

# A CLOSER EXAMINATION OF DEUTERONOMY 20:19– 20

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The prohibition of *bal tashhit* (do not destroy), arguably the most important religious precept directly relating to man's relationship with the environment, is derived from the following 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 its trees by forcing an axe against them: for thou mayst eat of them, and thou shalt not cut them down; for is the tree of the field a man, that it should be besieged by thee? Only the trees which thou knowst that they be not trees for food, thou shalt destroy and cut them down; and thou shalt build bulwarks against the city that makes war with thee, until it be subdued.*<sup>1</sup>

These verses introduce the prohibition of *bal tashhit* in the seemingly narrow context of preserving fruit-producing trees during a wartime siege. There is no direct indication in these verses that *bal tashhit* applies to any other objects or in any other situations. Therefore, a literal reading of these verses would leave us with a very limited understanding of the prohibition of *bal tashhit* and little clue that it would apply to the conservation of all resources. Indeed, this has resulted in the virtual omission of *bal tashhit* from many examinations of religion and environment, particularly those by non-Jews. The following sections illustrate the interpretation of Deuteronomy 20:19-20 with the accompaniment of the Jewish oral tradition and commentaries, and demonstrate the importance of these commentaries.<sup>2</sup>

## TRANSLATION OF DEUTERONOMY 20:19 INTO ENGLISH

The translation provided above follows the *Koren Tanakh*, and is consistent with most English translations of these verses. The Koren translation inter-

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prets the end of the verse *ki ha-adam etz ha-sadeh* as a rhetorical question: *for is the tree of the field a man, that it should be besieged by thee?* As I will discuss below, I prefer to interpret these words in the manner of the majority of the major biblical commentators in the Jewish tradition, as a statement rather than a rhetorical question. Therefore, before proceeding to a more detailed analysis, I will modify the Koren translation of verse 19 to the following: *When thou shalt besiege a city a long time, in making war against it to take it, thou shalt not destroy its trees by forcing an axe against them: for thou mayest eat of them, and thou shalt not cut them down – for man is a tree of the field – to bring [the city] before thee in a siege.* Deuteronomy 20:19–20 contains a number of interesting elements – particularly relating to the context of the verse and the choice of words – that require further elucidation.

*WHEN THOU SHALT BESIEGE A CITY A LONG TIME, IN MAKING WAR AGAINST IT TO TAKE IT*

The prohibition against needless destruction (*bal tashhit*) is taught in the context of a military campaign. The significance of this contextual setting, some commentaries suggest, is to demonstrate that even in the most extreme and destructive situations, the Torah commands its adherents to limit destruction.<sup>3</sup> The fact that this is taught in the context of an *offensive* siege only strengthens the point. In defending its own territory, a people can be expected to minimize environmental destruction – the consequences of which they would have to suffer in the future. For an attacking army, whose goal is to demoralize and starve the besieged enemy, it can be advantageous to destroy the enemy's natural resources. Nevertheless, the Torah commands the exercise of restraint. Using an exegetical principle known as *kal va-homer* (learning from a lenient case to a stricter case),<sup>4</sup> the Torah describes the most lenient case where needless destruction would possibly be permitted (warfare) and prohibits it even there – proving that needless destruction would certainly be prohibited in all other cases.

*THOU SHALT NOT DESTROY (LO TASHHIT) ITS TREES*

In the Hebrew language, there are a number of other synonyms for *destruction*, including: *abed*, *haros*, *kalot*, and *harev*. Each of these words has its

own special connotation in relation to destruction. Why was the word *shahat* (Hebraic root of *tashhit*) selected to denote destruction here?

