

YAHWEH WAR AND *HEREM*: THE ROLE OF COVENANT, LAND, AND PURITY IN THE CONQUEST OF CANAAN

by
Kyle C. Dunham¹

Many modern readers of the Bible find deeply troubling the narratives depicting ancient Israel's conquest of Canaan and annihilation of the Canaanites.² Critics are quick to classify these military campaigns as "atrocities,"³ "barbarism,"⁴ and "genocidal massacre,"⁵ exemplifying what many consider "the most problematic moment in the history of ancient Israel."⁶ A growing number of evangelical interpreters concede

¹Dr. Dunham is Associate Professor of Old Testament at Detroit Baptist Theological Seminary in Allen Park, MI.

²This article is dedicated to a trio of godly scholars and teachers who shaped my own thinking about the text of Scripture during the formative years of seminary training at Detroit Baptist Theological Seminary: William W. Combs, Robert Bruce Compton, and Robert V. McCabe. My gratitude for their many years of steadfast commitment to Christ and the Word is profound, and their influence permeates my own work and ministry in immeasurable ways.

³J. L. Mackie, "Conclusions and Implications," in *The Portable Atheist: Essential Readings for the Non-Believer*, ed. Christopher Hitchens (Philadelphia: Da Capo Press, 2007), 246.

⁴Sam Harris, *Letter to a Christian Nation* (New York: Alfred A. Knopf, 2006), 10.

⁵Richard Dawkins, *The God Delusion* (New York: Houghton Mifflin, 2006), 290. The definition of genocide commonly used by skeptics of the Bible, such as Wes Morriston, comes from the *Oxford English Dictionary*, which defines *genocide* as "the deliberate and systematic extermination of an ethnic or national group" (3rd ed. [New York: Oxford University Press, 2010]; see Morriston, "Ethical Criticism of the Bible: The Case of Divinely Mandated Genocide," *Sophia* 51 [2012]: 117–35; idem, "Did God Command Genocide?: A Challenge for the Biblical Inerrantist," *Philosophia Christi* 11 [2009]: 7–26). Working from this definition, to assert that God mandated genocide in the OT one must demonstrate at least two premises: (1) God intentionally targeted Canaanites, Amorites, Amalekites, and Midianites due solely to ethnic or national identity, and (2) God ordered the systematic slaughter of these people groups until every Canaanite, Amorite, Amalekite, or Midianite had been exterminated. For a more extensive development of why these charges of genocide are "misguided" and "false," including a tenable rationale for dissociating the conquest of Canaan from contemporary understandings of genocide, see Paul Copan and Matthew Flannagan, *Did God Really Command Genocide? Coming to Terms with the Justice of God* (Grand Rapids: Baker, 2014).

⁶Michael Walzer, "The Idea of Holy War in Ancient Israel," *Journal of Religious Ethics* 22 (1992): 215.

that Israel perpetrated genocide on the Canaanite peoples.⁷ One scholar, C. S. Cowles, goes so far as to suggest that “Moses was the first in known history to spell out an ideology of ‘holy war’ that dictated...the genocidal destruction of enemies. Moses and Joshua were the first to engage in campaigns of ‘ethnic cleansing’ as *herem* (‘acts of religious devotion’).”⁸

INTRODUCTION AND PURPOSE

Much of the confusion surrounding the issue of alleged genocide in the Bible may be traced to an insufficient development of this latter concept of *herem*.⁹ In his classic study on holy war, Gerhard von Rad

⁷All four authors of the Zondervan Counterpoints edition on holy war (C. S. Cowles, Eugene Merrill, Daniel Gard, and Tremper Longman) claim to be evangelical and concur that the conquest of Canaan constituted genocide. Merrill, the most conservative of these authors, posits that certain biblical texts on Yahweh war “incorporate undeniable traits of genocide” and that such “biblical genocide” was sanctioned by God (“The Case for Moderate Discontinuity,” in *Show Them No Mercy: Four Views on God and the Canaanite Genocide*, ed. Stanley Gundry [Grand Rapids: Zondervan, 2003], 65, 93). More recently evangelical pastor Mark Buchanan ponders the reliability of the OT God who “lays waste to entire cities, lets babies be dashed on the rocks, opens the earth to swallow families whole, smites his own priests for just touching holy relics, and encourages parents to stone their children for acting up” (“Can We Trust the God of Genocide?” *Christianity Today* 57 [Jul–Aug 2013]: 22).

