

## THE DESTRUCTION OF TREES IN THE MOABITE CAMPAIGN OF 2 KINGS 3:4-27: A STUDY IN THE LAWS OF WARFARE

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Numerous commentators and exegetes find a tension between the prophetic command of YHWH for armies of Israel and Judah to cut down the trees of Moab in 2 Kgs 3:19, 25 and the siege prohibition proscribing the destruction of fruit trees in Deut 20:19-20. According to Mordecai Cogan and Hayam Tadmor, "Elisha's prophecy, worded as a command, of a scorched-earth policy is at variance with the rules of siege warfare in Deut 20:19."<sup>1</sup> This view is common in one form or another among commentators, including George A. Smith,<sup>2</sup> Terence E. Fretheim,<sup>3</sup> A. D. H. Mayes,<sup>4</sup> and James A. Montgomery.<sup>5</sup> This tension has been perceived in part because of the historical-critical hypothesis advanced by Willem de Wette,<sup>6</sup> who assigned the

<sup>1</sup>Mordecai Cogan and Hayam Tadmor, *II Kings: A New Translation with Introduction and Commentary*, AB 11 (Garden City, NY: Doubleday, 1988), 45.

<sup>2</sup>The classical historical-critical approach was advanced by George A. Smith, who stated: "On invading Moab Israel cut down the fruit trees and stopped the wells, in obedience to a word of Jehovah by Elisha (2 Kgs iii.19, 25). That prophet, therefore, and his biographer cannot have known of this law of D, which shows a real advance in the ethics of warfare" (*The Book of Deuteronomy*, Cambridge Critical Commentary [Cambridge: Cambridge University Press, 1918], 249).

<sup>3</sup>Terence E. Fretheim notes: "It is striking that Elisha's personal addiction to the oracle from God stands in opposition to the guidelines for war in Deuteronomy 20:19-20" (*First and Second Kings* [Louisville, KY: Westminster John Knox, 1999], 142).

<sup>4</sup>A. D. H. Mayes, *Deuteronomy*, NCB (Grand Rapids: Eerdmans, 1979), 296.

<sup>5</sup>J. A. Montgomery, *A Critical and Exegetical Commentary on the Books of Kings*, ICC (New York: Scribner's, 1951), 361.

<sup>6</sup>W. M. L. de Wette, *Dissertatio critico-exegetica qua Deuteronomium a propriis pentateuchi libris diversum, alius cuiusdam recentioris auctoris opus esse monstratur* (Jena, 1895). For a general overview of the developments since that time, see the surveys of Horst D. Preuß, *Deuteronomium*, *Erträge der Forschung* 164 (Darmstadt: Wissenschaftliche Buchgesellschaft, 1982), 1-74; Thomas Römer, "The Book of Deuteronomy," *The History of Israel's Traditions: The Heritage of Martin Noth*, ed. S. L. McKenzie and M. P. Graham, JSOTSup 182 (Sheffield: JSOT Press, 1994), 178-212; Mark A. O'Brien, "The Book of Deuteronomy," *Currents in Research: Biblical Studies* 3 (1995): 95-128.

temporal provenance or *Sitz im Leben* for the work of the Deuteronomist (D) to the Josianic reforms of the seventh century.<sup>7</sup> Subsequent to the general acceptance of the documentary hypothesis, Martin Noth postulated that the books Deuteronomy through Kings were the work of one writer, who, he claimed, composed the Deuteronomistic History (DtrH).<sup>8</sup> The specific authorship and date of the DtrH continues to be widely debated.<sup>9</sup> Some of the proposals include (1) a single exilic author/compiler,<sup>10</sup> (2) a Deuteronomistic School of traditionalists where the composition is dated to the second half of the seventh century B.C.,<sup>11</sup> (3) multiple exilic redactions,<sup>12</sup> and (4) a double redaction that includes Dtr<sup>1</sup>—Josianic—and Dtr<sup>2</sup>—exilic.<sup>13</sup> The latter proposal

<sup>7</sup>De Wette first proposed this *locus classicus* for his "D" source. The date 621 B.C. was accepted as one of the assured results of historical-critical research; see Julius Wellhausen, *Prolegomena to the History of Ancient Israel* (Cleveland: Meridian, 1957), 9. Moshe Weinfeld recently wrote: "Deuteronomy has become the touchstone for dating the sources in the Pentateuch and the historical books of the Old Testament" ("Deuteronomy, Book of," *ABD*, 2:174).

