transgresses three biblical prohibitions!¹⁶

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

The world in which we live can no longer be perceived as a place in which communities are disparate and unrelated because of their separate locations. Everything is inextricably interconnected, and what happens in one location can and does effect people who live in other parts of the globe. *Sadna de-arach had hu*, said the Rabbis (B. Kiddushin 27b), "The land is one single block," and never was this more evident and relevant than in our own "globa'alized" world. It is, therefore, our religious, as well as our humanistic duty to develop a greater sensitivity to conserving and preserving resources, and to see this as a central mitzvah which regulates all manner of our activities.

We all are acquainted with the famous story of Honi ha-Ma'agel, who saw an old man planting a carob tree, and asked him, "How long does it take until the tree bears fruit?" "Seventy years," the old man replied. "But," he continued, "as I came to the world and found carob trees that were planted by my grandparents, so too I am planting trees for my grandchildren," (B. Taanit 23a). So we too dare not act merely for our immediate material benefits. We must think ahead precisely because there is a mandate of horashah, of bequeathing: a person must transmit what he has received to coming generations. Because it is not yours, you have no right to decline to pass it on to the next generations. And wasteful destruction of resources in tantamount to denying their continuing benefits to future generations.

It is, therefore, in my opinion, incumbent upon our religious leaders most forcefully to convey this message to their constituent communities, so that all can participate in the primordial mitzvah of *le-shomrah*, and avoid the dire transgression(s) of *ba'al tashit*.¹⁷

NOTES

1. Ed. Finkelstein, New York, p.239.
2. *Sifre*, ed. Finkelstein, editor's note to line 2.
3. Cf. B. Bava Kama 91b. And see R. Hayyim Josef David Azulai [=Hidah], *Hayyim Shaal*, vol.1, Livorno, 1892, no.22.
4. Cf. B. Shabbat 129a. And cf. Maimonides, *Sefer ha-Mitzvot*, negative commandment no.57.
5. See the editor's note 4 ad loc., referring to *Ba'al Halakhot Gedolot*, negative commandments, nos. 218, 219. See further Ramban's additions to Maimonides' *Sefer ha-Mitzvot*, positive commandment no.6, who also regards *lo tichrot* as a separate injunction, and "for thou mayest eat of them"—*ki mimenu tochel*—as a positive commandment, differing on this point from Maimonides *ibid*, negative commandment no. 57.
6. See R. Moshe of Coucy's *Semag* (= *Sefer Mitzvot Gadol*), negative commandment 229, who brings these and additional sources to this effect. See also B. Shabbat 67b, and Bava Kama 91b for examples of *ba'al tashit*.
7. See my discussion on "Jewish Environmental Ethics" in *The Edah Journal* 2:1, 2002, pp.1-5.
8. See my note in *Tarbiz* 33, 1967, pp.99-101, on the different classes of bread in Talmudic times.
9. See *Shevut Yaakov* of R. Yaakov Reisha, vol.3, no.71, that even for personal monetary or medical benefits the principle of *ba'al tashit* applies. On the trade and consumption of wine and beer in Amoraic Babylonia, see the extensive discussions of M. Beer, in his *The Babylonian Amoraim: Aspects of Economic Life*, Ramat Gan 1974, index s.v. *yayin, shechar*, especially pp.159-180, 318-324.
10. See Rabbenu Bahya's commentary to Exodus 12:4, ed. Chavel, Jerusalem 1967, pp.89-90; *Torat Kohanim*, Metzorah 5; *Rosh ha-Shanah* 3.4 and *Bavli ad loc.*; B. *Menhahot* 76b; B. *Yoma* 39a, M. *Negaim* 12.5. For a full survey of this concept, see *Encyclopedia Talmudit* II, Jerusalem 1965, 240-245.
11. This subject has been extensively discussed by Bezalel Landau, in *Niv ha-Midreshiah* 1971, pp.213-226. See further S.W. Baron, *The Jewish Community: Its History and Structure to the American Revolution*, Philadelphia 1942, vol.1, p.320, vol.2, pp.301-307, 326, vol.3, pp.200-202; L. Finkelstein, *Jewish Self-Government in the Middle Ages*, New York 1964, pp.87, 262, 373 (clothing), 103, 143, 244, 374 (festivities).
12. See J. Feliks, *Agriculture in Palestine in the Period of the Mishna and Talmud*, Tel-Aviv 1963, pp. 30-37 [Hebrew]. For the effects of irresponsible overexploitation of the soil in Talmudic times, see my *Roman Palestine 200-400: The Land*, Ramat-Gan 1978, pp.45-69.
13. For a further discussion of this issue see my article in *The Edah Journal*, *ibid*.
14. See, for instance, the responsum of R. Yosef Hayyim, in his *Responsa Torah le-Shmah*, Jerusalem 1973, no.76, who writes: And I ruled for those whose custom it is to leave a candle with two wicks every weekday night to have some light in the house, and they leave the candlelight also while they sleep until the morning . . . that they should take out the wick while they sleep, and leave only one wick burning, since they do not need so much light while they are asleep and if they two wicks [burning] together, it uses up [more] oil wastefully, and this constitutes *ba'al tashit*. . . .

See also *Sefer Kedosh Yisrael*, on Reb Yisrael of Vishnitz, by Natan Eli' Roth, Bnei Brak 1976, pp.228-229, who describes the extent to which the Vishnitze Rebbe was sensitive to *ba'al tashit*. He relates (ibid. p.228) that he would light his cigarette from a lit candle, rather than use a match, because specially lighting a match would be wasteful and constitute a transgression of the command, *ba'al tashit*. For further discussion on *ba'al tashit* see most recently Daniel Farbstein, "Be-gidrei Issur de-*ba'al tashit*", *Moriah* 28, (325-326), 2006, pp.126-131.

15. Rabbenu Hillel to Sifre Deuteronomy ibid.; *Minhat Himuch* no.629; *Encyclopedia Talmudit* 3, Jerusalem 1951, 335, note 8.
16. R. Hillel's reading in the Sifre, ibid.
17. For further bibliographic references to the issue of *ba'al tashit*, see N. Rackover, *A Bibliography of Jewish Law*, vol.1, Jerusalem 1975, pp. 285-286 (nos. 7034-7044), vol.2, Jerusalem 1990, pp.278 (nos. 4660-4669), [Hebrew]. Additional discussions may be found in passing in *Be'er Moshe*, by R. Moshe Stern, Jerusalem 1984, vol.3, no.22, p.26, on the extravagant spending in festive halls for banquets: "I was asked by a very learned scholar, [concerning the fact] that many times people make weddings . . . here in New York in large hotels . . . (but, much to our distress, what will they answer when they are called to order on the waste of money without any earthly benefit?). . . . And see further vol.4, no.147, section 31, pp.236-237: "Furthermore, I wish to alert people to a bitter phenomenon, that takes place here, namely, the waste of Jewish money in organizing weddings and other festivities. Lunacy has seized hold of almost every woman whose husband has an extra dollar in his purse, that for every such event she needs a new dress, and that it is shameful unbecoming to appear twice in the same garment. And in this way they impoverish their husbands with additional stupidities . . . which is a criminal act. . . . Just the other day I was at a wedding which was full of flowers, and the experts said that the flowers cost thousands of dollars, may heavens be shocked!—on the next day all these flowers are thrown into the garbage. . . . It is the duty of the Rabbis to gather together and to decide to announce a prohibition against the excessive use of flowers, and costly garments for a wedding. . . . And without doubt it is within the power of the Rabbis to protest, and all will hearken [unto them], for many are awaiting this, and they will all listen to their decisions and prohibitions." Would that it were so.