⁸“The Case for Radical Discontinuity,” in *Show Them No Mercy*, 16–17.

⁹On the nature of *herem*, see C. H. W. Brekelmans, *De herem in het Oude Testament* (Nijmegen, Holland: Centrale Drukkerij, 1959); Philip D. Stern, *The Biblical Herem: A Window on Israel's Religious Experience*, BJS 211 (Atlanta: Scholar's Press, 1991); Lauren A. S. Monroe, “Israelite, Moabite, and Sabaeen War-herem Traditions and the Forging of National Identity: Reconsidering Sabaeen Text RES 3945 in Light of Biblical and Moabite Evidence,” *Vetus Testamentum* 57 (2007): 318–41; Bruce Routledge, “The Politics of Mesha: Segmented Identities and State Formation in Iron Age Moab,” *Journal of the Economic and Social History of the Orient* 43 (Aug 2000): 221–56; J. P. U. Lilley, “Understanding the Herem,” *Tyndale Bulletin* 44 (May 1993): 169–77; Henrietta L. Wiley, “The War *Herem* as Marital Ritual Service and Sacrifice,” *Proceedings* 25 (2005): 69–76; *New International Dictionary of Old Testament Theology and Exegesis*, s.v. “חֵרֶם,” by Jackie A. Naudé, 2:276–77; William Horbury, “Extirpation and Excommunication,” *Vetus Testamentum* 35 (Jan 1985): 13–38; Charles Sherlock, “The Meaning of *herem* in the Old Testament,” *Colloquium* 14 (May 1982): 13–24; *Theological Dictionary of the Old Testament*, s.v. “חֵרֶם,” by Norbert Lohfink, 5:180–99; *Theological Lexicon of the Old Testament*, s.v. “חֵרֶם,” by C. Brekelmans, 474–76; G. R. Driver, “Studies in the Vocabulary of the OT, II,” *Journal of Theological Studies* 32 (1931): 250–57; André Lemaire, “Le *herem* guerrier et sa transgression des deux côtés du Jourdain,” in *Tabou et transgressions: Actes du colloque organisé par le collège de France, Paris, les 11–12 avril 2012*, ed. Jean-Marie Durand, Michaël Guichard, and Thomas Römer, 83–98 (Fribourg, Switzerland: Academic Press, 2015); *Dictionary of Deities and Demons in the Bible*, s.v. “Taboo,” by M. Malul, 824–27; Ada Taggar-Cohen, “Between *Herem*, Ownership, and Ritual: Biblical and Hittite Perspectives,” in *Current Issues in Priestly and Related Literature: The Legacy of Jacob Milgrom and Beyond*, ed. Roy E. Gane and Ada Taggar-Cohen (Atlanta: SBL Press, 2015); *Encyclopedia Judaica*, 2nd ed., s.v. “*Herem*,” by M. Greenberg and H. H. Cohn, 9:10–16; Allan Bornapé, “El problema del חֵרֶם en el Pentateuco y su dimensión ritual,”

first identified *herem* not only as an integral aspect of divine warfare but as the very climax of holy war, consummated with the dedication of spoils to Yahweh.¹⁰ Later studies developed this understanding either by designating *herem* as an indispensable subset of Yahweh war or by equating the two concepts as nearly identical.¹¹ Tremper Longman, for example, while seeking to establish a slight distinction between *herem* and Yahweh war admits to employing *herem* as “in essence a synonym for holy war or Yahweh war.”¹² Eugene Merrill likewise categorizes *herem* as “the high point” of Yahweh war, a “striking feature” that is essential to Yahweh war and “genocide contexts.”¹³ Other analyses similarly have tended indiscriminately to blur aspects of *herem* with Yahweh war.¹⁴ In spite of this confusion, a careful study of *herem* evinces, as Philip Stern

DavarLogos 4 (2005): 1–16; Andrés F. Truyols, “El *herem* biblico,” *Biblica* 5 (Jan 1924): 3–25; Yair Hoffman, “The Deuteronomistic Concept of the Herem,” *Zeitschrift für die alttestamentliche Wissenschaft* 111 (1999): 196–210.