<sup>8</sup>Martin Noth later argued that the material from Deuteronomy-Kings belonged to a single author/compiler living in the exilic period (ca. 586-539 B.C.E.) (*Überlieferungsgeschichtliche Studien* [Wiesbaden-Biebrich: Becker, 1943]). The unity of this segment of history has gained some acceptance in subsequent scholarship; see A. N. Radjawane, "Das deuteronomistische Geschichtswerk, Ein Forschungsbericht," *Trev* 38 (1973): 177-216; Dennis J. McCarthy, "The Wrath of Yahweh and the Structural Unity of the Deuteronomistic History," *Essays in Old Testament Ethics*, ed. J. L. Crenshaw and J. T. Willis (New York: KTAV, 1974), 97-110; Terence E. Fretheim, *Deuteronomic History* (Nashville: Abingdon, 1983).

<sup>9</sup>For an overview of these positions and other proponents, see Erik Eynikel, *The Reform of King Josiah and the Composition of the Deuteronomistic Historian*, OTS 33 (Leiden: Brill, 1996), 7-31.

<sup>10</sup>Noth; Hans-Dieter Hoffmann, *Reform und Reformen*, ATANT 66 (Zurich: Theologischer Verlag, 1980); Brian Peckham, *The Composition of the Deuteronomistic History*, Harvard Semitic Monographs 35 (Atlanta: Scholars Press, 1985).

<sup>11</sup>E. W. Nicholson, *Deuteronomy and Tradition* (Philadelphia: Fortress, 1967); Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon, 1972); idem., *Deuteronomy 1-11*, AB 5 (New York: Doubleday, 1991), 55-57.

<sup>12</sup>Rudolph Smend, "Das Gesetz und die Völker. Ein Beitrag zur deuteronomischen Redaktionsgeschichte," in *Probleme biblische Theologie*, ed. H.-W. Wolff (Munich: Kaiser, 1971), 494-509.

<sup>13</sup>Frank Moore Cross, *Canaanite Myth and Hebrew Epic* (Cambridge: Harvard University Press, 1973); Jon Levenson, "Who Inserted the Book of the Torah?" *HTR* 68 (1975): 203-233; R. Nelson, *The Double Redaction of the Deuteronomistic History*, JSOTSup 18 (JSOT Press, 1981); Baruch Halpern, *The First Historians: The Hebrew Bible and History* (San Francisco: Harper & Row, 1988), 107-121, 207-240; A. D. H. Mayes, *The Story of Israel Between Settlement and Exile: A Redactional Study of the Deuteronomistic History* (London: SCM Press, 1983); Richard Eliot Friedman, "From Egypt to Egypt: Dtr<sup>1</sup> and Dtr<sup>2</sup>," in *Traditions in Transformation: Turning Points in Biblical Faith, Essays Presented to Frank Moore Cross*, ed. B. Halpern and J. Levenson (Winona Lake, IN: Eisenbrauns, 1981), 167-192; idem., *Who Wrote the Bible* (Englewood Cliffs, NJ: Prentice-Hall, 1987), 119-130; idem., "The Deuteronomistic School," in *Fortunate the Eyes that See: Essays in Honor of David Noel Freedman in Celebration of His Seventieth Birthday*, ed. A. B. Beck, A. H.

for the composition of Deuteronomy (D) has been supported by Mayes, who posits that "Israel shared with many others the common practice of destroying the natural resources of life in the country invaded by her armies. The prohibition here [in Deut 20:19-20] is a deuteronomistic protest against a practice considered unnecessarily destructive."<sup>14</sup> Mayes believes that to solve the tension between 2 Kgs 3:19, 26 and Deut 20:19-20, the latter text must be dated to the seventh to sixth centuries B.C. as a polemic against earlier Israelite siege practices (as found in the war against Moab).<sup>15</sup> "That there is any predeuteronomistic law in vv. 19-20 is doubtful," he opines.<sup>16</sup> Indeed, the present author has suggested elsewhere that Deut 20:19-20 is a polemic against known siege practices, but after an exhaustive survey of ancient siege practices during the second and first millennia B.C., it is highly improbable that the cultural milieu of the seventh to fifth centuries B.C. is reflected.<sup>17</sup>

