

To Recycle Photocopies of Sacred Writings or Bury Them in a *Genizah*?
Preserving the Environment vs. Preserving the Holy Names of God ^λ

Here on Planet Earth we have an environmental problem of colossal proportions. Whether it is in regard to water, air, land, or food pollution, or ozone or natural resources depletion, human beings are in grave danger of permanently damaging the environment that sustains them, if they have not already done so. It therefore seems sensible that we should employ whatever means of environmental protection available to us, especially if it is relatively easy to accomplish. Recycling is one such “easy” solution. For the majority of substances that can be recycled — such as paper, aluminum, tin, some glass, and some plastic — there is no moral controversy over whether or not those objects qua objects should be recycled.

The Jewish tradition, however, has long upheld the requirement for texts that have God’s holy names in them to not be destroyed in any way, but to be buried in a *genizah* (storage place). In general, the prohibitions against (1) erasing or destroying the holy names of God, and (2) waste, *bal tashhit* — literally translated as “do not destroy,” and now understood as embodying the Jewish principle for environmental preservation — coexist peacefully in separate spheres of thought and action. However, the two turn into competing values when examining the question of whether photocopies of the Bible, siddur, Talmud, Midrash, and other holy texts can be recycled or must be buried in a *genizah*.

I am not suggesting here that Bibles, siddurim, volumes of Talmud or Midrash themselves should be recycled. Rather, I intend to argue that holy text that has been photocopied has a different status than that of primary texts, and should be recycled instead of buried in a *genizah*. Ultimately, preserving God’s Creation is more important than preserving God’s written name.

The Nature and Benefits of Recycling

“Recycling” entails separating, collecting, processing, marketing, and ultimately re-using a material that would have been disposed of. Paper is recycled in the following manner: water and chemicals are mixed with the used paper to wash the ink and other contaminants off the paper fibers, turning the paper into pulp. The pulp is then injected between two wire meshes to form a damp paper sheet. This is dried to form the new recycled paper. The dried paper is polished and then rolled into large spools, which are then cut into smaller sizes to be sold (Sustain Ability International Pty. Ltd.). When a product has been recycled and then reused as a new product, the recycling loop has been closed.

Recycling, in general, helps us to: (1) reduce our reliance on landfills and incinerators; (2) protect our health and environment when harmful substances are removed from the waste stream; and (3) conserve our natural resources because it reduces the need for raw materials. Recycling paper is important for a variety of reasons, including: (1) every ton of paper made from recycled materials saves about 17 trees; (2) recycling paper uses 60% less energy than manufacturing paper from virgin timber; and (3) recovered paper is used to make a variety of products, including copier paper, paper towels and napkins, corrugated boxes, and hydraulic mulch (The Environmental Protection Agency).

A Jewish Environmental Ethic

Thousands of years before the word “environmentalism” was coined, Jewish tradition was teaching the importance of taking care of the earth. The importance of preserving the environment comes from our understanding that the earth belongs to God. “The earth is God’s and all that it holds, the world and its inhabitants” (Psalms 24:1). God created the world, which makes God its rightful owner. Everything belongs to God; humans are merely the temporary caretakers of the world. Our possessions are given to us in trust on the condition that we make

wise use of them. Our right to use natural resources is tempered by our responsibility to protect them for use by all future generations.

God, as the owner of the land, sets the terms of humankind's lease. These terms are laid out in Genesis 2:15: "God placed the human in the Garden of Eden, to serve/work it and to guard/tend it." God requires us to be stewards/guardians of the land. Like all of the Torah's commandments, earth stewardship is the responsibility of the individual. According to a Midrash, God made this point clear to the first humans. "When God created Adam, God led him around all of the trees in the garden of Eden. God told him, 'See how beautiful and praiseworthy are all of my works. Everything I have created has been created for your sake. Be mindful then that you do not spoil and destroy My world — for if you spoil it, there will be no one to set it right after you'" (Midrash Ecclesiastes Rabbah 7:13). "From this basic concept of God's ownership of the earth and all of its natural resources, it follows that any act of destruction is an offense against the property of God" (Gordis p. 334).

The concept of *bal tashhit* is the basis of the prohibition against wasting or destroying anything needlessly. While the prohibition originated as protection for fruit trees in time of war (Deut. 20:19), it came to apply to all situations. Later Jewish thinkers explained that *bal tashhit* applies to every person all of the time, encompassing the prohibitions against using more of something than is necessary, using something in a way it is not intended to be used, and using something of greater value when something of lesser value could be used. Maimonides states: "Not only one who cuts down a fruit tree, but anyone who destroys household goods, tears clothing, demolishes a building, stops up a spring, or ruins food deliberately violates the prohibition of 'Do not destroy'" (*Mishneh Torah, Laws of Kings and Wars* 6:10). Both direct and indirect acts of destruction are prohibited, such as cutting off the water source of a tree. Simply stated, "It is forbidden to destroy or to ruin anything capable of being useful to humankind" (*Shulhan Arukh* of the Rav, *Hilkhos Shemirat Guf Vanefesh*, sec. 14). When normal

human activity requires some destruction of natural resources, decisions must be made in favor of methods that involve less rather than greater destruction. Emerging from the negative commandment “you shall not destroy” is the positive “you shall maintain.” This affirmative imperative leads to an entire body of laws designed to maintain and improve the general environmental quality of life.