¹⁰Gerhard von Rad, *Holy War in Ancient Israel*, trans. Marva J. Dawn (reprint ed., Eugene, OR: Wipf and Stock, 1991), 49.

¹¹Contemporary scholarship, following the lead of Rudolf Smend and others, has shifted the nomenclature of holy war to idiom more in keeping with the text of Scripture itself, usually designating this pattern of conflict as divine war or Yahweh war. See Rudolf Smend, *Yahweh War and Tribal Confederation*, trans. Max G. Rogers (Nashville: Abingdon Press, 1970), 26; Alexander Rofé, “The Laws of Warfare in the Book of Deuteronomy: Their Origins, Intent, and Positivity,” *Journal for the Study of the Old Testament* 32 (1985): 24–25; Gwilym H. Jones, “The Concept of Holy War,” in *The World of Ancient Israel*, ed. Ronald E. Clements (New York: Cambridge University Press, 1989), 302; idem, “Holy War or Yahweh War?” *Vetus Testamentum* 25 (Jul 1975): 642–58; Helga Weippert, “Jahwekrieg und Bundesfluch in Jer 21.1–7,” *Zeitschrift für die alttestamentliche Wissenschaft* 82 (1970): 396–409; Peter Weimar, “Die Jahwekriegserzählungen in Exodus 14, Josua 10, Richter 4 und 1 Samuel 7,” *Biblica* 57 (1976): 38–73; Wilhelm Caspari, “Was stand im Buche der Krieg Jahwes?” *Zeitschrift für Wissenschaftliche Theologie* 54 (1912): 110–58; Sa-Moon Kang, *Divine War in the Old Testament and in the Ancient Near East*, Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft 177 (New York: Walter de Gruyter, 1989), 1–2.

¹²“The Case for Spiritual Continuity,” in *Show Them No Mercy*, 172. For a critique of Longman’s tendency to conflate *herem* with Yahweh war, see William L. Lyons, *A History of Modern Scholarship on the Biblical Word Herem: The Contributions of Walter C. Kaiser, Jr., Peter C. Craigie, and Tremper Longman III* (Lewiston, NY: Edwin Mellen, 2010), 176.

¹³“The Case for Moderate Discontinuity,” 69–70.

¹⁴See, e.g., Millard Lind, *Yahweh Is a Warrior: The Theology of Warfare in Ancient Israel* (Scottsdale, PA: Herald Press, 1980), 81–82; Gerd Ludemann, *The Unholy in Scripture: The Dark Side of the Bible*, trans. John Bowden (Louisville: Westminster John Knox, 1997), 37; Rolf P. Knierim, “On the Subject of War in the Old Testament and Biblical Theology,” *Horizons in Biblical Theology* 16 (Jun 1994): 5; Derek Kidner, “Old Testament Perspectives on War,” *Evangelical Quarterly* 57 (Apr 1985): 102; Peter C. Craigie, *The Problem of War in the Old Testament* (Grand Rapids: Eerdmans, 1978), 45–48; Tremper Longman III and Daniel G. Reid, *God Is a Warrior* (Grand Rapids: Zondervan, 1995), 46–47.

concludes, that “הַרְרָם was not normative Holy War practice.”¹⁵

The purpose of the present study is to revisit the concept of *herem* in an effort to clarify its meaning and role in the Old Testament war narratives. Although charges of biblical genocide typically focus upon the possible relation of Yahweh war to genocide, a clear delineation of the distinction between Yahweh war and the ancient Syro-Palestinian practice of *herem* demonstrates that the simple equation of Yahweh war with genocide is methodologically mistaken. Charges of biblical genocide must grapple with the practice of *herem*, not Yahweh war per se. Yahweh war is a larger category of conflict, encompassing most types of warfare in the OT, and in its purest form is essentially a defensive measure that serves to liberate or deliver God’s people from bondage or peril.¹⁶ The application of *herem*, moreover, is absent from a number of prominent Yahweh war texts, including the paradigmatic exodus event.¹⁷

How then may a proper understanding of *herem* clarify the nature of Yahweh war in the OT? The present study will argue that the practice of *herem* involves the ritualization of ancient Syro-Palestinian¹⁸

