



Mayor: Trees can't be cut down for NFL draft -ESPN/Associated Press, March 31, 2019

NASHVILLE, Tenn. -- The city of Nashville won't cut down 21 ornamental cherry trees to make space for an NFL draft stage, Mayor David Briley said Saturday. In a news release, Briley said he had informed the NFL and Nashville Convention and Visitors Corp. that they will have to remove the trees intact and replant them in the city. Any trees that are diseased or near death will be replaced with new, healthy trees. The trees were to be cut down on Monday, just ahead of Nashville's annual Cherry Blossom Festival. The festival includes a walk along the cherry tree-lined downtown riverfront on April 13. The 2019 NFL draft takes place in Nashville April 25-27. The Tennessean reports the NFL and Nashville Convention and Visitors Corp. had previously said they would donate 200 cherry trees each to Metro Parks for planting throughout the city. After plans to cut the cherry trees were made public, Nashville Tree Foundation Board president Noni Nielsen called the removal "incredibly short-sighted" for a one-time event that will last only a few days. Tracey Shafroth, an advocate for tree planting across the city, said the new trees were not a replacement for the old ones because it would take many years for them to reach maturity. "We don't plant trees for ourselves, we plant them for our grandchildren," Shafroth said. "They take a long time to grow, and their benefits grow as they grow." According to city officials, Briley's office discussed removing the trees with Metro Parks Horticulturist Randall Lance after learning that the size of the NFL draft stage and other structures would require it. Lance planted the majority of the trees a number of years ago. He said some of the trees in the area are dead or compromised and should be replaced. The city had planned to use their removal as an opportunity to restore the soil and replant new, healthy trees. On Saturday, Briley said in the news release that in addition to the 21 trees that will be relocated, the NFL and Nashville Convention and Visitors Corp. will plant 17 more cherry trees at downtown Riverfront Park in previously vacant and new locations. Along with the 200 trees to be planted in other parts of the city, the plan will allow Nashville to "continue to honor our relationship with Japan and longtime partnership with the Cherry Blossom Festival," Briley said.

1. Devarim 20:19-20 (Alhatorah.org translation)

כִּי־תִצֹר אֶל־עִיר יָמִים רַבִּים לְהִלָּחֵם עָלֶיהָ לְתַפְשָׁהּ לֹא־תִשְׁחִית אֶת־עֵצֶיהָ לְנֹדֶם עָלֶיהָ גֵּרֹן בִּי מִמֶּנּוּ תֹאכַל וְאַתָּה לֹא תִכְרֹת בִּי הָאֵדָם עֵץ הַשָּׂדֶה לְבָא מִפְּגִידָה בַּמִּצֹּר: רַק עֵץ אֲשֶׁר־תֹּדַע כִּי־לֹא־עֵץ מֵאֲכָל־הוּא אֹתוֹ תִשְׁחִית וְכָרַתָּ וּבְנִיתָ מִצֹּר עַל־הָעִיר אֲשֶׁר־הוּא עֹשֶׂה עִמָּךְ מִלְחָמָה עַד רִדְתָּהּ: When you shall besiege a city a long time, in making war against it to take it, you shall not destroy its trees by wielding an axe against them; for you may eat of them, and you shall not cut them down; for is the tree of the field man, that it should be besieged of you? Only the trees of which you know that they are not trees for food, you shall destroy and cut them down; and you shall build bulwarks against the city that makes war with you, until it fall.

2. Encyclopedia Talmudit, Volume 3, Entry “Bal Tashchit” (section 1, “The Prohibition”)

אסור לקצוץ אילן מאכל, שנאמר: כי תצור אל עיר וגו' לא תשחית את עצה לנדח עליו גרון כי ממנו תאכל ואתו לא תכרת, ואם קצץ עבר על לא תעשה ולוקה. ולא במצור בלבד, אלא בכל מקום כל הקוצץ אילן מאכל דרך השחתה לוקה האיסור נמנה במנין הלאוין. ויש שמנו באיסור זה שני לאוין: לא תשחית את עצה, ואותו לא תכרת. ויש סוברים שעובר גם בעשה, לפי שאמרו: כי ממנו תאכל, מצות עשה, ואותו לא תכרות, מצות לא תעשה, והרי זה לאו הבא מכלל עשה שהוא כעשה.