The word *shahat* in biblical Hebrew means *kilkul*<sup>5</sup> which translates as spoil or corrupt.<sup>6</sup> This is similar to the translation of *shahat* from modern Hebrew as *to spoil, hurt, waste; to ruin, destroy; to sin, act basely (corruptly); to kill.*<sup>7</sup> In the words of R. Samson Raphael Hirsch (1808–1888), who bases much of his commentary on an analysis of the etymology of biblical Hebrew:

*Shahat* [the root of the word *tashhit*] is the conception of corruption, not destruction. It is the overthrow of a good condition, and the impeding of progress, and the changing into the opposite of anything which was meant to thrive and prosper. The basic meaning of *shahat* is a pit, and not with any idea of its being used to preserve things, but as a means of interrupting the path of somebody striving towards his goal, and bringing him to destruction. It is related to *shohad* [bribery], which is a pit dug in the path of a judge on his way to delivering a true and just verdict, and also to *shohat* [slaughter] which interrupts the progress of the life of an animal. From this basic meaning of *shahat* we can understand why it is preferably connected with *derekh* [way or path]. *Hashhatah* in general means to be interrupted on the way to prosperity. *Hashhit derekh* [corruption of the path], presupposes that the whole *hath*-path of life, also that directed to the sensual, in itself only leads to moral welfare. Immorality is the pit which diverts the direction, in itself so good, into corruption.<sup>8</sup>

*Shahat* is distinguished by its connotations of corruption and spoilage or degradation. Hirsch's explanation of the word *shahat* also reveals an underlying positivist worldview in which the created world and everything in it has a constructive purpose and moral destiny, and that there is a moral requirement to use all resources for the proper purpose, lest they be corrupted and prevented from reaching their destiny.

#### BY FORCING AN AXE AGAINST THEM

On these words, R. Hirsch writes:<sup>9</sup> *where nothing but destruction is achieved or purposed*, suggesting that the inclusion of these words implies a

*needless* destruction. The image presented by Hirsch is of carelessly swinging an axe against a tree with no constructive purpose.

*FOR THOU MAYST EAT OF THEM, AND THOU SHALT NOT CUT THEM DOWN*

From these words, the Sifri (the halakhic *midrash* on the books of Numbers and Deuteronomy, compiled in the period of the Tannaim – roughly 100 BCE to 200 CE) derives two separate *mitzvot* or religious duties:<sup>10</sup> "*For thou mayest eat of them* – this is a positive *mitzvah*; and *thou shalt not cut them down* – this is a negative *mitzvah*". Similarly, Hirsch writes:<sup>11</sup> "[This] would be the command to maintain, and the prohibition to cut down, fruit trees." These words also bring to mind the concept of 'sustainability'. While the fruits may be consumed, the producers of the fruits must be preserved to provide for the future.

*FOR MAN IS A TREE OF THE FIELD – ALTERNATIVELY – IS MAN A TREE OF THE FIELD?*

Many of the classical biblical commentators draw attention to the apparent comparison between man and trees in Deuteronomy 20:19. A minority of the commentators<sup>12</sup> avoid comparing trees and humans by interpreting the verse as a rhetorical question: *is a tree of the field human?* For example, R. Shlomo ben Yitzhak (Rashi, 1040–1105) writes: "Is the tree of the field perhaps a man that it should be included in the besieged town by you to suffer with hunger and thirst like the people of the city? Why should you destroy it [the tree]?" (Rashi on Deuteronomy 20:19).

Rashi is not necessarily denying that man can be compared to a *tree of the field* in other ways. He seems to be saying that in the context of a wartime siege, a fruit-producing tree should not be treated like a human enemy, that far the comparison does not go. A number of contemporary authors<sup>13</sup> have gone a step further with Rashi's interpretation. They suggest that not only is Rashi avoiding the comparison between humans and trees, but he is also stating – in the words of ethicist David Vogel,<sup>14</sup> that "trees have a life of their own: they don't just exist to serve human needs." This radical interpretation of Rashi's commentary is immediately contradicted by the fact that Deuteronomy 20:20 allows non fruit-producing trees to be cut down for the purpose of building a siege, despite the fact that it is no less innocent. The only

apparent difference between fruit-producing trees and non fruit-producing trees in this context is their utility to man. Therefore, it is unreasonable, in my opinion, to attribute an 'eco-centric' motif to Rashi's commentary. It seems far more reasonable to interpret Rashi as simply using a rhetorical device.

Unlike Rashi, the majority of commentators<sup>15</sup> interpret the words *ki ha-adam etz ha-sadeh* not as a rhetorical question but as a statement stressing the relationship or similarity between trees and humans.

