

**HE IS LIKE A TREE PLANTED
BESIDE STREAMS OF WATER . . .
REFLECTIONS OF TREES AND MEN IN THE BIBLE**

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The Bible presents man, whether righteous or wicked, redeemed or doomed, naïve, wise, or merely mortal, through tree imagery.¹ This rich imagery has been discussed in rabbinic texts and by medieval and modern scholars alike.² Much of the modern discussion highlights the central role trees played in agrarian societies from biblical times through antiquity and how, as such, they were a ready metaphor for man. Considerably less of the discussion focuses on concrete implications of man's relationship to trees,³ of the sort that would shed light upon a Jewish environmental perspective.

In the following pages I probe this imagery as it surfaces in four seemingly unrelated biblical legal contexts: the prohibition of the first three years' fruit (Lev. 19:23-25), the prohibition of cutting down fruit trees (Deut. 20:19-20), the prohibition of letting the body of a person hang overnight (Deut. 21:22-23), and the case of manslaughter (Deut. 19:4-5). The first two inform and instruct mankind's particular regard for fruit-bearing trees, while in the latter two the tree's role appears coincidental. The phrasing and context of these four commandments highlight a practical facet of the biblical understanding of man's relation to trees.

ORLAH

In Leviticus we read:

When you enter the land and plant any tree for food, you shall regard its fruit as forbidden. Three years it shall be forbidden for you, not be eaten. In the fourth year all its fruit shall be set aside for jubilation before the Lord; and only in the fifth year may you use its fruit – that its yield to you may be increased: I the Lord am your God (Lev. 19:23-25).

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This prohibition is referred to in rabbinic literature as *orlah*, a term derived from the Hebrew root *a-r-l* which is peculiar to men and fruit trees. It is applied here, the only time in the Bible, as a positive commandment – *you shall regard its fruit as forbidden – ve-araltem orlato*. We are familiar with the term *orlah* from Genesis 17:11, where it refers to the foreskin removed through circumcision. In verse 14 of that chapter, *arel* refers to the uncircumcised male as well. Elsewhere, application of this term to lips (Ex. 6:12), ears (Jer. 6:10), and the heart (Deut. 10:16) implies their dysfunction. Based on these citations, rabbinic Midrash, and medieval commentators in its wake interpret the root's meaning in Leviticus 19 as "shut off" and "blocked" from man's use.

Samson Raphael Hirsch, the nineteenth-century commentator, articulated this interpretation when he stated that it connotes that which is uncultivated or wild. Accordingly, *orlah* relating to speech impediments, plugged ears, and errant hearts indicates that these are not at the command of their owners. Moreover, circumcision is rendered a proactive attempt to confront the male sex drive (hence the Hebrew [*berit*] *milah*, from *mul* – "opposed"). Likewise, Leviticus 19 teaches that the first three years' produce be left in its natural state, unmanaged and unhandled by man.

The rationale for leaving the first three years' produce on the tree is that the farmer should acknowledge God as the ultimate owner of the fruit of his labor. Just as his firstborn, that of his livestock (Ex. 13:2), and the firstfruits of each harvest (Deut. 26:1-11) are to be dedicated to God, so too should the first year's produce of the tree. It would indeed have been so, were it not for the poor quality fruit of the immature tree that delays this act of recognition and praise until the fourth year.⁴

The prohibition of *orlah* in Leviticus is followed by a list of prohibited Canaanite rites, particularly soothsaying, witchcraft, tattooing and other kinds of disfigurement:

You shall not eat anything with its blood. You shall not practice divination or soothsaying. You shall not round off the side-growth [hair] on your head or destroy the side-growth of your beard. You shall not make gashes in your flesh for the dead or incise any marks on yourselves: I am the Lord. Do not degrade your daughter and

make her a harlot, lest the land fall into harlotry and the land be filled with depravity (Lev. 19:26-29).

Suggestions for a common rationale of these prohibitions, and their adjacency to the prohibition of *orlah*, are surprisingly minimal. The tendency among medieval commentators is to consider *orlah* within the context of this seemingly random list of pagan rituals.⁵ However, an insight may be gained by the opposite perspective of considering the prohibited pagan rites in light of *orlah* and its rationale.