It is prohibited to cut down a fruit tree, as it says “When you shall besiege a city... you shall not destroy its trees by wielding an axe against them; for you may eat of them, and you shall not cut them down”. If one cut down [a fruit-bearing tree], they transgressed a negative commandment, and receives lashes. Not only in a siege, rather,

any place [or time] that anyone cuts down a fruit tree in a destructive manner, they receive lashes, and this prohibition is counted in the counting of negative commandments. There are those who count two negative commandments in this prohibition: “you shall not destroy its trees” and “you shall not cut them down”. There are those who hold that one also transgresses a positive commandment, according to what [the Rabbis] said: “for you may eat of them – this is a positive commandment, and you shall not cut them down – this is a negative commandment”, and this is a negative commandment which comes through a positive commandment, which has the status of a positive commandment.

3. Talmud Bavli, Bava Kamma 91b (Davidson Edition translation)

א"ר חנינא לא שכיב שיבחת ברי אלא דקץ תאינתא בלא זמנה.

Rabbi Hanina said: My son Shivhat did not die for any reason other than that he cut down a fig tree before its time.

4. Talmud Bavli, Pesachim 50b (Davidson Edition translation)

תנו רבנן תגרי סימטא ומגדלי בהמה דקה וקוצצי אילנות טובות ונותנין עיניהן בחלק יפה אינו רואה סימן ברכה לעולם מאי טעמא דתהו ביה אינשי:

[T]he Sages taught: Merchants who sell their wares in an alleyway [simta] adjacent to a thoroughfare, where they are seen by all; and those who raise small livestock, which tend to damage other people's fields; and those who chop down good fruit trees, even if they were permitted to do so; and those who direct their eyes to the fine portion with the intention of taking that portion for himself when dividing an item with others, will never see a sign of blessing from them. What is the reason for this? It is that due to these actions people wonder about him and pay special attention to his conduct. Due to that attention, his actions will not be blessed.

5. Rambam, Hilchot Melachim 6:8-9 (Chabad translation)

אין קוצצין אילני מאכל שחוץ למדינה ואין מונעין מהם אמת המים כדי שייבשו שנאמר לא תשחית את עצה וכל הקוצץ לוקה ולא במצור בלבד אלא בכ"מ כל הקוצץ אילן מאכל דרך השחתה לוקה אבל קוצצין אותו אם היה מזיק אילנות אחרים או מפני שמזיק בשדה אחרים או מפני שדמיו יקרים לא אסרה תורה אלא דרך השחתה:

We should not cut down fruit trees outside a city nor prevent an irrigation ditch from bringing water to them so that they dry up, as Deuteronomy 20:19 states: 'Do not destroy its trees.' Anyone who cuts down such a tree should be lashed. This does not apply only in a siege, but in all situations. Anyone who cuts down a fruit tree with a destructive intent, should be lashed. Nevertheless, a fruit tree may be cut down if it causes damage to other trees or to fields belonging to others, or if a high price could be received for its wood. The Torah only prohibited cutting down a tree with a destructive intent.

כל אילן סרק מותר לקוץ אותו ואפילו אינו צריך לו וכן אילן מאכל שהזקין ואינו עושה אלא דבר מועט שאינו ראוי לטרוח בו מותר לקוץ אותו וכמה יהא הזית עושה ולא יקוצנו רובע הקב זיתים ודקל שהוא עושה קב תמרים לא יקוצנו:

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 which does not warrant the effort required to care for it. What is the yield that an olive tree must produce to warrant that it should not be cut down? A quarter of a kav of olives. Similarly, a date palm which yields a kav of dates should not be cut down.

6. Destruction of Fruit-Bearing Trees, Dr. Moshe Gartenberg and Rabbi Shmuel Gluck, Journal of Halacha & Contemporary Society XXXVIII; Fall 1999; Sukkot 5760

Trees, which produce types of fruit normally, used for human consumption are clearly within the prohibition. The status of trees such as oaks, which yield acorns eaten by animals, is less clear. Exactly what trees are included in the term eitz ma'achol (a tree that yields food) that is used in the Torah?... According to Rabbi Dovid Feinstein, the criterion to be used in current times is whether the fruit is sold in supermarkets and other such stores. Working with this principle, trees which yield such produce as acorns, crab apples and wild berries would be excluded from the prohibition.

