

Firefight: May the IDF Burn Down the Arzei HaLevanon?

Adapted from the writings of Dayan Yitzhak Grossman

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Yeshiva World News reports:

A video of IDF reserve soldiers operating a trebuchet (a type of catapult) that circulated online on Thursday aroused the curiosity of viewers, who wondered why one of the world's most technologically advanced armies was using weapons of ancient warfare, reminiscent of the Roman era.

The answer is that IDF reserve soldiers on the northern border have been operating trebuchets to shoot incendiary material to the Lebanese side of the border to burn the dense brush that Hezbollah uses to camouflage and obscure their positions.

Hezbollah terrorists take advantage of the dense vegetation to hide mortars, short-range rocket launchers, and themselves, and the thicket makes it difficult for IDF soldiers to locate the Hezbollah cells hiding in the area. At the beginning of the war, the reserve soldiers used Molotov cocktails to try to burn the vegetation and expose the area. According to Lebanese reports, they also used phosphorus bombs that caused fires, as well as incendiary drones...

The IDF responded to the report by stating, "This is a local initiative and not a tool that is widely used. The area on the Lebanese border is characterized by boulders, thickets, and dense thorn vegetation, which poses a challenge to the IDF troops deployed to defend the area." [1]

In this article, we discuss the permissibility of destroying trees that are providing cover to the enemy.

In Parshas Shoftim, the Torah commands:

When you besiege a city for many days to wage war against it to seize it, do not destroy (*lo sashchis*) its trees by swinging an axe against them, for from it you will eat, and you shall not cut it down; is the tree of the field a man that it should enter the siege before you? [2] Only a tree that you know is not a food tree, it you may destroy (*sashchis*) and cut down, and build a bulwark against the city that makes war with you, until it is conquered. [3]

The Ramban explains:

In the opinion of our Rabbis, [4] it is permissible to cut down a fruit tree to build a bulwark, and the statement of the Torah, "Only a tree that you know is not a food tree..." is to assign priority, meaning that a fruitless tree should be cut down prior to a fruit tree. If so, the meaning of the section, in their opinion, is that the Torah warned "do not destroy its trees" to cut them down destructively, not for the purpose of the siege, as is the custom of armies (to cut down trees needlessly). And the reason for it is that warriors destroy a city and its environs in the hope of conquering it, as it says, "and you shall fell every goodly tree, and stop up all springs of water." [5] You are not to

do so to destroy it, for you are to trust in Hashem that He will deliver it into your hand. "For the man is the tree of the field," for you will eat of its fruit and live, and through it the city will be besieged by you, meaning to say, you will eat from it after conquering the city. And also when you are encamped, engaged in the siege, you should do likewise. And the meaning of "it you may destroy and cut down" is that you are permitted to cut them down to build bulwarks, and also to destroy them "until it is conquered," for sometimes the destruction of the trees is for the purpose of capturing the city. For example, when the people of the city go out and fetch the wood, or they hide in the forest to fight against them, or when the trees are a refuge and a covert[6] to the city from striking stones.[7],[8]

The simple reading of this passage seems to indicate that (according to the Ramban's understanding of Chazal) both fruit trees and barren trees may be cut down, either to use them for building bulwarks or to deprive the enemy of a benefit like offensive or defensive cover. But R' Avraham Borenstein of Sochatchov (the Avnei Neizer) apparently understands the Ramban differently, as he cites him as asserting that "it is permitted to make a siege tower (*dayeik*)[9] out of a food tree in war, and this does not constitute 'destruction.' But to cut down food trees not for the purpose of a siege tower, but because enemy troops are hiding in the trees, constitutes 'destruction.'" He explains the distinction:

When one makes a siege tower out of a tree, the tree itself is used for a beneficial purpose (*leto'elless*), for it has become a siege tower. But when one cuts it down so that the troops do not hide in it, there is no beneficial purpose in the tree itself, for even more so would it be the case that if there were no tree there at all, the enemy troop would not be hiding in it. This constitutes destruction of the food tree and is prohibited.[10]

I do not understand how the Avnei Neizer is reading the Ramban, but according to his understanding, it is apparently forbidden to cut down fruit trees for the purpose of depriving the enemy of cover.

In any event, other *Rishonim* interpret the Torah to be explicitly allowing food trees to be cut down to deprive the enemy of cover. The Rashbam explains the *pasuk* to be making a distinction almost opposite to that of the Avnei Neizer: Even when it is necessary to build battering rams, siege towers, and ramps,[11] do not cut down food trees that are distant from the enemy city and so do not provide its inhabitants with defensive benefits, only those that are near the city, in which its residents can hide.[12] The Chizkuni, too, offers a couple of interpretations of the *pasuk* according to which food trees may be cut down only if they provide defensive benefits to the city's inhabitants, like cover, or timber to construct fortifications.[13] The Rambam understands the Torah to forbid cutting down fruit trees during a siege "in order to harass its inhabitants and pain their hearts;"[14] he does not discuss cutting them down to build siege machinery or to deprive the enemy of tangible defensive benefits.

The Ramban explains that the Torah is commanding us not to act in the

manner of typical warriors, who “destroy a city and its environs in the hope of conquering it,” as it says, “and you shall fell every goodly tree, and stop up all springs of water.” The problem with this is that the *pasuk* he is citing was part of an order of Hashem Himself, via the *navi* Elisha, to King Yehoshaphat!

Thus said Hashem...He will deliver Mo'av into your hands. You will smite every fortified city and every major city; you will fell every goodly tree and stop up all springs of water, and you will clutter up every goodly piece of land with stones.

The *mefarshim* offer several explanations for this commandment to apparently flagrantly violate the prohibition against the wanton destruction of trees in wartime:

- The prohibition did not apply to the trees of Mo'av, because Mo'av was a despicable and contemptible nation.[15] (The logic of this is unclear.)
- The prohibition applies only to a siege—as opposed to a raid, which is what Hashem was ordering Klal Yisrael to carry out against Mo'av.[16]
- The order to destroy the trees of Mo'av was a one-time exception to the general prohibition (*hora'as sha'ah*).[17]

[1]Medieval Warfare? The Video Of The IDF Soldiers Using A Catapult. The Yeshiva World.

<https://www.theyeshivaworld.com/news/israel-news/2289861/medieval-warfare-the-video-of-the-idf-soldiers-using-a-catapult.html>.

[2]The original Hebrew, *כי האדם עץ השדה לבא מפניך במצור*, is quite difficult to translate; this translation is that of ArtScroll.

[3]Dvarim 20:19-20.

[4]Bava Kama 91b.

[5]Melachim II 3:19.

[6]Yeshayah 4:6.

[7]See *ibid.* 8:14.

[8]Ramban *ibid.*

[9]See Yechezkel 4:2.

[10]Shu"t Avnei Neizer O.C. *siman* 34 *os* 12.

[11]See Yechezkel *ibid.*

[12]Rashbam *ibid.*

[13]Chizkuni *ibid.*

[14]Sefer Hamitzvos, *Lo Sa'aseh* 57.

[15]Bamidbar Rabah 21:6; Rashi to Melachim *ibid.*

[16]Bechor Shor, Dvarim *ibid.*; Radak to Melachim *ibid.* (“*pshat hakasuv*”).

[17]Radak *ibid.* (“*ve'efshar*”); Ralbag *ibid.* (Radak subsequently cites the approach of the Midrash cited above.)