The question remains whether the polemic is directed against known Israelite military conventions.<sup>18</sup> Such a polemic would require three conclusions. First, that 2 Kgs 3:19, 25 describes both linguistically and contextually the same kind of destruction found in Deut 20:19-20. Second, that references within the Hebrew Bible would substantiate a wide-scale practice of the destruction of fruit trees for the construction of siege works in their military campaigns. This would be an essential requirement if indeed Deuteronomy or later editors or redactors are reacting or protesting against such practice. Finally, it would be necessary that this focused destruction against fruit trees was directed against the cities of Canaan and not those polities outside the promised land, since it is "to the Hittites, and the Amorites, and the Canaanites, and the Perizzites, and the Hivites, and the Jebusites" (Deut 20:17) that this prohibition applies. It is the aim of this essay to examine these questions from a linguistic and contextual study of 2 Kgs 3 and Deut 20:19-20 with a proposal that resolves the apparent tension between these two express commands of YHWH regarding the destruction of trees.<sup>19</sup>

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Bartelt, P. R. Raabe, and C. A. Franke (Grand Rapids: Eerdmans, 1995), 70-80.

<sup>14</sup>Mayes, *Deuteronomy*, 296.

<sup>15</sup>See also Smith, 249.

<sup>16</sup>Mayes, *Deuteronomy*, 296.

<sup>17</sup>Michael G. Hasel, *Military Practice and Polemic: Israel's Laws of Warfare in Near Eastern Perspective* (Winona Lake, IN: Eisenbrauns, in press).

<sup>18</sup>The assumption is already made by I. Benzinger, who states: "Die empfohlener Art der Kriegführung war in jener Zeit auch in Israel die gewöhnliche (vgl. Dtn 20 19f.)" (*Die Bücher der Könige* [Freiburg: J.C.B. Mohr, 1899], 134).

<sup>19</sup>Rabbinical commentators have sought to harmonize Deuteronomy and 2 Kings in two ways: (1) some argued that the law of Deut 20:19-20 only applies to a siege (Radok,

### *Jehoram's War Against Moab*

During the long history of political interaction between Israel and Moab in the ninth century B.C., several wars are recorded in Kings<sup>20</sup> and in extrabiblical sources.<sup>21</sup> The passages under consideration in 2 Kings are found in the Elisha narratives<sup>22</sup> dealing with the joint campaign of Israel, Judah, and Edom against Mesha, king of Moab.<sup>23</sup> After the death of

Ralbag, and Ramban at Deut 23:7); (2) others suggested that an *ad hoc* exception was made for a unique military situation (Rash, Kimchi, Gersonides, cf. *Num Rab* 21.6). Among modern commentators, C. F. Keil presents an explanation based on presumed Moabite practices with little or no textual support: "These instructions [in Deut 20:19-20] were not to apply to Moab, because the Moabites themselves as the arch-foes of Israel would not act in any other way with the land of Israel if they should gain the victory" (*Biblical Commentary on the Old Testament: The Books of Kings* [Edinburgh: T. & T. Clark, 1949], 305). T. R. Hobbs states that "the prohibition of cutting down of trees, found in Deut 20:19-20, does not apply here [in 2 Kgs 3]. The law in Deuteronomy is designed to ensure that the army's food supply would not be cut off since nonfruit-bearing trees are excluded" (*2 Kings*, WBC [Waco: Word, 1985], 37). This observation unnecessarily negates the subsistence needs of Jehoram's army during its campaign against Moab. More cogently, John Gray comments: "The felling of fruit trees in war was banned by Deuteronomic law (Deut. 20.19ff.), but the present case indicates that this law was not of general application, but applied only to Canaan in consideration of the neighbors with whom Israel had to live in a degree of mutual dependence" (*I & II Kings: A Commentary*, 2d ed. [Philadelphia: Westminster, 1970], 437).