These words present two interesting concepts. The first concept is the comparison of man to a [fruit-producing] *tree*. The Jewish sources, and in particular, the writings of the prophets, are rich in symbolism – containing many symbolic comparisons between individuals, tribes, or nations with natural objects. For example, amongst the Israelite tribes, Judah is compared to a lion,<sup>16</sup> Benjamin to a wolf,<sup>17</sup> and Naftali to a deer.<sup>18</sup> The collective Jewish people are often compared to a dove.<sup>19</sup> Foreign nations are sometimes compared to a pig,<sup>20</sup> or a bear<sup>21</sup> or a specific type of tree, for example: *Assyria was a cedar in Lebanon* (Ezek. 31:3–9). However, in the Jewish sources, it appears that the only natural object to which mankind is collectively compared is the fruit-producing tree of Deuteronomy 20:19. The second concept is the use of the words *tree of the field*, as opposed to just *tree*, or *tree of the forest*. What is the significance of a '*field*'? Does this imply that a tree in any other location is not like man?

I would define a *field* [Hebrew: *sadeh*] as an area of land modified by humans to enhance its ability to produce benefit. This modification can include plowing, fertilizing, irrigating, terracing and the clearing away of stones, undesired plants or animals; all of which help make the area more useable to man.

In his etymology of biblical Hebrew, R. Hirsch relates the word *sadeh* to the Hebrew word for breast (*shad*).<sup>22</sup> A breast is a conduit for supplying nourishment, in this case milk to a nursing infant. According to this interpretation, a tree of the field (as opposed to a tree of the wilderness) can be taken to mean a conduit for supplying nourishment or other benefit, and which requires cultivation, nurturing and care. In other words, the word 'field' implies the need for proper nurturing and attention from man, as opposed to something that grows wildly on its own. It also seems to imply an area prepared by

man in such a way as to maximize its productive capacity and the quality of the resources produced.

*TO BRING [THE CITY] BEFORE THEE IN A SIEGE.*

These words present an interesting problem. As discussed above, the biblical commentators disagree whether to read these words as part of a rhetorical question or as a statement. If these words are understood as part of a rhetorical question, then the meaning is clear: *is the tree of the field a man, that it should be besieged by thee?* In other words, your war is with humans, why should the trees suffer? If, however, this sentence is understood as a statement (as most commentators suggest) then the end of the sentence, *for man is a tree of the field to bring [the city] before thee in a siege*, sounds forced to the point of being incomprehensible. We can also ask, why is the emphasis in this verse on the concept of a 'siege', which is used twice in this verse?

Of the majority of classical commentators who interpret this verse as a statement, I prefer the interpretation of R. Avraham Ibn Ezra (1089–1167) who writes:

And this is the interpretation [of this verse]: *you should eat from it and not cut it down, because man is a tree of the field*. And the explanation is: the life of a man is [from] a tree of the field . . . *and not cut it down* is attached to *to come before you in a siege*. [Meaning] don't destroy a fruit tree, which is [a contributor to] the life for man; it is only permitted to eat from it, and forbidden to destroy it in order that the city will come before you in a siege (Ibn Ezra on Deuteronomy 20:19).<sup>23</sup>

Ibn Ezra's interpretation juxtaposes the words of this verse to connect the last three words *to bring before thee in a siege* with the prohibition of cutting down fruit trees. He places the words *for man is a tree of the field* as an aside, explaining why a fruit tree must not be destroyed, but not really as part of the flow of the sentence.<sup>24</sup>

*Only the trees which thou knowest that they be not trees for food, thou shalt destroy and cut them down; and thou shalt build bulwarks against the city that makes war with thee, until it be subdued* (Deut. 20:20). This verse functions as a qualifier to the previous verse, establishing that only 'trees for food' are protected. Trees that are not for food (*lo etz ma'akhal hu*) may be cut

down for building a siege. Furthermore, this verse establishes that one is permitted to cut down trees only if you know (*asher teda*) that in fact they are not fruit-producing. Therefore, in cases of doubt, one is not permitted to destroy the trees.

While Koren translates the words *etz ma'akhal* as 'trees for food', I prefer to translate these words, as 'fruit-producing trees', which, in my opinion, gives a clearer, more conventional understanding of trees that produce edible fruits for man.