Judaism tells us that a single God is responsible for all of Creation. This means that all of Creation is inter-connected, having been made by a single Creator. A Midrash makes this point: “Rabbi Shimon Bar Yohai said: three things are of equal importance: earth, humans, and rain. Rabbi Levi ben Hiyata said:...this is to teach that without earth, there is no rain, and without rain, the earth cannot endure, and without either, humans cannot exist” (*Midrash Bereshit Rabbah* 13:3). All living things and their environments are part of a web of life; whatever happens to one part of the web affects all parts of it. Looking around on planet earth, one notices forests decimated by logging. This destruction of trees results in land erosion, an increase in air pollution, decrease in animal and plant habitat, and scarring the land and making it ugly, among other ills. Recycling paper is the tonic to so many of those problems. One could almost say that on the merit of a Jewish environmental ethic alone, excluding other considerations, recycling of photocopies of sacred writings should be permitted.

Biblical and Rabbinic Precedents for *Genizah*

The traditional (and current) practice of burying holy texts in a *genizah* has its origins in four different prohibitions and prescriptions:

(1) There is a biblical prohibition against destroying or erasing the name of God. With regard to the worship of false gods, the Torah states: “And you shall destroy their names from this place. Do not do this to Adonai, your God” (Deuteronomy 12:3-4). While the Torah uses the term “destroy,” the sages generally use the language of “erase.” Maimonides specifies that

this refers to seven names for God, when written in Hebrew characters, and they are: *YHVH, El, Eloha, Elohim, Elohai, Shadai, and Tzevaot*. Additionally, Maimonides rules that erasing even one letter is tantamount to erasing the entire name (*Mishneh Torah, Hilkhoh Yesodei HaTorah* 6:2, based upon *Shevuot* 35a).

(2) There is a rabbinic prescription that a Torah scroll that is worn out is to either be buried alongside a Torah scholar, or to be placed in an earthenware container. As it says in the Talmud: “Raba also said: A scroll of the law which is worn out may be buried by the side of a *talmid hakham*, even though he be one who only repeats *halakhoh*. R. Aha b. Jacob said: It should be put in an earthenware vessel, as it says: ‘And put them in an earthen vessel that they may continue many days’ (Jeremiah 32:14)” (*Megillah* 26b).

(3) It is rabbinically forbidden to destroy holy texts, because that would be treating them as if they were worthless, and would therefore be disgracing them. As it says in the Talmud: “Mishna: All sacred writings must be saved from a fire [*by being moved from one domain to another on the Sabbath*], whether we read them or not. Even if they are written in any language [*other than Hebrew*], they must be hidden [*if they become unfit for use*]. . . . Gemara: . . . R. Hisda says: We must save [them], because of the disgrace to Holy Writings. . . . [*Are you saying that*] it is permitted to destroy [sacred writings] with one's own hands?!! [*That cannot be*], because they must be put in a neglected place to decay of their own accord” (*Shabbat* 115a).

(4) There is a rabbinic prohibition against tossing or throwing holy texts, indicating that they must be treated with respect. This is from the Talmud, where it states: “R. Aha b. Ahabah replied: This proves that holy writings may not be thrown” (*Eruvin* 98a).

These prohibitions and prescriptions originally pertained only to biblical writings because at the time, it was forbidden to write down the Oral Law (*Temurah* 14b). Later, after writing down the Oral Law became permitted, the Talmud and Midrash came to be treated with the same

kind of respect as biblical writings (Tosafot on *Shabbat* 115a). This general reverence for biblical and rabbinic texts was codified by Maimonides (*Mishneh Torah, Yesodei HaTorah* 6:8).

Direct and Indirect (*Grama*) Destruction

We learn that there is a difference between actively causing the destruction of God's holy names, and causing their destruction indirectly (*grama*). It says in *Shabbat* 120b: "It was taught: If one has the [Divine] Name written on his skin, he must not bathe nor anoint [himself] nor stand in an unclean place. If he must perform an obligatory water immersion, he must wind a reed [in order to prevent effacement of the Name] about it and descend and perform water immersion. R. Jose said: He may at all times descend and perform water immersion in the ordinary way, provided that he does not [intentionally] rub [it with his hands]. — [*Thus the Rabbis forbid even an indirect action, whereas R. Jose forbids only a direct action.*] — There it is different, because the Torah states: 'And you shall destroy their names from this place. Do not do this to Adonai, your God' (Deuteronomy 12:3-4). **Only [direct] action is forbidden, but indirect action is permitted.**... Yet still there is the difficulty [about the reed. *Why do the Rabbis insist on a reed?*] — [*This difficulty is raised to show that the Rabbis' view has nothing to do with the question whether indirect action is permitted or not.*] — Rather said Raba b. Shila, This is the reason of the Rabbis: because they hold one must not stand nude in the presence of the Divine Name."