<sup>20</sup>On the general relationship between the two polities during this time, see Roland E. Murphy, "Israel and Moab in the Ninth Century," *CBQ* 15 (1953): 409-417; on the wars of this period, see J. Liver, "The Wars of Mesha, King of Moab," *PEQ* 99 (1967): 14-37.

<sup>21</sup>The Mesha inscription is of primary importance in establishing the Moabite perspective of the conflict. For an earlier treatment, see W. H. Bennett, *The Moabite Stone* (Edinburgh: T. & T. Clark, 1911), or more recently the edited articles in *Studies in the Mesha Inscription and Moab*, *Archaeology and Biblical Studies* 2, ed. Andrew Dearman (Atlanta: Scholars Press, 1989).

<sup>22</sup>Among the standard commentaries are, especially, R. Kittel, *Die Bücher der Könige*, 2 vols. (Münster: Aschendorff, 1911-1912); J. A. Montgomery; Gray; J. Robinson, *The Second Book of Kings* (Cambridge: Cambridge University Press, 1976); Hobbs; Cogan and Tadmor; D. J. Wiseman, *1 and 2 Kings: An Introduction and Commentary* (Downers Grove, IL: InterVarsity, 1993); H.-W. Neudorfer, *Das Zweite Buch der Könige*, *Wuppertaler Studienbibel* (Wuppertal: R. Brockhaus Verlag, 1998); Fretheim, *First and Second Kings*.

<sup>23</sup>On the textual aspects of this specific campaign, see K. H. Bernhardt, "Der Feldzug der drei Könige," in *Schalom: Studien zur Glaube und Geschichte Israels* (Stuttgart: Calver, 1971), 11-22; H. Schweizer, *Elischa in den Kriegen. Literaturwissenschaftliche Untersuchungen von 2 Kön. 3; 6:24-7:20*, *SANT* 37 (Munich: Kosel, 1974); J. R. Bartlett, "The 'United' Campaign Against Moab in 2 Kings 3:4-27," in *Midian, Moab and Edom: The History and Archaeology of the Late Bronze and Iron Ages in Jordan and North-West Arabia*, ed. J. F. A. Sawyer and D. J. A. Clines, *JSOTSup* 24 (Sheffield: JSOT Press, 1983), 135-146. On the genre of this chapter, see Burke O. Long, "2 Kings III and the Genres of Prophetic Narrative," *VT* 23 (1973): 337-348.

Ahab,<sup>24</sup> Jehoram succeeded his father on the throne of Israel (vv. 1-3). Apparently gambling on a moment of weakness, Mesha, the king of Moab, rebelled against Israel, and Jehoram joined in an alliance with Jehoshaphat, king of Israel, and the king of Edom.<sup>25</sup> After the king sought the guidance of a prophet (v. 11), the hand of the Lord fell upon Elisha and he relayed the message to the king: "Also you shall attack every fortified city and every choice city, and shall cut down every good tree, and stop every spring of water, and ruin every good piece of land with stones" (v. 19, NKJV). In fulfillment of this prediction/command, the destruction of "all good trees" was accomplished as stated in v. 25. To answer the first question addressed in this essay, one must inquire whether these are the same "fruit" trees described in the siege prohibition of Deut 20:19-20, as many have supposed.<sup>26</sup>

### Linguistic Analysis

An investigation of the terms used in Deut 20:19-20 and 2 Kgs 3:19, 25 reveals significant differences. In both 2 Kgs 3:19 and 25, the adjectival noun construction is accompanied by a preposition and the phrase *וּכְלֵי עֵץ טוֹב* ("every good tree") is employed. The adjective *טוֹב* is defined by most lexicographers as "pleasant, agreeable, good,"<sup>27</sup> "fröhlich, angenehm, erwünscht,"<sup>28</sup> or "good, virtuous, kind, happy, content."<sup>29</sup> In Deut 20:19-20, there is a distinction between "trees for food" and the "tree of the field" that could be used for building siege works. These apparently are two different types of trees. Thus, the designations in Deuteronomy and 2 Kings, while some may assume a correlation, are not the same. It is possible that "good tree" may imply trees that bear fruit, but they also

<sup>24</sup>There has been a major discussion on when the campaign took place. For overviews of the issues, see Liver, 18-20; Gray, 460. The problem seems to be resolved by Edwin R. Thiele (*The Mysterious Numbers of the Hebrew Kings* [Grand Rapids: Zondervan, 1982], 61-74).