¹⁵*The Biblical Herem*, 179. Thomas D. Petter concurs: “Because *herem* warfare is used to characterize specific military confrontations in ancient Israel, the a priori implication is that we cannot view every conflict recorded in the biblical text as a *herem* act” (*The Land Between Two Rivers: Early Israelite Identities in Central Transjordan* [Winona Lake, IN: Eisenbrauns, 2014], 60; cf. Douglas S. Earl, “Holy War and הַרְרָם: A Biblical Theology of הַרְרָם,” in *Holy War in the Bible: Christian Morality and an Old Testament Problem*, ed. Paul Copan, Jeremy A. Evans, and Heath Thomas [Downers Grove, IL: InterVarsity Press, 2013], 153; Jones, “The Concept of Holy War,” 310).

¹⁶Although a full treatment of Yahweh war lies beyond the pale of this study, for a definition and development of the patterns of Yahweh war in the OT, see the appendix.

¹⁷Contra Merrill, who situates the first occurrence of holy war in the Garden of Eden (“The Conquest of Jericho: A Narrative Paradigm for Theocratic Policy?” *Bibliotheca Sacra* 169 [Jul–Sep 2012]: 306–7), the exodus is best seen as the introduction of Yahweh war, with Yahweh first identified in that context as Divine Warrior (Exod 15:3). For the role of the exodus as paradigmatic for Yahweh war, see Millard Lind, *Yahweh Is a Warrior*, 46–64; Thomas B. Dozeman, *God at War: Power in the Exodus Tradition* (New York: Oxford University Press, 1996), 3–41; Charlie Trimm, “YHWH Fights for Them!': The Divine Warrior in the Exodus Narrative” (PhD diss., Wheaton College, 2012), 56–92; Paul Hanson, “War, Peace, and Justice in Early Israel,” *Bible Review* 3 (Fall 1987): 41. As Tremper Longman III and Daniel G. Reid acknowledge: “[Exodus 15] represents the first explicit statement of the warlike nature of God.... The Exodus event itself became an important archetype in the biblical tradition, a means of telling and retelling God’s acts of deliverance” (*God Is a Warrior*, 32). The Hebrew phrase אִישׁ מִלְחָמָה (“man of war”) identifying God as Divine Warrior (Exod 15:3; Isa 42:13) appears five other times in the OT (Josh 17:1; Judg 20:17; 1 Sam 17:33 [the Philistine Goliath]; 2 Sam 17:8 [King David]; Ezek 39:20; cf. Zeph 3:17 [גִּבּוֹר יִישׁוּעַ] [“mighty one who will save”]; Ps 24:8 [גִּבּוֹר מִלְחָמָה] [“mighty one of battle”]).

¹⁸For a taxonomy of the Semitic peoples as related to linguistics, see John Huehnergard, “Remarks on the Classification of the Northwest Semitic Languages,” in *The Balaam Text from Deir ‘Alla Re-evaluated: Proceedings of the International*

divine warfare focused primarily upon land conquest, purification, and repopulation that is grounded in divine-human covenant confirmation. I will suggest that the biblical practice of *herem* is a necessary constituent for mobilizing Yahweh's divine right to the land so as to ensure Israel's settlement and preservation in the land, to establish proper worship rites in the land, and to create purity within the habitations of the land by eradicating the pollution caused by Canaanite idolatry and sexual perversion. Although the practice is unique in certain periods or particular conflicts, the purpose and implementation of *herem* serves as a paradigm for the eschaton, in which *herem* will be practiced on Israel's behalf prior to the establishment of the millennial kingdom and the eternal kingdom. Such an understanding turns on the precise nature and significance of the term *herem*, which the following brief overview serves to amplify.