7. Talmud Bavli, Bava Kamma 91b-92a (Davidson Edition translation)

אמר רבינא ואם היה מעולה בדמים מותר תניא נמי הכי (דברים כ, כ) רק עץ אשר תדע זה אילן מאכל כי לא עץ מאכל הוא זה אילן סרק וכי מאחר שסופו לרבות כל דבר מה ת"ל כי לא עץ מאכל להקדים סרק למאכל יכול אפילו מעולה בדמים ת"ל רק שמואל אייתי ליה אריסיה תמרי אכיל טעים בהו טעמא דחמרא א"ל מאי האי א"ל ביני גופני קיימי אמר מכחשי בחמרא כולי האי למחר אייתי לי מקורייהו: רב חסדא חזא תאלי בי גופני אמר ליה לאריסיה עקרינהו גופני קני דקלי דקלי לא קני גופני:

This halakha is also taught in a baraita. The verse states: “Only the trees of which you know that they are not trees for food, them you may destroy and cut down” (Deuteronomy 20:20). “Only the trees of which you know”; this is referring to a tree that bears fruit used for food, and it is permitted to cut down this type of tree under certain circumstances. “That they are not trees for food”; this is referring to a barren tree. The Gemara asks: And since the baraita will ultimately include all types of trees, so that even a tree that produces fruit may be cut down, what, then, is the meaning when the verse states: “That they are not trees for food,” which indicates that it is permitted to cut down only a barren tree? The Gemara answers: It is to give precedence to cutting down a barren tree over a tree whose fruit is used for food. One might have thought that he must give precedence to the cutting down of a barren tree even if the barren tree is greater in monetary value than the fruit-bearing tree. The verse states: “Only,” which teaches that there is an exception to the rule. Similarly, if the fruit-bearing tree itself would be worth more as lumber than for its fruits, it would be permitted for one to cut it down. The Gemara relates: The sharecropper of Shmuel brought him dates. Shmuel ate them, and tasted the taste of wine in them. He said to his sharecropper: What is this? The sharecropper said to him: The date palms stand among the grapevines and therefore contain a taste of wine from the grapes. Shmuel said: Do they weaken the wine, i.e., the grapevines, so much that it is possible to taste the wine in the dates? Tomorrow, cut down the date palms and bring me from their marrow to eat. The Gemara relates a similar incident: Rav H̥isda saw date palms growing among grapevines on his estate. He said to his sharecropper: Uproot the date palms, since one can purchase date palms with grapevines, as grapevines are more valuable, while one cannot purchase grapevines with date palms. Ravina says: But if the lumber was greater in monetary value than its fruits, it is permitted to chop it down, and this does not violate the prohibition against destroying a tree.

8. Rosh, Bava Kamma 8:15

וכן אם היה צריך למקומו נראה דמותר.

And so too, if he needs its space, it would seem to be permitted.

9. Taz, Yoreh De'ah 116:6

עוד אחר מצינו שאסרו חז"ל מפני הסכנה שלא לקוץ אילן העושה פירות דאיתא בפרק הגזול (דף צ"א)... וכתב הרא"ש שם וכן אם היה צריך למקומו מותר עכ"ל ומזה התרתי לאחד שהיה לו קרקע עם אילנות לקוץ האילנות אע"פ שיש בהם פירות כדי לבנות בית דירה עליה: We also found that the sages prohibited cutting down fruit trees sue to danger, as it says in Perek Hagozel (Bava Kamma 91a)... And the Rosh wrote there “and so too if he needs its space it is permitted”. Based on this, I permitted someone who had land containing trees to cut down the trees, even though they had fruit in them, in order to build a house on [the land].

10. Destruction of Fruit-Bearing Trees, Dr. Moshe Gartenberg and Rabbi Shmuel Gluck, Journal of Halacha & Contemporary Society XXXVIII; Fall 1999; Sukkot 5760

Under certain circumstances it is permissible to uproot a tree to replant it somewhere else. Yaavetz writes: If one uproots the vine and it will live, and one plants it somewhere else, there is no concern [of transgressing] the issur. Chaim B'yad cautions that, when uprooting a tree, one must be careful to preserve all roots and branches and to replant it immediately. He adds that if there is even a small chance that it will not be replanted properly, this option should be avoided. Chatam Sofer is somewhat more lenient. He agrees that one should not remove an older tree that cannot be replanted under the guise of replanting it. Yet he allows the removal of a tree, if it is reasonable to believe that the tree can be properly replanted and if a large sum of money is at stake.