<sup>25</sup>Coalitions of this kind are known from the inscriptions of Shalmaneser III, who "in his sixth year met a coalition of twelve kings including Ahab and Hadadezer of Syria" (J. Maxwell Miller, "The Elisha Cycle and the Accounts of the Omride Wars," *JBL* 85 [1966]: 441-454), and possibly later from the Dan Inscription, which describes the defeat of the "house of Israel" and "the house of David" (Abraham Biran and Joseph Naveh, "An Aramaic Stele Fragment from Tel Dan," *IEJ* 43 [1993]: 81-98).

<sup>26</sup>Gray, 437; Robinson, 36.

<sup>27</sup>*BDB*, 373.

<sup>28</sup>Ludwig Koehler and Walter Baumgartner, *Hebräisches und Aramäisches Lexikon zum Alten Testament 2* (Leiden: Brill, 1974), 355.

<sup>29</sup>D. J. A. Clines, *The Dictionary of Classical Hebrew* (Sheffield: Sheffield Academic Press, 1996), 3:351.

may as readily refer to large, shady trees. In the Middle East, where trees are considered precious, the designation "good trees" may simply refer to all living trees. The point is that "trees for food" and "every good tree" do not necessarily share the same meaning.

### Contextual Analysis

Even if the two passages were describing the same type of tree with different terminology, and one could in fact assume that "every good tree" also included "trees for food," the context of 2 Kgs 3 is entirely different from Deut 20:19-20. Certainly 2 Kgs 3, as in Deut 20:19-20, is speaking of an attack against fortified cities, but the implication is that all the cities that are destroyed should also have wells and cisterns stopped up, their land ruined, and their good trees cut down. In Deut 20:19-20, it is only in the context of *some* cities that resist Israel and would require the construction of siege works. Deuteronomy 20:19 begins, "when you besiege a city *for a long time*," indicating that this is a protracted siege requiring food for the troops. In 2 Kgs 3, it is a universal command so that "the impression is given that the whole land is being put to the ban."<sup>30</sup> Indeed, the command has no apparent relation to the building of siege works as is the case in Deut 20:19-20. Thus from a linguistic as well as a contextual perspective, the passages are dealing with two unique situations.

The second question must also be addressed. Did the Israelites widely engage in the destruction of fruit trees for the construction of siege works in their military campaigns? The only mention in the Hebrew Bible of the Israelite destruction of trees in warfare is in this one event recorded in 2 Kgs 3. If it is not altogether certain whether the war against Moab included the destruction of "trees for food" but only "good trees," then why is a correlation made with Deuteronomy? This is especially true, since the destruction of Moabite trees apparently had little to do with the construction of siege works. Second, if this practice was so widely employed in Israel as to warrant a polemic response, why is there no mention of it in the conquest accounts of Joshua and Judges or in the wars described in Samuel through the rest of Kings?<sup>31</sup> The answer to these questions is clarified by a contextual analysis of Deut 20.

<sup>30</sup>Robinson, 36. The point of total destruction is well made, although it should be pointed out that the term חַיִּים is never used in 2 Kgs 3. Moreover, it is clear from the context of Deut 20 that the חַיִּים does *not* include the destruction of trees, but is focused primarily on the living inhabitants of the land, i.e., "everything that breathes" (Deut 20:16).

<sup>31</sup>To respond that this lack of evidence was the later work of a careful redactor negates the obvious mention of the wide-scale destruction of trees in 2 Kgs 3.