THE MEANING AND APPLICATION OF *HEREM*

The cognate **חרם** appears in the OT approximately fifty-one times in its verbal form and twenty-nine times in its nominal form.¹⁹ The *herem* as an act or status traditionally has been defined as to “consecrate...to destruction, totally annihilate,”²⁰ “to banish, devote to the ban,”²¹ or “to consecrate, place under the ban, that which is forbidden, either because it is accursed and should be destroyed (*rex exsecranda*) or because it is very holy (*res sacrosanta*).”²² Others have suggested meanings that underscore elements of ritual annihilation or divine expropriation of property: “to devote to destruction, especially war-booty, to dedicate something to Yahweh by the ban and thus rule out redemption,”²³ to “prohibit, reserve,”²⁴ to “sacrifice,”²⁵ to place something “un-

Symposium Held at Leiden 21–24 August 1989, ed. Jacob Hoftijzer and Gerrit van der Kooij (Leiden: Brill, 1991), 282–93; idem, *A Grammar of Akkadian*, 2nd ed., HSS 45 (Winona Lake, IN: Eisenbrauns, 2005), xxi–xxiii. On the practice *herem* as Syro-Palestinian, see Sa-Moon Kang, *Divine War in the Old Testament and in the Ancient Near East*, Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft 177 (New York: Walter de Gruyter, 1989), 80–84. I am speaking here primarily of the geographical and linguistic purview for the practice of *herem*.

¹⁹*New International Dictionary of Old Testament Theology and Exegesis*, 2:276–77.

²⁰*Theological Dictionary of the Old Testament*, 5:188.

²¹*New International Dictionary of Old Testament Theology and Exegesis*, 2:276. Lohfink argues that this definition is “false and misleading,” since it derives from medieval Jewish practice rather than lexical inquiry (*Theological Dictionary of the Old Testament*, 5:188).

²²*Theological Lexicon of the Old Testament*, 2:474.

²³*Hebrew and Aramaic Lexicon of the Old Testament*, 354. The *Dictionary of Classical Hebrew* is close in purview: “to devote to the ban of destruction, dedicate to Yahweh thereby excluding redemption” (3:317–18).

²⁴Truyols, “El *herem* biblico,” 7.

der taboo, sacred and inviolable,”²⁶ or to render “consecration through destruction.”²⁷ More recent definitions have honed the term as denoting objects, properties, or peoples quarantined and consigned to divine curse and/or consecration, enacted through “interdict,”²⁸ “proscription,”²⁹ conferral of “sacredness...[by] removal of idolatrous impurity,”³⁰ or “ritual destruction...with consecration of these things to the deity.”³¹ These proposed definitions may be refined through a brief inductive study of the term in the OT corpus.

Herem in the Pentateuch

Not appearing in Genesis, the verbal form of **הָרֵם** first occurs canonically in Exodus 22:19 (EVV 22:20) where an idolater who sacrifices to a god other than Yahweh is to be placed under the *herem*. This first incidence of the term underscores that the *herem* is fundamentally associated with the sin of idolatry and presumably the pollution³² that

²⁵Wiley, “The War *Hërem*,” 69; Susan Niditch, *War in the Hebrew Bible: A Study in the Ethics of Violence* (New York: Oxford University Press, 1993), 29–54; John J. Collins, “The Zeal of Phinehas: the Bible and the Legitimation of Violence,” *Journal of Biblical Literature* 122 (2003): 6–7. Truyols is likely correct that the *herem* does not denote sacrifice per se but that items of *herem* may become sacrifice. He supports this distinction by noting that sacrifice is typically offered as something pleasing to God and with a savory aroma, while *herem* may pertain to items odious and abominable. He also points to the fact that Saul executes the *herem* against the Amalekites in 1 Sam 15 but saves the best portion allegedly to sacrifice these items to Yahweh, suggesting that not all *herem* was viewed as sacrifice (“El *herem* biblico,” 22; cf. Walther Eichrodt, *Theology of the Old Testament*, trans. J. A. Baker, 2 vols. [Philadelphia: Westminster Press, 1961], 1:139).

²⁶Karel van der Toorn, “Herem-Bethel and Elephantine Oath Procedure,” *Zeitschrift für die alttestamentliche Wissenschaft* 98 (1986): 283; cf. Frédéric Gangloff, “Joshua 6: Holy War or Extermination by Divine Command (*Herem*)?” *Theological Review* 25 (2004): 14.

²⁷*The Biblical Herem*, 1. Stern argues that *herem* encompasses “consecration-to-destruction,” “consecration-through-destruction,” and “destruction-through-consecration.”

²⁸Lemaire, “Le *herem* guerrier,” 83.