The words *etz* and *ma'akhal* have deeper connotations in the Jewish tradition than their literal translations. While the word *etz* is commonly translated as 'tree' in the Bible, or 'wood' in rabbinic literature, *etz* is sometimes used to represent something quite different from the literal meaning of 'tree' or 'wood'. For example, the Torah is often referred to as *etz hayyim* or 'tree of life'.<sup>25</sup> Genesis 2:9 describes the *etz ha-hayyim be-tokh ha-gan ve-etz ha-da'at tov va-ra*, the *tree of life in the midst of the garden, and the tree of the knowledge of good and evil*. The *etz* being described here may be understood as something other than a 'tree' in the conventional form. In my opinion, the word *etz* is being used here to denote a *conduit* through which something desired can be acquired. For example, when Jewish tradition calls the Torah an *etz hayyim* it is describing the Torah as a conduit through which eternal life can be acquired. Similarly, according to this interpretation, the *etz ha-da'at tov va-ra* was a conduit through which the 'knowledge of good and evil' could be obtained.

The word *ma'akhal* also has wider connotations than 'for food'. In the Jewish tradition, the word *akhilah* connotes not only *eating*, but in a much broader sense, the same word can include any benefit that man derives from something.<sup>26</sup> Therefore, *etz ma'akhal* or 'trees for food' can be interpreted more broadly as *conduits through which man can derive benefits*.

#### NOTES

1. Translation from: *The Holy Scriptures*, (Jerusalem: Koren Publishers, 2000).
2. For example, two studies: *The Torah and the Stoics* by Jan J.Boersema (Leiden: Brill, 2001), and *The Ecological Message of the Torah* by Aloys Hütterman (Atlanta: Scholars Press, 1999), both by non-Jewish academics who examined the Hebrew Bible from an environmental perspective, make no mention of *bal tashhit*. This despite the fact that both authors demonstrate significant knowledge of both the Hebrew Bible and the natural sciences, and each appreciates the Hebrew Bible as an underutilized source of environmental wisdom. The main reason for this

omission, in my opinion, is the difference in how the Hebrew Bible is studied by traditional Jewish scholars and other scholars.