Curbing ownership of what man naturally claims as his own appears to thread these laws together. Just as the fruit of the farmer's hard labor of planting, fertilizing, irrigating, and pruning do not establish his claim to full ownership, nor is his body or that of his offspring entirely his own and subject to his whim. A person's future is likewise his to plan, shape, and achieve, but particular knowledge of it, as might be attained through a soothsayer, is beyond his ken. Ownership of his achievements, his body, and land are also conjoined with God.

The Bible highlights some of the intricacies of this relationship by contrasting man and tree and their respective *orlah* commandments. The *orlah* of man's flesh is to be removed through circumcision. This positive commandment is a singular exception to the prohibition of incising or gashing the flesh (Lev. 19:28). Furthermore, I would argue, its symbolism is antithetical to the prohibited self-inflicted flesh wounds of ancient Canaanite cultures. As the verse states, the latter were triggered by man's reaction to death. On the other hand, according to Leviticus 12:3, circumcision is performed at the dawn of one's life. Whether a spontaneous expression of mourning or a pagan rite, Canaanite flesh cutting was associated with a departing of the spirit, i.e., a separation of godliness from man. In contrast, circumcision denotes a lifelong covenant, a living partnership between God and man.

The Bible does not provide detailed instructions regarding circumcision. Its specific location on the male body is referred to only as "the flesh of *orlah*."⁶ The talmudic scholars asked: "How do we know that circumcision must be performed in that [particular] place? – *His orlah* is stated here (Gen. 17:14), and *its orlah* is stated elsewhere (Lev. 19:23). Just as *there* something which produces fruit [is meant], *here* too something [the limb] that produces fruit [is meant]" (TB *Shabbat* 108a).

Although their question addresses a practical halakhic issue and their focus is on fruit and foreskin, the rabbis inevitably liken the tree to man as well. Man and tree appear to reflect each other in reverse fashion: while a man's *orlah* is to be proactively cut off, the tree is to remain untouched by man, left in its natural state. Each of these commandments expresses man's devotion to God and his acknowledgement of an ultimately partnered reality. This acknowledgement informs the other prohibitions of Leviticus 19:26-29, for which the principal rationale is that man loosen his controlling grip on what he would claim his own, by relaxing the blade with which he cut the fruit from his tree, the hair from his head and face, and flesh from his body. As we have seen, the sole incision in man's flesh is, like the firstfruits of the tree, an emblem of human creative affiliation with God.

LO TASHHIT

The prohibition of marring the corners of the beard in Leviticus 19:27 is phrased, *lo tashhit et pe'at zekankha*, which translates literally as *You shall not destroy the edge of your beard*. This odd wording, used instead of the more precise root *g-l-h* ("shave"), has led observers of the *mitzvah* (commandment) through a "hairsplitting" debate that distinguishes shaving with a razor blade, i.e., cutting the hair at skin level, from shaving by means of electric razors (for example), where the blades do not touch the skin.⁷ Interestingly enough, the only other biblical prohibition not to destroy – *lo tashhit* – concerns fruit trees.

In Deuteronomy we read as follows:

When in your war against a city you have to besiege it a long time in order to capture it, you must not destroy its trees, wielding the ax against them. You may eat of them, but you must not cut them down. Are trees of the field human to withdraw before you into the besieged city? Only trees that you know do not yield food may be destroyed; you may cut them down for constructing siegeworks against the city that is waging war on you, until it has been reduced (Deut. 20:19-20).

Much has been written about this prohibition and its rabbinic expansion, *bal tashhit*,⁸ which is often presented as a cornerstone of Jewish environmental ethics.

The second half of verse 19 offers an ambiguous juxtaposition of man and tree as the ground for this ruling: *ki ha-adam etz ha-sadeh lavo mi-panekha ba-matzor*: *Are trees of the field human beings that they should come under siege by you?* A significant grammatical dilemma is obscured in this translation. Biblical Hebrew, devoid of punctuation marks, relies primarily on context to exclaim or question. The prefix of the letter *hé* functions in one of two ways, indicating either a definite article or a question mark.