Because the majority of Jews who would choose to recycle do not work at recycling plants, those Jews who would be recycling photocopied sacred texts would be indirectly destroying sacred writings. We learned from the above Gemara that indirect destruction of sacred writings is permitted, and therefore recycling photocopied sacred texts should be permitted.

Different Levels of Holiness and *Kavanah*

There exists the idea that there are different levels of holiness among sacred writings, and consequently sometimes different requirements for how they are to be treated. This is true even when the actual words are the same and/or originally from the same source. For example, it is generally recognized that a Torah scroll is holier than a printed Bible, although neither may actively be destroyed. Also, the Talmud stipulates: “Mishna: All sacred writings, [*i.e. the Bible*], must be saved from a fire [*by being moved from one domain to another on the Sabbath*].... Gemara:...Our Rabbis taught: Benedictions and amulets, though they contain letters of the [Divine] Name and many passages of the Torah, must not be rescued from a fire, but must be burnt where they lie, they together with their Names” (*Shabbat* 115a-b).

This seems to suggest that the text’s function determines its level of holiness. The Shakh agrees, stating: “And thus, [in regards to] a holy name that was not written for holy purposes, one is permitted to erase it for the purpose of repairing it” (*Yoreh De’ah* 276:12, quoted in Shapiro p. 262, my translation). The writer’s *kavanah* (intention) also plays a role in determining the level of holiness of the text. This idea is supported by the *Haggahot Maimoniyot* who comments: “He wrote Re”m, and if he wrote the letters of [God’s holy] name and did not intend to imbue their writing with holiness, there is no holiness in them” (*Hilkhos Yesodei HaTorah* 6, quoted in Shapiro p. 261, my translation).

It is thus clear that *kavanah* plays an important role in determining whether or not there has been a violation of a prohibition. This has a few implications in regard to our case of recycling photocopies of sacred writings. Firstly, if the text with God’s holy name is not photocopied for a holy purpose, erasing it through recycling should be permitted. Secondly, if while photocopying, one has the *kavanah* that the copies should not take on the same level of holiness as the original text, the photocopies would not be holy, and therefore recycling should

be permitted. Thirdly, it could be argued that there is a difference in intent between publishing and photocopying. In publishing sacred writings, the *kavanah* is to produce a “permanent” holy book, while in photocopying, the *kavanah* is usually to create something for a one-time, or limited, use. In publishing, the intent is to sanctify what one prints, while in photocopying the intent is for the copies to have sanctity for a limited time. If the photocopy is intended to be holy for a certain amount of time only, once that time has passed, it is no longer considered holy and could be recycled.

Legal Precedents Regarding the Erasure of God’s Name

There are legal precedents set regarding destroying or erasing God’s name “for good cause.” Maimonides states: “If a Jewish heretic writes a Torah scroll, it and the name of God it contains must be burnt, since he does not believe in the sanctity of [God’s] name and did not compose it for this purpose. Rather, he considers this to be similar to any other text. Since this is his intent, the names [of God he writes] do not become holy. It is a mitzvah to burn it so that no remembrance will be left of the heretics or their deeds.” (*Mishneh Torah, Hilkhot Yesodei HaTorah* 6:8). We see from this that sacred texts written by heretics *must* be destroyed, which strongly suggests that the intent of the writer is extremely important.

In the case of the *sota* (adulterous wife), where there was a question regarding whether a wife was guilty of adultery, Numbers 5:11-31 set out an elaborate ritual to determine her guilt or innocence. The central part of this ritual involved the suspected woman ingesting a scroll with some of the biblical verses from Numbers 5. Mishna Sota 2:3 records a rabbinic disagreement over which verses from Numbers 5 are included on the scroll, ranging from verses 19-22. However, all agree as to the inclusion of the following section from verses 21-22: “The Lord makes you a curse and an oath among your people, when the Lord makes your thigh fall away, and your belly swell. And this water that causes the curse shall go into your bowels, to make

your belly swell, and your thigh to fall away.” Surprisingly, the Gemara here in Tractate Sota does not ask why it is acceptable to erase the name of God. However, in Nedarim 66b, the Talmud states: “In order to make peace between husband and wife, the Torah commanded: Let My Name, written to sanctity, be dissolved in ‘the utters that curse’” (Nedarim 66b). It appears that in the case of the *sota*, “for a good cause,” God is willing to have His name blotted out to prove a women’s innocence. It is in fact a *mitzvah* to destroy a piece of paper including the divine name for the sake of peace between husband and wife.

