

**Torah Table Talk**  
**From Warfare to Ecology:**  
**The Law Against Wanton Discussion**  
Parshat Shoftim  
Deuteronomy 16:18 – 21:8

The central value of Parshat Shoftim is justice. The Torah commands the people of Israel to build a society based on the just treatment of all people. Limits are placed on the powers of the king, priests, and prophets and the Israelites are instructed to choose judges and magistrates who will provide “due justice.” There are also rules for witnesses, unintentional homicide, and providing boundaries between properties. Finally we learn in the case unsolved murder, the elders of the city closest to where the body was found must assume responsibility for the victim

Even in times of war there are fair and equitable ways in which warfare is to be conducted in terms of providing for a draft, encountering ones enemies, and laying siege to a city. While the laws of warfare may sound harsh to our modern ears, we must view them in the context of the ancient world the idea of humane treatment in war was unknown.

The sages extended the laws of warfare to other areas of life so that these laws became much broader than they originally were meant to be. We see this in the case of the treatment of trees surrounding a city which the Israelites which to conquer. These verses are the basis for the concept of ecology in the Jewish tradition.

**Deuteronomy 20:19-20**

When in your war against a city you have to besiege it for a long time in order to capture it, you must not destroy its trees, wielding an axe against them. You may eat of them but you must not cut them down. Are the 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 siege works against the city that is waging war on you until they are reduced.

1. In what sense are the trees of the field like a human being? What does the torah mean by this?
2. How far should this law be applied? In recent years the Israel army has been criticized for plowing up orchards of olive trees when they have been used as areas where snipers could hide when firing on Israelis? Do you think the law above applies in this situation? Why or why not?

**Rashi on Deuteronomy 20:19:** The word Ki has an interrogative meaning “Really.” Is the tree of the field a man who is besieged by you, to suffer famine and thirst just like the inhabitants of the city? Why then should you cut them down?

**Abraham Ibn Ezra, on Deuteronomy 20:19:** Since you eat from it, you should not cut it down...the tree is like human beings since the life of human beings comes from eating from the fruit of the tree.

1. How are Rashi and Ibn Ezra's explanation of the verse different from one another? In what sense does each of them say the tree is like a human being?
2. Which explanation is more pragmatic and which one is more humanistic? Why?
3. What other reasons could you give for not destroying fruit trees in times of war or at other times? How about non fruit bearing trees?

**Moses Maimonides, Mishneh Torah, Laws of Kings 6:8, 10:** We must not cut down fruit trees outside a city nor prevent irrigation ditch from bring water to them so that they dry up as it is stated (Deuteronomy 20:19): "Do not destroy its trees." Anyone who cuts down such a tree should be lashed. This applies not only in siege, but in all situations. Anyone who cuts down a fruit tree with destructive intent should be lashed... The prohibition does not apply to trees only. Rather anyone who breaks utensils, tears garments, destroys buildings, stops a stream, or ruins food with destructive intent transgresses the command, "Do not destroy."

1. How does Maimonides extend the law of warfare to the laws of Bal Tashchit, the law of avoiding wanton destruction of property? On what basis?
2. How would you interpret the expression "with wanton intent?" What would you say about a individual or a company that destroys natural resources not with wanton intent, but rather out of a desire to make more money or to produce more goods? Where do you draw the line of "wanton intent?"
3. Do you think it is far reach to apply the rules of warfare to ecology? Why do you think Maimonides did this?

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#### Glossary

**Rashi** – 1040 – 1105 Acronym for Rabbi Shlomo Yitzhaki; French Bible and Talmud commentator

**Abraham Ibn Ezra** 1089 -1164 Spanish Poet, grammarian and Bible commentator

#### *How to use Torah Table Talk*

1. *Read the sheet out loud to one another. Discuss what it has to say.*
2. *Focus on the text in the box. It is taken from Biblical, post-biblical and modern Jewish sources. What does it mean? How does it make you feel?*
3. *Try to answer the questions following the text.*
4. *This is not a test and there are many correct answers and interpretations to each question. Share your ideas with one another. Be open and honest in sharing your ideas.*

***"All it takes to study Torah is an open heart, a curious mind  
and a desire to grow a Jewish soul."***

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