



Question:

In the previous response we learned how to conduct a siege from a halachic perspective. However, in the Torah we read that one should not destroy trees in war and during a siege. Could you elaborate on this point and relate to its relevance in today's battlefield?

Answer

As you noted the Torah speaks of a prohibition to destroy trees in war.

"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 the ax against them. You may eat 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."

It should be noted that the Torah distinguishes between fruit trees and non-fruit trees. The prohibition to destroy trees applies only to fruit trees. The Rambam states, "It is permissible to cut down any non-fruit bearing tree, even if one has no need for it. Similarly, one may cut down a fruit bearing tree that has become old and produces only a slight yield..."



The Rambam includes the destruction of fruit trees amongst the biblical prohibitions. The Ramban argues that besides the prohibition there is a positive commandment "you will eat from them". Namely preserve the trees so that you can eat its fruit. The idea of the dual Mitzvah is to give it more severity.

The Rambam and Ramban differ on some of the details of this halacha as well. Yet all agree that when the fruit trees serve the enemy and endanger the warriors they may be cut down. The Ramban writes, "sometimes the destruction [of the trees] is for the purpose of capturing the city... when the people of the city... hide there in the forest to fight against them, or when the trees are a refuge and a covert to the city from stones of stumbling".

The Rishonim disagree on the breadth of the prohibition. The Rambam is of the opinion (assuming that what he wrote in the Sefer Hamitzvot is his understanding in the Mishneh Torah as well.) that destroying trees to cause distress to the enemy is prohibited. "He prohibited us from destroying trees in order to distress its people and sadden their hearts." The Ramban on the other hand is of the opinion that anything that serves the war effort is permitted. Only destruction for the sake of destruction is prohibited. The later authorities differ on whether the Rambam also allows destruction that serves the actual attack.

The Rambam and Ramban also differ on the geographic aspect of this halacha. While the Rambam presents the halacha with no distinction, leading to the presumption it applies in all circumstances. The Ramban writes, "you should know that this commandment... is when we besiege



the city to fight against it, to snatch it... perhaps we will conquer it. But upon our leaving to the land of the enemy, we destroy and wreck every good tree". The prohibition applies only where we may settle, namely in Eretz Yisrael. However, outside the borders of our land, where we will not settle, we may destroy and wreck every tree.

It is important to note that the Rabbis expanded the meaning of this halacha to include the destruction of all property that has use. This applies both at times of war and in peace, known as "bal tashchit" the prohibition to wreck.

In light of all the above we can apply it to the wars of modern-day Israel. Therefore, any object that poses a risk to IDF soldiers or to the residents of Israel, may be destroyed regardless of how usable it is. Wrecking for the purpose of Psychological impact on the enemy is permitted according to the Ramban but prohibited by the Rambam. Any destruction that serves the tactical steps towards victory is permissible according to the Ramban. As for the Rambam's position there seems to be a difference of opinion in Rabbinic literature.

Sources:

Devarim 20 verse 19-20.

Rambam Seffer Hamitzvot Mitzvot L Ta'ase 57` Hilchot Melachim chapter 6 sections 8-9.



Ramban commentary to the Torah Devarim chapter 20 verse 19;
Comments on Sefer Hamitzvot, the sixth positive mitzvah the Rambam omitted (according to the Schavel edition, Mossad Harav Kook).

**Written by Rabbi Moshe Aberman, former Rosh Kollel Torah MiTzion in Chicago
(1997- 1999)**

For comments: moshaber@gmail.com