Ancient and modern translations and commentaries differ as to the correct meaning of this verse. On the one hand, *Sifrei*, Abraham Ibn Ezra, Nahmanides (Ramban), the King James Version, and Samson Raphael Hirsch all read the verse as a comparison of person and tree: "From the trees you get food; therefore, do *not* cut them down; 'for a man is the tree of the field' – that is to say, our lives as human beings depend on trees."⁹ On the other hand, *Targum Onkelos*, the Septuagint, Rabbi Yishmael's *Mekhilta*, Rashi, and the twentieth-century JPS translations all read the verse as a rhetorical question contrasting human beings and trees: "Is the tree of the field perhaps a man who can withdraw from you into the besieged city, that it should suffer hunger and thirst like the city's inhabitants?"¹⁰ The first reading is informed by an anthropocentric bent, viewing the tree's essence subjectively, from a utilitarian perspective alone, while the second reading affords a more objective eco-centric standpoint, distinguishing trees from people for the benefit of the tree. In answering the question of *how* exactly to observe this instruction, it would be incumbent upon us to seek out one accurate and authentic reading of the text over another (i.e., the *peshat*). However, addressing the question of *why* the verse is phrased as it is generously affords an appreciation of both readings according to the rabbinic dictum, *Ellu ve-ellu divrei Elohim hayyim*: "These as well as these are the words of the living God" (TB *Eruvin* 13b).

As we have seen in the commandment of *orlah*, on the level of *peshat* this verse articulates clear and specific instructions to the farmer regarding his fruit tree, while the context and phrasing allude to a deeper dimension of their relationship. Here, too, while offering unequivocal instructions to man on the battlefield regarding fruit trees, the subtext suggests viewing the man-tree relationship in a larger context. This seemingly eco-friendly embrace of trees is informed by a philosophy that persistently holds them at arm's length.

Preservation of fruit trees in the midst of battle is one of several commandments in Deuteronomy that instruct the Israelites' regarding their behavior on the battlefield. Commandments such as offering terms of peaceful surrender before attacking a city and, in the event that these terms are declined, killing only men and taking women and children captive, detailed instructions regarding the treatment and status of female captives, along with the preservation of fruit trees, all establish a fine-tuned ethical measure for those engaged in the brutality of ancient warfare.¹¹ This measure stands in sharp contrast to the harsh instructions for the conquest of Canaan by which no one was to be left alive and all cities entirely destroyed. Elsewhere, these conquerors are ordered to cut down and burn all Canaanite *asherah* trees, as they were the objects of idolatry.¹² *Sifrei* explains this discrepancy by distinguishing between later military campaigns, through which the Israelites expanded their initial borders, and the initial conquest of Canaan. The high ethical standard characterizes the former while a supposed lack thereof qualifies the latter.¹³ This disparity may be attributed to a fine line drawn between the Bible's inherent respect for humanity and nature and, conversely, its revulsion for nature as an object of human worship.

MANSLAUGHTER

Deuteronomy's battlefield commandments are bracketed by two others, each of which involves trees coincidentally. After taking possession of the land, the Israelites are to set aside three cities of refuge as havens for those who kill unintentionally (Deut. 19:1-3). The Bible offers the following example: *A man goes with his neighbor into a grove to cut wood; as his hand swings the ax to cut down a tree, the ax-head flies off the handle and strikes the other so that he dies. That man shall flee to one of these cities and live* (Deut. 19:5). As in Deuteronomy 20:19-20, the original Hebrew is ambiguous. The handle of the ax is referred to as the *etz*, which denotes "wood" as well as "tree." It is not clear from this verse whether the iron blade slipped off of its wooden haft or off the tree being chopped down. What hits the victim is likewise unclear, as it might indicate that a chunk of wood from the tree hit the bystander, causing his unintended death (*ve-nashal ha-barzel min ha-etz u-matza et re'ehu va-met*). These options are discussed in the tannaitic literature and analyzed in turn by medieval commentators.¹⁴