*Siege Prohibition in Deuteronomy 20:19-20*

The siege prohibition in Deut 20:19-20 is part of the larger treatment of the laws of "YHWH war" that are described in the Hebrew Bible.<sup>32</sup> Gerhard von Rad's concept of "Holy War"<sup>33</sup> has recently come under criticism,<sup>34</sup> since the designation "Holy War" is never used in the Hebrew Bible.<sup>35</sup> This fact has led others to more appropriately call the Israelite religious warfare<sup>36</sup> "YHWH war,"<sup>37</sup> where YHWH is seen as a divine warrior.<sup>38</sup> In Deut 20, Israel is given instruction on how to conduct itself in YHWH war and what measures are to be taken against (1) the nations surrounding Canaan and (2) the inhabitants of the land of Canaan which they are to enter.

J. A. Thompson divides the chapter into three parts: the proclamation before the battle (vv. 1-9), the siege of a city (vv. 10-18), and

<sup>32</sup>P. C. Craigie points out that "further legislation on war and matters relating to military affairs occurs in [Deut] 21:10-14; 23:9-14; 24:5; 25:17-19" (*The Book of Deuteronomy*, NICOT [Grand Rapids: Eerdmans, 1976], 270); cf. Alexander Rofé, "The Laws of Warfare in the Book of Deuteronomy: Their Origins, Intent and Positivity," JSOT 32 (1985): 23-44.

<sup>33</sup>Gerhard von Rad, *Der Heilige Krieg im Alten Israel*, 4th ed. (Göttingen: Vandenhoeck & Ruprecht, 1965), idem., *Studies in Deuteronomy* (London: SCM, 1953), 45-59; Norman Gottwald, "War, Holy," *IDBSup*: 942-944.

<sup>34</sup>Norman Gottwald, "Holy War, in Deuteronomy: Analysis and Critique," *RevExp* 61 (1964): 296-310; Rudolph Smend, *Jahwekrieg und Stammesbund: Erwägungen zur ältesten Geschichte Israels*, 2d ed., 2 FRLANT 84 (Göttingen: Vandenhoeck & Ruprecht, 1966); Manfred Weippert, "'Heiliger Krieg' in Israel und Assyrien. Kritische Anmerkungen zu Gerhard von Rads Konzept des 'Heiligen Krieges im alten Israel,'" *ZAW* 84 (1972): 460-493; Fritz Stolz, *Jahwes und Israels Kriege. Kriegstheorien und Kriegserfahrungen* ATANT 60 (Zurich: Theologischer Verlag, 1972); Gwilym H. Jones, "'Holy War' or 'Yahweh War?'" *VT* 25 (1975): 642-658.

<sup>35</sup>P. C. Craigie, *The Problem of War in the Old Testament* (Grand Rapids: Eerdmans, 1978), 48; on the Greek origin of this concept, see Jones, 642.

<sup>36</sup>"To say that the wars of conquest described in the Old Testament were *religious* wars is not necessarily the same as saying that they were *holy* wars. The context of *holy* implies something which is intrinsically good and pure in itself" (Craigie, *The Problem of War*, 48, emphasis original). This view is followed by Horst D. Preuß, who states: "War was by no means 'holy,' but for the OT it is quite naturally also a matter of religion. War itself is not praised; rather, Yahweh is experienced, probably even primarily, as a warring God of deliverance" (*TDOT*, 8:342).

<sup>37</sup>Jones, 642-658; Craigie, *The Problem of War*, 45-54.

<sup>38</sup>Frank Moore Cross, "The Divine Warrior in Israel's Early Cult," *Studies and Texts*, vol. 3, *Biblical Motifs*, ed. A. Altmann (Cambridge: Harvard University Press, 1966), 11-30; P. C. Craigie, "Yahweh is a Man of Wars," *SJT* 22 (1969): 183-188; Patrick D. Miller, *The Divine Warrior in Early Israel*, Harvard Monographs 5 (Cambridge: Harvard University Press, 1973); Millard C. Lind, *Yahweh is a Warrior: The Theology of Warfare in Ancient Israel* (Scottsdale, PA: Herald Press, 1980).

the treatment of trees (vv. 19-20).<sup>39</sup> In the second part, the text can be divided further since two types of war action are described.<sup>40</sup> The division of the second part is significant, for it provides an important context for the laws of warfare in vv. 19-20 that refer to those cases when a city required a siege to extract the inhabitants.

