

## Shoftim 5775

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Every spring, on the campus of Syracuse University, you will find a series of trees burst into a riotous display of color. Reds, whites, pinks, greens all blossom on the same tree, all part of an installation by Sam Van Aken, a sculptor who specializes in non-traditional materials. The name of the installation is “Tree of 40 fruit,” an accurate description; through a carefully planned series of grafts, every one of his trees contains over 40 varieties of plums, peaches, apricots, nectarines, cherries and almonds. According to an article this week in US News and World Report, the idea came to him when he realized that science allowed him to “collapse the entire orchard into one tree.” What is the purpose of this fascinating project? In his own words,

*"When somebody happens upon it and they see it blossom in these different colors and they see it growing all these different fruit ... there's this rethinking, there's this sort of moment that sort of interrupts the everyday," said Van Aken, who teaches art at the university.*

In his conception, a fruit tree is designed to make us think. While the kind of grafting Sam Van Aken does may be halachically questionable, the idea behind his project is certainly theologically sound. Indeed, it is found right in this week's Torah reading.

דברים פרשת שופטים פרק כ

(ט) כִּי־תִצּוֹר אֶל־עֵיר יָמִים רַבִּים לְהִלָּחֵם עָלֶיהָ לְתַפְשָׁהּ לֹא־תִשְׁחִית אֶת־עֵצָהּ לְגִדּוֹחַ עָלָיו גְּרֹזוֹן כִּי מִמֶּנּוּ תֹאכַל וְאִתּוֹ לֹא

תִּכְרֹת כִּי הָאָדָם עֵץ הַשָּׂדֶה לְבֹא מִפְּנֵיךָ בְּמִצּוֹר:

(כ) רק יֵצֵן אֲשֶׁר־תִּדְעַע פִּי־לֹא־יֵצֵן מֵאֲכָל הוּא אֶתֹו תִשְׁחִית וְכִרְתָּ וּבְנִיתָ מְצוּר עַל־הָעִיר אֲשֶׁר־הוּא עֹשֶׂה עִמָּךְ מִלְחָמָה עַד

רְדָתָה: פ

When you enter a battlefield situation in which you lay siege to an enemy city, you are not permitted to destroy fruit trees. Only trees that you know bear no fruit are permitted to be used to build ramparts, and continue to battle your enemy until the city has fallen. These verses are the source of the prohibition of *bal tashchit*, of wasting food or destroying clothing and property<sup>1</sup>. Chazal take a dim view of cutting down fruit trees, asserting that doing so portends bad tidings, even causing astronomical anomalies. Why should that be the case, though? The scenario outlined in the *passuk* itself is puzzling. The Torah wants us to pause and think what kind of tree we are about to destroy, and to partake of the fruits of these fruit bearing trees- according to some, this is even a positive *commandment*. Why not harvest the fruit first and *then* cut down the tree? The fruits aren't being wasted that way, and in fact, neither is the tree, because you can then build ballasts and ramparts for the siege from its wood!

I'd like to suggest an answer by looking a little farther back in the Torah. Can anyone recall another place in the Torah where there are rules about trees?

(ט) וַיֵּצֵאוּ יְקִיָּק אֱלֹקִים עַל־הָאָדָם לֵאמֹר מִכֹּל עֵץ־הַגֶּן אָכַל תֹּאכֵל

(יז) וּמֵעֵץ הַדְּעֵת טוֹב וְרָע לֹא תֹאכֵל מִמֶּנּוּ כִּי בְיוֹם אֲכַלְךָ מִמֶּנּוּ מוֹת תָּמוּת:

If you are thinking The Garden of Eden, you are absolutely right. In fact, if you look at it carefully, each narrative has similar elements and even similar language. There is a directive

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<sup>1</sup> See Bava Kamma 92a and chapter 6 of Hilchot Melachim in the Rambam.

about trees- specifically, which are permitted, and then a directive about which trees are *not* permitted (or what one cannot do with them). But what is the meaning of this connection?

Rav Kook offers a beautiful explanation for the fundamental mistake that led to the sin of the Tree of Knowledge. For Chava, the tree was worthless apart from the fruit that it bore, serving as little more than a means to an end, completely expendable once it had outlasted its utility. In fact, the rules governing the trees in Gan Eden explicitly permitted use of *the entire tree*, and not just the fruits, for the trees that were allowed and *none of the tree* for those that were prohibited.

According to Rav Kook, the protected status of the Tree of Knowledge was meant to prevent Adam and Chava from developing a utilitarian view of the world. This is the meaning of the prohibition of *bal tashchit* as well; we cannot cut down fruit trees wantonly- or destroy clothing or anything else- because we are challenged not to develop a utilitarian worldview, in which the world exists for our use only. Sadly, it is a challenge in the utilitarian world in which we live.

Electronic devices are almost programmed to be obsolete, so that we discard one in favor of another, cooler one with more features. It's especially true with food, concerning which we are a shockingly utilitarian society. In a recent episode of the show *This Week Tonight*, John Oliver analyzed the appalling statistic that fully 40% of the food made in America never gets eaten, more than 20 pounds per person per month. Some of that is due to the fact that only the most attractive produce ever gets purchased, with the rest going to waste. Some of it is due to arbitrary sell by dates, and the lack of tax breaks for businesses that might otherwise donate leftover food.

And it's not just things that we view in a utilitarian way- it is people as well. There is even school of bioethical thought, originally applied by the philosopher Peter Singer, called Utilitarian Bioethics. it has met with vociferous opposition, utilitarian bioethics posits that, since resources

directed in medical care are a zero sum game, medical care should be apportioned to those who are most likely to be economically useful, as opposed to those who are, for example, terminally ill, demented or comatose. To be fair, this school of thought has met with vociferous opposition from those who point out the dangerous and morally repugnant consequences of applying it in situations many of us deal with regularly. But often, we have this kind of utilitarian view of relationships as well, investing in friendships and even in more serious relationships so long as we are getting something out of them. Often, this view extends to our relationship with God, who plays a role in our lives so long as we need something, but not in the context of an ongoing relationship. The prohibition against *bal tashchis* and its antecedents in the Garden of Eden challenges us to reorient our worldview: people are defined not by their use, but by their life experience, wisdom and the relationships we have built. Possessions are not meant to be discarded on a whim, but invested with thought about what they mean to us and whether we really need them in the first place, and God is not an automatic tool for wish fulfillment, cast aside when we have what we want or when we don't receive it.

If there is one time period in the year to learn this lesson, we are in it. Elul is the time we show that we are working in progress, and that we recognize the same in others. Through the three pillars of our journey of self improvement in this month- *Teshuvah*, *Tefillah* and *Tzedakah*, we show God and our fellow man that we are not just interested in them for the outcome- we are interested in an ongoing relationship in which we strive to be our best. It is that which we ask of God as well; Repetitively, we ask Him אל תשליכנו מלפניך and אל תשליכנו לעת זקנה, don't cast us away from you when we have sinned, and don't cast us aside when we are old and when we perceive

ourselves or others perceive us as useless. If we stop and think, learn the lesson of the fruit tree and apply it to our own lives, our time will be used wisely and we will truly have a meaningful connection with the divine.