This example, like the juxtaposition of man and tree in Deuteronomy 20:19, obscures more than it clarifies. Given the context of unintentional killing here, the vagueness is appropriate and likely alludes to uncertainty in determining whether a case is one of manslaughter or murder. Equally apropos is the scenario's location in the text. Of all the possible scenarios of manslaughter, one in which an unintentional substitution of man for tree is crafted and presented in the chapter preceding the Bible's rhetorical avowal, *Are trees of the field human?*, cannot be unintentional. This anecdotal illustration sets the stage for that question and leads the reader to ponder the relationship of man and tree.¹⁵ While Deuteronomy 19:1-10 takes extra measures to protect the killer of a *man instead of tree*, Deuteronomy 20:19-20 does likewise to prevent the destruction of the *fruit tree instead of man*. Thus, while the killer of man is saved, the tree destroyer is punished. This contrast did not escape the rabbinic imagination, as R. Hanina attributes his son's untimely death to his untimely uprooting of a fig tree (TB *Bava Batra* 26a).¹⁶ This mirror imaging of man and tree reflects, albeit somewhat eerily, what we have seen regarding *orlah*, circumcision and incising the flesh in Leviticus 19.

HANGING

The closing verses of Deuteronomy 21 dubiously juxtapose man and tree yet again:

If a man is guilty of a capital offense and is put to death, and you impale him on a stake [etz], you must not let his corpse remain on the stake [etz] overnight, but must bury him the same day. For an impaled body is an affront to God: you shall not defile the land that the Lord your God is giving you to possess (Deut. 21: 22-23).

The instruction to cut the body down by nightfall assumes the legal norm of hanging the corpse as a means of publicizing the sentence and the execution of justice. This widespread custom of ancient times is found throughout biblical cultures (Gen. 40:20-22, Josh. 8:29, II Sam. 4:12 and Esth. 2:23). The novelty that Deuteronomy introduces is that the corpse be cut down before nightfall lest it defile the land. Just how a hanging corpse defiles the land depends on our understanding of its being "an affront to God." The Hebrew *kilelat Elohim talu'i*, literally "the curse of God hangs," has been interpreted in various ways. The Mishnah (*Sanhedrin* 6:4-5) derives the nature of the

crime from this phrase, stating that the man was executed for blasphemy. Since all who see the hanging corpse recall the crime, his hanging body prompts further utterances of disgrace to God. Altering this interpretation slightly, Rashbam interprets *elohim* as referring not to God but to the human authorities, as they are commonly subject to curses by those who disapprove of their verdict.¹⁷ Rashi, on the basis of this Mishnah, interprets the word *kilelat* not as a curse (from the root *k-l-l*), but rather as a disgrace (from the root *k-l-h*, as in *kalon*). Utilizing a rabbinic parable, he expands the reference to *elohim* so as to connote the godliness of man created in God's image. Hence, the disgrace of man as his body hangs lifeless is, in and of itself, the disgrace of God.¹⁸

As in the scenario of the accidental killer, the tree's role here appears to be anecdotal. The criminal's body could just as well have been displayed from a courthouse wall. Indeed, the rabbinic description of this procedure is altogether different from the *peshat*: the convicted blasphemer would be executed shortly before sundown, his body hung and immediately removed from a prepared stake; both the stake and the lethal stone would then be interred with him.¹⁹ The rationale of this interpretation, in keeping with the Deuteronomist's innovative instruction, is to minimize the time elapsing between the criminal's execution and his burial in order to prevent further desecration by spectators, hence the burying of the stake and the stone with the corpse. What might then be the significance of hanging the body on a tree? Apparently none, were it not for this commandment's location in the text – while the question (*are trees of the field human?*) still echoes in the reader's ears. Ultimately, the image of the dead man alongside the tree is a powerful depiction of the contrast between the two. The seemingly trivial framing of this commandment may provide a forceful answer to the question. If the lifeless body of a man hanging from a tree represents God's presence in the world, how much more so does a living person.

Like the scenario of an unintentional homicide, the image of the corpse hanging on a tree mirrors the prohibition of chopping down fruit trees. Though set in the context of death (the first of war and the second of capital punishment) – both of which are perceived as a just taking of human life – their respective trajectories are diametrically opposed to the fruit-bearing tree preserved on the battlefield for the sake of its future life-sustaining produce.

And like the *orlah* of the fruit tree in Leviticus 19, this is a tree of life, more particularly a human life in partnership with God expressed by observing His commandments. Conversely, the setting sun in the background of the corpse being cut down from a tree in Deuteronomy 21 symbolizes the end of life. The purpose of hanging the corpse on the tree is to impress an image on the minds of all who see it. Very likely, Deuteronomy 20:19 resonates in their ears: throughout the fleeting moments of this staged contrast of man and tree, the tree is an image of death.