Two types of military action were required of the Israelites, depending on the geographical location of the enemy. Israel was to offer terms of peace (vv. 10-15) to those distant cities not belonging to the immediate nations Israel was to conquer (v. 10). If these cities and their inhabitants surrendered, then they were to be spared and were to serve Israel as forced laborers (v. 11). If they refused to surrender, their cities were besieged (v. 12) and the men of that city were to be struck with the edge of the sword (v. 13). The assumption that such instruction indicates an exception from the rules of חרם ("ban") as defined in other biblical sources is unwarranted.<sup>41</sup> The variation in treatment here is found in the very context of those cities existing outside the territory of promise. In other words, there exists a distinction between the cities of the Hittites, Amorites, Canaanites, Perizzites, Hivites, and Jebusites (v. 17) and "those cities that are a distance from you and do not belong to the nations nearby" (v. 15).

A second action was required (vv. 16-18) for those cities located in the territory YHWH promised to Israel. A total dedication, or ban (חרם), was to be carried out against these cities.<sup>42</sup> This חרם ("ban") was directed specifically against the inhabitants and at times extended to their possessions.<sup>43</sup> The distinction between this instruction and the proscription in vv. 10-15 is provided in v. 15 by the delineation between those cities that are far away and those that are of the nations nearby.<sup>44</sup> There is a further indication of

<sup>39</sup>J. A. Thompson, *Deuteronomy: An Introduction and Commentary*, TOTC (Downers Grove, IL: InterVarsity, 1974), 219.

<sup>40</sup>This division is already pointed out by Jeffrey H. Tigay, *Deuteronomy*, JPS Torah Commentary (Philadelphia: JPS, 1996), 188-189.

<sup>41</sup>So Weinfeld, *Deuteronomy and the Deuteronomistic School*, 239.

<sup>42</sup>On the term חרם, see C.H.W. Brekelmans, *De herem in het Oude Testament* (Nijmegen: Centrale Drukkerij, 1959); Norbert Lohfink, "חרם," *TDOT* 5:180-199; Christa Schäfer-Lichtenberger, "Bedeutung und Funktion von Herem in biblischen-hebräischen Texten," *BZ* 38 (1994): 270-275; specifically on Deuteronomy and the DtrH, see Yair Hoffman, "The Deuteronomistic Concept of Herem," *ZAW* 111 (1999): 196-210; E. Noort, "Das Kapitalisationsangebot im Kriegsgesetz Dtn 20:11ff. und in den Kriegserzählungen," *Studies in Deuteronomy in Honour of C. J. Labuschagne on the Occasion of His 65th Birthday*, ed. F. Garcia Martinez, A. Hilhorst, J. T. A. M. G. van Ruiten, and A. S. van der Woude (Leiden: Brill, 1994), 199-207.

<sup>43</sup>Lohfink, 187.

<sup>44</sup>For the idea that v. 15 is "a later accretion" (Martin Rose, *Der Ausschließlichkeitsanspruch*

separation in v. 16 as the whole treatment now is limited by the term קר ("only").<sup>45</sup> Only in those cities "that the Lord your God has given you as an inheritance" must everything that breathes be destroyed. The inhabitants are enumerated in v. 17 and include the Hittite, Amorite, Canaanite, Perizzite, Hivite, and Jebusite.<sup>46</sup> The justification for this total destruction is given in the following verse: "in order that they may not teach you to do according to all their detestable things which they have done for their gods, so that you would sin against the Lord" (v. 18). Together these two aspects of law, which regulated the wars of Israel against the enemies outside the promised territory of inheritance and against those within it, provided a complete regulation that encompassed the situations Israel would encounter for generations to come. Whether Israel followed these laws or not is inconsequential to the ideal they represent—an ideal which explicates the attitude of YHWH toward his people and those whom they will confront in various military situations.

