

Part II—Keeping up with the Goldbergers: May One Needlessly Destroy His Belongings?

Adapted from the writings of Dayan Yitzhak Grossman

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In the previous article, we discussed the question of whether feeding human food to animals is prohibited, either as denigration of food (*bizui ochlin*) or as wastefulness (“the Torah spares the money of the Jewish people”). The question of whether it is wrong to use food for one’s needs other than eating arises in other contexts as well. The Gemara says:

They inquired of Rav Sheishess: May one bruise olives on a rock on Shabbos to use for washing hands? (This is how the question is understood by most *Rishonim*, following the Geonim.) He said to them: And is this permitted even during the week? (The Gemara explains:) Rav Sheishess holds that this is forbidden on account of wasting food.[1]

The Magein Avraham and Machatzis Hashekel explain that although the olives are being put to productive use, it is nevertheless prohibited, because washing can be done with soap without destroying food by using olives.[2] But the Biur Halacha notes that applying food-grade oil to the skin is permitted despite the fact that it is possible to use soap, and he accordingly maintains that the key criterion is not whether a nondestructive alternative is available, but whether the activity in question is “the way of the world” or not. Applying oil is permitted because that is the way of the world, whereas crushing (and thereby ruining) olives in order to wash with their oil is prohibited because it is not.[3]

A related discussion concerns washing hands with wine or fruit juice. The Shulchan Aruch cites opinions that it is permitted,[4] and the Mishnah Brurah explains that there is no problem of *bizui ochlin* because one is attending to a need and not acting in a destructive manner.[5] But the Biur Halacha notes that other authorities forbid washing with beverages because this involves destroying food,[6] and he argues that these authorities apparently forbid it even when there is no water available, “for we are not discussing a fool who would wash with other liquids when he has water.”[7] (He explains this based on his abovementioned stance that any destructive use of food other than eating is prohibited if it is not the way of the world.) It should be noted that all the above discussions concern food, and it is unclear to what extent they are relevant to the utilization of nonfood items in a wasteful manner. But there is a halachic discussion of this broader question as well, which actually involves the (destructive) use of gold in food preparation, if not the actual consumption of gold. The Gemara cites a *breisa*:

If one was walking in the desert and has no earth (with which to perform the mitzvah of covering the blood of a *chayah* or a bird that he slaughtered), he may grind up a golden dinar and cover the blood with its dust. If one was traveling on a ship and has no earth, he may burn his garment and cover the blood with its ashes.[8]

Why is grinding a gold dinar or burning a garment not a violation of the prohibition of *bal tashchis* (the wanton destruction of property)? The Darchei Moshe explains that the bird was worth more than the gold dinar or garment, so *bal tashchis* did not apply.[9] But the Bais Yosef says that these actions are permitted because there is no other option to cover the blood[10]—apparently even if the bird is *not* worth more than the gold dinar or garment. The Torah Lishmah explains that since the Torah prohibition of *bal tashchis* is limited to the destruction of trees, and the extension of the prohibition to other property is *mideRabanan*, [11] there is a dispensation to this *issur deRabanan* for the purpose of fulfilling the mitzvah *de'Oreisa* of covering the blood.[12]

Is the destruction of property justified if the act of destruction is enjoyable? The Gemara says:

For Abaye said, my mother told me: The development of a young child requires...When he grows a bit older, it requires his breaking utensils. This accords with Rabbah's practice of buying cracked clay utensils for his sons, and they would break them.[13]

Based on this passage, the Torah Lishmah permits giving old paper, or new paper that is soiled, to a child to play with by tearing and cutting it into pieces. He implies, however, that the child should not be given new, unsoiled paper to destroy. Similarly, he explains that although the vessels mentioned in the Gemara were obviously still somewhat functional (as they had to be purchased and were not free for the taking), *bal tashchis* does not apply because they were worth very little, which implies that more expensive items should not be given to a child to destroy even if he would enjoy doing so. Perhaps in such a case, the value of the items is presumably greater than the enjoyment experienced by the child, and their destruction is therefore considered wasteful.[14]

In the case of the golden hamburgers, it would seem that if the enjoyment the diner receives from consuming the gold is less than its cost, then wasting the gold in this manner would be a problem. Although gold is not a food and thus not subject to *bizui ochlin*, the prohibition of *bal tashchis* and the principle that “the Torah spares the money of the Jewish people” would likely still apply, because there is certainly no *need* to garnish a hamburger with gold, and doing so is hardly the way of the world. But if the enjoyment that someone derives from consuming the gold is equal to or greater than its cost, then doing so might not violate *bal tashchis*.

The quantity of gold involved is almost certainly minute, particularly in light of the fact that the Hard Rock Cafe has offered an apparently similar burger for sale for under \$25, so the gold's market value is almost certainly very low; gold is highly malleable and can be made into *extremely* thin sheets. The enjoyment received from consuming a gold-garnished hamburger, being fundamentally subjective, is harder to quantify.

Note that we have been considering whether the wasteful destruction of *gold* violates *bal tashchis*. Wasting one's *money* on an exorbitantly priced hamburger would not seem to violate that prohibition, because the money is not being destroyed, only transferred from the buyer's pocket to the

seller's. But such extreme consumerism might run afoul of other Torah values. As noted in last week's article, the question of whether a \$175 golden hamburger is otherwise appropriate for a Jew is beyond the scope of this article.

[1]Shabbos 50b.

[2]Magein Avraham ibid.

[3]Biur Halachah ibid. s.v. *Lo*.

[4]Shulchan Aruch ibid. 160:12.

[5]Mishnah Brurah ibid. s.k. 60.

[6]Biur Halachah ibid. s.v. Lechat'chilah.

[7]Ibid. *siman* 171 s.v. *Lo*.

[8]Chulin 88b.

[9]Darchei Moshe Y.D. *siman* 28.

[10]Bais Yosef ibid.

[11]Hilchos *Melachim Umilchamoseihem* 6:10.

[12]Torah Lishmah *siman* 206.

[13]Yoma 78b.

[14]Torah Lishmah *siman* 401.