CONCLUSION

It is not for the Bible to inform us about the exchange of carbon dioxide and oxygen between humans and trees, a symbiotic relation grossly off balance today as rain forests dwindle at mankind's unchecked hand. However, it is significant that the Bible alludes to man's essential relation to trees in four legal contexts. They contrast man and tree at times of life and death, within a context of bearing fruit and offspring. These are points of key ethical junctures. Such junctures may or may not present an environmental ethic; but the human ethic, whether stemming from or leading to an acknowledgement of God, is the Bible's chief concern.

NOTES

1. Judges 9:8-15; Isaiah 56:3; Jeremiah 11:17, 17: 7-9, 42:10; Ezekiel 37:15-19; Amos 9:15; Psalms 1:3-4, 92:13-15; Job 14: 7-10
2. See N. Leibowitz, "Of Men and Trees," *Torah Insights* (Jerusalem: Eliner Library, 1995). This appeared originally in Hebrew in *Adam va-Nof* (Jerusalem: 1975).
3. Avraham Shemesh and Yehudah Shaviv have explored tree imagery of man in the Bible and in later Jewish sources. I do not take issue with any particular points of their research, but rather expand ideas that they have proposed. See Y. Shaviv, "*Ha-Adam etz ha-sadeh – le-yahasei ha-gomlin she-bein ha-Adam la-etz*," in: *Neti'ot Ha-Aretz*, ed. Yehudah Zoldan (Kefar Darom: Makhon ha-Torah ve-ha-Aretz, 2004); A. O. Shemesh, "*Hashhatat etzim bi-re'i ha-yahadut – bein mistikah le-halakhah normativit*," *Si'ah Sadeh*, vol. 1 (2006).
4. See Nahmanides, Leviticus 19:23.
5. See Maimonides, *Guide to the Perplexed*, 3:37, quoted by Nahmanides, *ibid.*, and Ibn Ezra, *loc. cit.* Rashi contrasts the harlotry of the land in the closing verse to the faithful yielding of the land's fruit to all who observe the prohibition of *orlah*.
6. Genesis 17:11, 14; Leviticus 12:3
7. S. Rappaport, "The Use of Electric Shavers," *Crossroads: Halacha and the Modern World*, vol. 4 (Jerusalem: Tzomet Institute, 1993) pp. 14-24.

8. E. Schwartz, "*Bal Tashchit*: A Jewish Environmental Precept," in Martin Yaffe, ed., *Judaism and Environmental Ethics* (Lanham, MD: Lexington Books, 2001) pp. 230-249.
9. Ibn Ezra, Deuteronomy 20:19.
10. Rashi, Deuteronomy 20:19. See Rabbi David Zvi Hoffman's summary of the various opinions, loc. cit.
11. Deuteronomy 20: 10-14, 21:10-14.
12. Exodus 34:14; Deuteronomy 7:5, 12:3, 17:21.
13. Deuteronomy 20:16-18. See *Sifrei*, Deuteronomy 199.
14. Mishnah *Makkot* 2:1 is discussed by Rashi, Ibn Ezra and Rashbam, loc. cit.
15. In contrast, Exodus 21:13 describes such a case unequivocally as divine providence, indicating that what appears happenstance to human eyes is indeed divinely orchestrated (see also Rashi on Deuteronomy 22:8). This point is equally pertinent regarding the tree scenario's adjacency to the question: "Are trees in the field human?"
16. See also TB *Bava Kamma* 91b and Y. Blidstein's discussion of these sources in ["*Ana la kayitzna [. . .] mar ie niha ley likotz:*"] "*Le-erkhei halakhah ve-aggadah be-sugyah talmudit aḥat – dialektikah o konflikt?*", *Safot be-sifruyot ba-ḥinnukh ha-yehudi – meḥkarim li-khvodo shel Mikhael Rozenak* (Jerusalem: Magnes, 2007) pp. 139-145.
17. For similar use of *elohim*, see Exodus 22:7-8.
18. See also Sforno, loc. cit.
19. See TB *Sanhedrin* 46b.



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