It becomes immediately apparent in v. 19 that while the text is no longer dealing with cities, inhabitants, children, cattle, or spoils, the subject matter is the destruction of trees associated within the territory of the city. The contextual setting indicates that when besieging a city (and the implication is those cities within the land of promise that would necessitate such confrontation), certain regulations govern how the natural life-support system belonging to that city should be approached. Thus, vv. 19-20 are part of a larger unit that forms a whole in addressing the variety of circumstances that Israel would face and the specific actions to take place in those situations.

The siege prohibition against cutting down fruit trees in its contextual

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*Jahres. Deuteronomische Schultheologie und Volksfrömmigkeit in der späten Königszeit*, BWANT 106 [Stuttgart: Kohlhammer, 1975]; Rofé, 23-44; Hoffman, 200) added by the DtrH as late as the fifth century B.C.E. (so Hoffman) does not make sense out of the unity of this section, which applies two aspects of law depending on the geographical location of the city. To extract v. 15 and apply it to a much later source disrupts the entire sequence of the passage in which two actions are proscribed in two very different situations: (a) the cities outside of the promised land, and (b) the cities within the territory to be conquered by Israel.

<sup>45</sup>According to Koehler and Baumgartner, קר, the "Hauptbedeutung ist 'nur'" (*Hebräisches und Aramäisches Lexikon zum Alten Testament*, 4:1200). Other sources translate this adverb as "only, altogether, surely" (BDB, 956), "only" (Holliday, *Concise Hebrew and Aramaic Lexicon*, 346).

<sup>46</sup>This list has been treated as both historical (George Mendenhall, *The Tenth Generation: The Origins of the Biblical Tradition* [Baltimore: Johns Hopkins University Press, 1973], 144-145) and unhistorical by Mario Liverani, who contends that the lists (in Deut 7 and 20) "show substantial ignorance of the ethnic and political situation in pre-Israelite Palestine" ("The Amorites," *Peoples of Old Testament Times*, ed. D. J. Wiseman [Oxford: Clarendon, 1973]); see also the discussion by Philip D. Stern, *The Biblical Herem: A Window on Israel's Religious Experience*, *Brown Judaic Studies* 211 (Atlanta: Scholars, 1991), 89-99.

setting applies directly to those trees belonging to the cities of Canaan—among the people groups which Israel is meant to dispossess. In other words, the prohibition expressly applies “to the Hittites, and the Amorites, and the Canaanites, and the Perizzites, and the Hivites, and the Jebusites” (v. 17). The fact that this text makes no mention of ancient Moab is no surprise, for the land of Moab is outside the purview of the borders assigned by YHWH to Israel (Num 34:1-12).

For these reasons, the siege prohibition in Deut 20:19-20 finds no conflict with YHWH’s instruction to cut down “every good tree” from the land of Moab during the campaign by Jehoram and Jehoshaphat in the days of Elisha. The context for the injunction against cutting down fruit trees clearly demonstrates that it was for the cities within the land of promise. The prohibition specifically addressed the problem of a protracted siege of a city that would require both the building of siege works and food for the troops. It was for this reason that fruit trees were the specific interest of the writer of Deut 20:19-20, who made certain that Israel would not include them in the חרם.

After considering linguistic, contextual, and the geographical aspects of 2 Kgs 3, it appears certain that there is no contradiction between that command and the prohibition in Deut 20:19-20 not to cut down fruit trees for the construction of siege works *within* the land of promise. First, there is a linguistic distinction, for 2 Kgs 3 refers to “every good tree” rather than to “trees for food.” Second, there is a contextual distinction, for there is no reference in 2 Kgs 3 to the use of these “good trees” in the construction of siege works. Rather, it appears that the trees were destroyed in revenge as part of a burnt-earth policy that also included the destruction of arable land. Finally, even if these “good trees” included fruit trees, there is the geographical distinction that Moab lay outside the land of promise and for this reason would not have been subject to the prohibition against their destruction as outlined in Deuteronomy. In fact Israel, in fulfilling the prediction made by YHWH through Elisha, was consistent in following the parameters of the laws of warfare in Deut 20:19-20. It follows, therefore, that the campaign against Moab in 2 Kgs 3 cannot be the *Vorlage* for these laws of warfare. If such a polemic is found in this siege prohibition commanded to Israel, the source of the polemic is to be sought elsewhere.