3. See for example Nahmanides, *Perushei ha-Torah le-Rabbenu Moshe ben Nahman*, ed. Haim Dov Chavel (Jerusalem, 1960), vol. 2, pp. 438–439 (Deut. 20:19). According to R. Shneur Zalman of Liadi, *Shulhan Arukh Ha-Rav* (New York, 1974), sect. 6, *Hilkhot Shemirat ha-Nefesh ve-ha-Guf ve-Bal Tashhit* 14, p. 1775, the reason the Torah writes this prohibition in the context of a war is in order to teach that even at this time one shouldn't destroy a fruit tree if there are non-fruit trees available that can be used instead of the fruit tree.
4. The more familiar Latin term for this is *a fortiori*.
5. Shvil, *Konkordantziyah la-Tanakh*, (Tel Aviv, 1968), p. 684.
6. Reuven Alcalay, *The Complete Hebrew-English Dictionary*, New Enlarged Edition, vol. 2, (Tel Aviv: 1996), p. 2297.
7. *Ibid*, p. 2590.
8. R. Samson Raphael Hirsch, *The Pentateuch, Translated and Explained*, trans. Isaac Levy (Gateshead: 1982), vol. 1, pp. 138–139, on Gen. 6:11.
9. R. Hirsch, *Pentateuch*, vol. 5, p. 395 (Deut. 20:19).
10. *Sifri on the book of Deuteronomy*, ed. Eliezer Arie Finkelstein (New York and Jerusalem: 1993), p. 239 (piska 203).
11. R. Hirsch, *Pentateuch*, vol. 5, p. 394 (Deut. 20:19).
12. *Perushei Rashi al ha-Torah*, ed. Haim Dov Chavel (Jerusalem: 1983), p. 563; *Mekhilta of R. Shimon Bar Yohai*, eds. E. Tz. Epstein and Y.N. Melamed (Jerusalem: 1955) and the Aramaic translation of Targum Onkelos on Deuteronomy 20:19, *Torat Hayyim* ed. M.L. Katzenellenbogen, Mossad Harav Kook (Jerusalem, 1994), *Devarim* (Deuteronomy), p.174.
13. For example, Eilon Schwartz, "Bal Tashhit: A Jewish Environmental Precept", in *Trees, Earth and Torah*, (Philadelphia: 1999), pp. 85–87; David Nir, "A Critical Examination of the Jewish Environmental Law of Bal Tashhit – Do Not Destroy," *Georgetown International Environmental Law Review*, vol. 18, no. 2, Winter (2006), pp.338–339.
14. David Vogel, "How Green is Judaism? Exploring Jewish Environmental Ethics," *Business Ethics Quarterly*, vol. 11, no. 2 (2001), pp. 351–352.
15. This list includes: R. Yosef Bekhor Shor (12<sup>th</sup> century) *Perush al ha-Torah*, ed. Yehoshaphat Nevo (Jerusalem: 1994), p. 351; *Torat Hayyim* ed. M.L. Katzenellenbogen, (Jerusalem: Mossad Harav Kook, 1994), *Devarim* (Deuteronomy), pp.173–174; Rashbam, *Hizkuni*, Ibn Ezra, Nahmanides (Ramban); Rabbenu Bahya (11<sup>th</sup> century), *Bi'ur al ha-Torah*, ed. Haim Dov Chavel (Jerusalem: 1994), vol. 3, p. 372; R. Menahem Recanati (13<sup>th</sup> century), *Perush al ha-Torah* (Rehovot: 2003), vol. 2, p. 68; R. Elazar of Worms (12–13<sup>th</sup> century), *Perush Roke'ah al ha-Torah*, ed. Yoel Klugman (Benei Berak: 1981), vol. 3, p. 227; R. Avraham Sab'a (15<sup>th</sup> century), *Tzeror ha-Mor ha-Shalem* (Benei Berak, 1990), vol. 2, p. 305; R. Yitzhak ben Yehudah Ha-Levi (17<sup>th</sup> century), *Pa'aneah Raza* (Warsaw: 1860), p.47; R. Ya'akov ben R. Asher (14<sup>th</sup> century), *Perush Ha-Tur ha-Arokh al ha-Torah* (Hanover: 1839), p. 459.
16. Genesis 49:9
17. *ibid* 49:27
18. *ibid* 49:21



19. R. Shim'on ha-Darshan of Frankfurt, *Yalkut Shim'oni*, ed. B.B. Boruchman (Jerusalem: 2006, reprint of Warsaw, 1878), vol. 3, Shir ha-Shirim 986 (on Song of Songs 2:14), p. 248; *Midrash Tanhuma* (Benei Berak: 1998), [vol.1], *Tetzaveh* 5, p. 153.
20. The nation of Edom is compared to a pig in *Leviticus Rabbah* (Vilna: 1878), vol. 2, sect. 13:5, p. 37.
21. The ancient nation of Persia is compared to a bear in the Talmud (TB *Megillah* 11a).
22. R. Hirsch, *Pentateuch*, vol. 1, pp. 51–52 (Gen. 2:5).
23. *Torat Hayyim*, Deut: Ibn Ezra, pp. 174 (Deut. 20:19). Ibn Ezra is apparently quoting from an earlier source, the *Sifri*, listed above.
24. Interestingly, the *King James Bible* interprets the phrase in much the same way as R. Avraham Ibn Ezra, translating the verse as follows: *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 axe against them: for thou mayest eat of them, and thou shalt not cut them down (for the tree of the field is man's life) to employ them in the siege.* See: *Open Bible – Authorized King James Version* (Lynchburg, Virginia: 1975), p. 193; (Deut 20:19). Also available at: <http://quod.lib.umich.edu/k/kjv>
25. For example, see Maimonides, Laws of Repentance, 9:1: הקב"ה נתן לנו תורה זו עץ חיים היא
26. For example, see TB *Pesahim* 22b, which discusses how the Torah prohibition against eating certain foods is meant to include not only eating, but any type of benefit. – לעולם לא יאכל איסור אכילה ואיסור הנאה משמע



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