Although both of these examples of destroying or erasing God’s name “for good cause” seem to be for negative reasons, they could be seen from a positive standpoint instead. In the first case, God’s name is destroyed to preserve the cohesion and faith of the Jewish community. In the second, to preserve peace between husband and wife. Therefore, it could be argued that there are positive reasons, in general, for destroying or erasing God’s name. Namely, in our case, environmental concerns. The burial laws for sacred writings were formulated before the invention of the photocopy machine, at a time when the rabbis could not have imagined the huge amount of temporary holy material that would be produced.

Halakhic Authorities Address the Issue of Recycling Sacred Writings

The question of whether or not to permit the recycling of sacred writings — not their photocopies, but the actual books themselves — has been, in recent years, addressed by a number of *halakhic* authorities. (1) Rabbi Haim David Halevi has determined that recycling texts with any of the seven holy names of God is prohibited, but he is undecided about the Talmud and Midrash. (2) Rabbi Moshe Feinstein also prohibits recycling texts with any of the seven holy names of God, but permits the recycling of the Talmud and Midrash because they do not contain those names (Wiener). (3) Rabbi Jacob Schneider permits the recycling of all sacred writings that do not contain any of the seven holy names of God. The newly-recycled paper must

be used exclusively for the production of new holy texts (Schneider). (4) Rabbi Uri Dessberg permits non-*klaf* sacred writings to be recycled separately by *grama* (indirect action). The newly-recycled paper must be used in a respectful way (Dessberg). (5) Rabbi Shabtai Rapoport permits the recycling of all holy books because one is not actively causing their destruction. Also, at the recycling plant the books form such a small percentage of paper being recycled that their status as holy is annulled *ba'rov* (by the majority) (Wiener).

Halakhic authorities have also addressed the question of whether or not to permit the recycling of photocopies of sacred writings. (1) According to the *tshuvah* followed at the Pardes Institute in Jerusalem, recycling photocopied holy texts is permitted as long as while photocopying, one has the negative *kavanah* (intention) that the copies should not take on the status of *shemot* (Hammer-Kossoy). (2) Rabbi Chaim Winer prohibits recycling photocopies of the Bible and siddur because they contain the seven holy names of God. He states that burying in a *genizah* photocopies of the Talmud and Midrash is preferable, however if those copies are too numerous or are being desecrated, recycling is permitted in the bins at the Va'ad Lema'an Hahayal (Winer).

Strengths and Weaknesses of My Approach

In terms of the weaknesses of my approach, one could argue that I am taking too many liberties with the tradition. There is a rabbinic dictum that: “We raise up in matters of holiness, not bring down” (*Shabbat* 21b). Perhaps we should elevate the way we treat photocopies of holy texts. One could argue that while people do not kiss photocopied sacred writings in the same way that they do for sacred writings that have fallen on the floor, perhaps we should kiss them as well. Related to this is the rhetorical Talmudic question: “Should a vessel that was used for holy be used for everyday?” (*Bava Metzia* 84b). This applies to objects that have no intrinsic holiness in and of themselves, such as a tallit bag. Once it has been used to hold a tallit, which does have

religious significance, a tallit bag should not be used for secular purposes. How much more so should an object that was used for sacred purposes — such as studying from a reproduction of sacred writings — not be used for secular purposes. Finally, my argument in favor of recycling is based upon the current environmental crisis. Yet there is a rabbinic teaching that: “An emergency situation does not constitute proof” (*Sukkah* 31a-b). Putting sacred writings that are no longer used into a *genizah* is a Jewish tradition dating back at least 2,000 years. Perhaps today’s environmental crisis is not truly as important as maintaining that tradition.

It is important to acknowledge that the majority of non-Orthodox Jews do not save up the photocopies of holy texts that come their way to be buried in a *genizah*, but instead throw them away in the garbage. The majority probably do not even know that there is something wrong with this. Our tradition teaches us: “Go and see what the people are doing” (*Berakhot* 45a). The strength of my approach lies in that it does just that. In recognizing that most Jews do not treat photocopied sacred texts with respect, I present a viable alternative to *genizah*. Instead of demanding an abrupt change in behavior that most non-Orthodox Jews are unlikely to follow, recycling photocopies is very practical and feasible. We learn: “A decree should not be imposed upon the community unless the majority of the community can follow it” (*Bava Batra* 60b). It is much more likely that modern Jews would recycle photocopied holy texts than that they would seek out a *genizah*.

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*Note: I apologize for the incomplete nature for some of the works cited. Rabbi Joshua Heller sent me a few of the articles, and I was negligent in requesting the complete citation. — DF

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