Some of the greatest April Fools' pranks of all time

-Todd Leopold, CNN, April 1, 2019

11. Talmud Bavli, Nedarim 50b-51a (Davidson Edition translation)

רבי עבד ליה הלולא לר"ש ברבי כתב על בית גננא עשרין וארבעה אלפין ריבואין דינרין נפקו על בית גננא דין ולא אזמניה לבר קפרא אמר ליה אם לעוברי רצונו כך לעושי רצונו על אחת כמה וכמה אזמניה אמר לעושי רצונו בעולם הזה כך לעוה"ב עאכ"ו:

The Gemara relates: Rabbi Yehuda HaNasi made a wedding for Rabbi Shimon, son of Rabbi Yehuda HaNasi. Someone wrote on the canopy: 24,000 myriad dinars were expended on this canopy, and nevertheless Rabbi Yehuda HaNasi did not invite bar Kappara to the wedding. The insulted bar Kappara said to Rabbi Yehuda HaNasi: If to those who transgress G-d's will, i.e., you who act improperly, their reward is such, as Rabbi Yehuda HaNasi was very wealthy, all the more so those who perform His will are to be rewarded. Upon hearing his reaction, Rabbi Yehuda HaNasi invited him. Bar Kappara then said: If to those who perform His will their reward is such in this world, all the more so will they be rewarded in the World-to-Come.

יומא דמחייך ביה רבי אתיא פורענותא לעלמא א"ל לבר קפרא לא תבדיחן ויהיבנא לך ארבעין גריוי חיטי א"ל ליחזי מר דכל גריוי דבעינא שקילנא שקל דיקולא רבה חפייא כופרא וסחפיה על רישיה ואזל ואמר ליה ליכיל לי מר ארבעין גריוי חיטי דרשינא בך אחוך רבי א"ל לאו אוהרתך דלא תבדיחן א"ל חיטי דרשינא קא נסיבנא

The Gemara relates additional incidents that occurred between the two scholars. On a day when Rabbi Yehuda HaNasi would laugh, calamity would befall the world, as Rabbi Yehuda HaNasi's sufferings would atone for the sins of the Jewish people. He therefore said to bar Kappara: Do not cause me to laugh, and I will give you forty se'a of wheat in return. Bar Kappara said to him: The Master will see that any se'a I wish I will take. He took a large palm basket, smeared it with tar, and overturned it upon his head, and went, and said to Rabbi Yehuda HaNasi: Let the Master measure for me the forty se'a of wheat that I am owed by you. Rabbi Yehuda HaNasi laughed at this and said to him: Did I not warn you not to make me laugh? He said to him: What I am taking from you is simply the wheat that I am owed by you.

12. Talmud Yerushalmi, Moed Katan 3:1 (Artscroll Edition Translation)

ר' הוה מוקר לבר אלעשא. א"ל בר קפרא כל עמא שאלין לרבי ואת לית את שאל ליה. א"ל מה נישאול א"ל שאול משמים נשקפה הומיה בירכתי ביתה מפחדת כל בעלי כנפים (איוב כ"ט:ח) ראוונו נערים ונחבאו וישישים קמו עמדו הנס יאמרו הו הו והנלכד נלכד בעונו. הפך ר' וחמתיה גחך אמר רבי איני מכירך זקן. וידע דלית הוא מתמניא ביומיו.

Rebbi would honor [his son-in-law] Bar Elasa [because of his great wealth]. Bar Kappara [who disapproved of this practice] said to Bar Elasa: "Everyone asks Rebbi [their questions], but you [whom Rebbi honors] never ask him anything!" Bar Elasa said to Bar Kappara: "What shall we ask him?" Bar Kappara told him: "Ask [the following riddle]: From heaven she gazes down; she is tumultuous in the recesses of her house; she frightens all those that have wings [to flee]. "The young men saw me and hid themselves, but the aged arose and stood up" (Iyov 29:8). The one who flees calls out [in despair], "Ho! Ho!"; but the one who is trapped became trapped in his sin!" [Bar Elasa [sic] posed the riddle, and] Rebbi turned [around] and saw [Bar Kappara] laughing. Rebbi said: "I do not recognize you as an Elder!" And Bar Kappara knew that he would not be appointed in the days of Rebbi.

13. Yehuda Shurpin, Does Jewish Law Allow Pranks, Chabad.org

In conclusion, while nowadays it would be hard to exempt someone from payment for damages caused in the course of merrymaking, the very fact that this exemption even exists attests to the importance of making others joyful. Therefore, as long as you aren't stealing or damaging in jest (or transgressing other prohibitions like embarrassing someone), not only should you not hold yourself back from playing practical jokes, but on the contrary, you should do so knowing that it is a great mitzvah to bring joy to others.