

I scream, you scream, we all scream for ice cream!

Parashat Shoftim 5781

Rabbi Adam J. Raskin, Congregation Har Shalom

This is the time of year when so many kids, and even some of their parents regularly invoke that timeless chant: “I scream, you scream, we all scream for ice cream!” Do you remember that mantra from your childhood? Maybe it was belted-out at the sight of an approaching ice cream truck. Maybe it was a rallying cry to convince your parents to buy you a cone when passing a local ice cream store, or snack bar. Maybe your parents used that cheer to get you excited to go for ice cream on a warm summer evening. Just the thought of that slogan makes me smile. But this summer people were screaming for a different reason about ice cream. Three weeks ago, Unilever, the parent company of Ben & Jerry’s, not only America’s favorite solo ice cream brand, but Israel’s too, announced that it would no longer sell its frozen treats in what it referred to as “Occupied Palestinian Territory,” defined as East Jerusalem—including the Old City, the West Bank, and Gaza. I assume the measure was meant to deprive Jewish residents and settlers of those areas from their Chocolate Therapy. The measure actually seems to be more ‘Half-Baked’ than anything else...

Ben & Jerry’s claims that doing business in Occupied Palestinian Territory is contrary to their core values. In fact the original Bennett Cohen and Jerry Greenfield hailed it as “one of the most important decisions the company has made in its 43 year history.” I am more inclined to ask the question Bret Stephens posed in his recent New York Times piece: “How any of this translates into peace or justice, much less ending ‘the occupation’ is anyone’s guess.” If you care enough to look at the actual impact you will discover that this action will actually hurt Palestinians more than help them, as many BDS initiatives do. Just ask the 500 Palestinians who lost good paying jobs with benefits when SodaStream was pressured to relocate their operations a few years ago. Two tons of Ben & Jerry’s treats are distributed to the West Bank and Jerusalem every week. Many of those tons are transported by Palestinian distributors and drivers. The B & J factory in Kiryat Melachi employs 160 people, Jews and Arabs alike. All the milk, cream, eggs and other natural products used in the ice cream are locally sourced from famers and growers in the region. Ironically, 90% of the employees at the plant live well within the range of Hamas rockets, and have spent way too much time recently in bomb shelters rather than in the plant! The company has also announced that it will not automatically renew its license in Israel when it expires in 2022. This led to widespread condemnations from the Prime Minister, the Foreign Minister, Jewish organizations world-wide. It has led to demonstrations outside Ben & Jerry’s franchises, and calls to respond to their boycott with our own boycott, never mind that some of those franchisers are also Jewish small business owners. Apparently coming between Jews and their ice cream is more perilous than the 300 calories, 11 grams of saturated fat, 25 grams of sugars, and 28 grams of carbohydrates in just one serving of New York Super Fudge Chunk!

Now the reason I have brought all of this to your attention is not because I want to stand here and excoriate Ben & Jerry's...but because many ice cream loving Israel supporters are faced with a dilemma that might just be answered by this morning's Torah portion! Many people who are stuck with pints of Ben & Jerry's in their freezers are now rediscovering Haagen-Dazs, or Jeni's, or Graeter's... What if I just can't bring myself to have another spoon-full of Phish Food or Cherry Garcia because it has been spoiled by politics and BDS? The parasha this morning contains the source of the mitzvah we now refer to as *Bal Tashchit*, the prohibition of being wasteful. The original prohibition is actually quite narrow. Deuteronomy 20:19-20 prohibits an army from cutting down fruit trees in the course of waging war on a city. Other kinds of trees can be cut down and used to make barricades or fortresses, but not trees that bear fruit, which of course is beneficial to people for food. Our Sages, of blessed memory, extended this prohibition of wantonly destroying fruit-bearing trees to include all forms of needless destruction or wastefulness. It has come to encompass everything from wasting clothes to money to simple household goods, to water. It seems that the Jewish approach to the world is that everything has a purpose...even if not for you, perhaps for someone else. To treat even simple goods frivolously is to narrow your focus to only consider what's beneficial to you at any given moment; to regard natural resources as existing only for your pleasure and comfort, rather than a broader approach to the ecosystem in which we all live is dangerous to the planet. The Talmud¹ even addressed the case of playing around with an oil lamp, not to make the wick burn longer or to increase the light, but just fidgeting with it for no good reason. Rav Zutra said that since such mindless behavior actually causes the lamp to use-up more oil, that too violates the principle of *bal tashchit*. I think about this all the time as I walk around our house turning off lights in rooms where there are no people! The Rambam gets pretty specific too:

Ve'lo ha'ilanot bilvad, the prohibition does not only apply to fruit trees, *eilah kol ha'meshabeir keilim*, but even to one who destructively breaks vessels, *Ve'korei'a begadim*, or who rips up clothing, *ve'horeis binyan*, or tears down a building, *ve'sotem ma'ayan*, or seals up a spring, *u'me'abed ma'achalot derech hash'chatah*, or, ready for this....anyone who wantonly destroys food!"²

So maybe I have to suck it up and eat all that leftover Ben & Jerry's in my freezer rather than what I have seen for the past few weeks on YouTube—video after video of people of stacking up all their partially eaten pints and tossing them in the dumpster. The truth is, I would hope that the extreme concern of our tradition about food wastefulness would be a wake-up call to our society which actually wastes billions of tons of food every year that could otherwise be distributed to feed the poor and hungry. A few years ago when my family and I were in Israel, we spent an afternoon volunteering at Leket Israel. This organization is about food waste and recovery. We *schvitzed* over bins of produce that may have been a little bruised or misshapen, and tossed out by restaurants, hotels, and caterers, because it wasn't aesthetically pleasing. Tons

¹ Sanhedrin 67b

² Laws of Kings and Wars 6:10

of this perfectly edible food is collected from all around the country to be redistributed to those in need. Manna Food Center in Gaithersburg is involved in similar food recovery efforts. If your family did an audit of how much food you throw away instead of eat; how much water or energy we unnecessarily use because we just don't think about the broader impacts, we could be so much more faithful to the mitzvah of *bal tashchit*, an so much more considerate of the welfare of others, not to mention the health of our planet.

But back to Ben & Jerry's. As I've mentioned to you before, I have become very interested in the thought and commentary of Rabbi Samson Raphael Hirsch, who lived in Germany between the years of 1808-1888. When he was just 30 years old, Hirsch published a collection of essays entitled *Horeb* ("Horeb" is one of the other names for Mt. Sinai). In those essays, Hirsch presents a philosophical explanation of the mitzvot in the Torah. He regards wastefulness to be contrary to what it means to be a mensch...remember he wrote in German...a mensch, he said, understands that God imbued all things with purpose. A mensch doesn't act with disregard or capriciousness. A mensch isn't destructive. Hirsch even calls it idolatry to disregard even seemingly meaningless items because all things are ultimately the property of God! But then he says something even more psychologically astute. Why do people act destructively? Why would someone be so careless and frivolous. He said it is a result of "anger, pride, and above all, ego." Those are the idols that people serve when they commit the sin of *bal taschit*. Smashing and breaking and dismissing and tossing and demolishing and wreaking havoc come from a dark and negative place in our hearts. And Rav Hirsch urges us to recognize that and to address those root causes. Look it doesn't take very much to convince me to eat ice cream, I'll give you that. But I'm keenly interested in what I do with the disappointment and anger I feel about Ben & Jerry's myopic collaboration with the BDS movement. Rather than throw out food that is perfectly good for human consumption, I'd rather channel my feelings about this to support causes that will actually have an impact on peaceful coexistence and ending the conflict between Israelis and Palestinians. I'd rather invest my time and effort into learning more about the issues, the people, the possible solutions than filming myself throwing out Ben & Jerry's products and posting it on social media. I won't be stocking up on these products either, but I don't want to let anger lead me to throw out food. There's a powerful principle articulated in the 13th Century text *Sefer Ha'Chinuch*: "*Acharei ha'pe-ulot, nimshachot ha'levavot*," meaning "Our hearts follow our actions." Or as Rabbi Shalom Rosner puts it: "Engaging in destructive acts will desensitize us and turn us into destructive people."³ Ice cream is destructive enough to my waist line that I don't need it to negatively impact my character as well!

So I think it's perfectly fine to eat those left over Ben & Jerry's pints. And I also think we should be sensitive to our fellow Jews who own local franchises—that the politics of ice cream don't end up putting them out of business. Halacha is pretty clear about Jews putting other Jews out of business. But whatever you chose to do about your frozen treat consumption, I hope we will all be a little bit more aware of our wasteful tendencies, and when we tend to be lazy simple

³ Roser, Shalom. "Sustainability in the Torah," *Shalom Rav*, v. 2, p. 416

things that impact the environment. The Torah indeed has an ecological ethic, and one of the places it is most forcefully articulated is in our parasha this morning. May we strive overall to be mensches! To see purpose and potential in everything that Hashem has placed in this world, if not for ourselves, than perhaps for someone else who could truly benefit. Shabbat Shalom!⁴

⁴ Grateful to Rabbi Yonatan Neril for his illuminating article: *Bal Tashchit, Summoning the Will Not to Waste*, Jewish EcoSeminars, Teaching #2