²⁹*Encyclopedia Judaica*, 2nd ed., 9:10.

³⁰Bornapé, “El problema del **הָרֵם**,” 15.

³¹Monroe, ““Israelite, Moabite, and Sabaean War-*herem* Traditions,” 318–19. Earl’s argument for a “symbolic/rhetorical/existential” meaning of **הָרֵם** that exists only in “the world of the text” vis-à-vis a “literal/ontological/historical” meaning is unconvincing in that it fails to take seriously the historical dimensions of the text as well as the comparative extra-biblical occurrences of the term, such as the Meshah inscription, which were clearly intended to convey literal and historical events (see “Holy War and **הָרֵם**,” 159–62).

³²Joshua Berman is likely correct that the notion of pollution in connection with *herem* does not denote contagion per se (i.e., that items of *herem* were contagious as we

such apostate (and ultimately demonic) worship entails (cf. Lev 17:7; Deut 32:17; 2 Chron 11:15).³³ Stern suggests that this case differs from the customary application of the death penalty in that the offender's property is likely proscribed.³⁴ This proposal appears confirmed by connection to Deuteronomy 13:13–18, where the case is extended to an entire city led away into idolatry, with the legislation stipulating the complete decimation of the inhabitants by means of *herem* and the burning of the city's building structures and spoils.

In Leviticus the verbal and nominal forms are used to designate people, possessions, or fields that are devoted to Yahweh as *herem* and therefore may not be sold or redeemed as belonging exclusively to the LORD (Lev 27:21, 28, 29). Elsewhere such objects or persons are designated as the sole domain of the priests (Num 18:14). In these contexts the fundamental emphasis of *herem* is holiness, as Leviticus 27:28 states that “every devoted thing [חֵרֵם] is most holy [קֹדֶשׁ קְדוֹשִׁים] to the LORD.”³⁵ This usage of the term in what appears to be a positive connotation involving the dedication of sacrosanct items to Yahweh seems curiously at odds, however, with Deuteronomy 7:25–26, which equates *herem* with abomination (הוֹעֲבָה): “The carved images of their gods you shall burn with fire. You shall not covet the silver or the gold that is on them or take it for yourselves, lest you be ensnared by it, for it is an abomination to the LORD your God. And you shall not bring an abominable thing into your house and become devoted to destruction like it. You shall utterly detest and abhor it, for it is devoted to destruction (חֵרֵם).”³⁶ This polar divergence in nuance between holiness and abomination has puzzled scholars seeking the semantic range of the term.

The first occurrence of the term חֵרֵם in a war context appears in

might think in modern terms of transmittable disease) but rather that guilt was imputed individually or collectively through misappropriation (“The Making of the Sin of Achan [Joshua 7],” *Biblical Interpretation* 22 [2014]: 117; cf. Sherlock, “The Meaning of HRM,” 15).

³³This connection bears upon the ancillary question concerning whether or not the term *herem* and its practice involved an ethical component. Kidner argues that *herem* possesses no ethical content, as it simply denotes total sequestration (“Old Testament Perspectives on War,” 103; cf. Lyons, *Modern Scholarship on the Biblical Word Herem*, 29). Wood is likely right to demur, however, stressing that *herem* had an ethical basis: “Although the notion of unqualified devotion to Yahweh seems to be the basis of *herem*, other reasons are cited: judgment upon the Canaanites (Gen. 15:16; Lev. 18:25, 28) and the cruel Amalekites (1 Sam. 15:2, 33), and the fear...of idolatrous contamination (Deut. 7:1–6)” (*Perspectives on War in the Bible* [Macon, GA: Mercer University Press, 1998], 22).

³⁴ *The Biblical Herem*, 1.

³⁵ See *Theological Dictionary of the Old Testament*, 5:184.

³⁶ Unless otherwise noted, all Scriptural citations are from the English Standard Version (Wheaton, IL: Crossway, 2011).

Numbers 21:1–3, where Israel vows to consign the aggressor city Arad to *herem* if Yahweh provides victory, a request to which God accedes. In an apparent pun Israel renames the decimated city Hormah. The term occurs in seven verses in Deuteronomy both descriptively (relating the destruction of Sihon [Deut 2:34] and Og [Deut 3:6]) and prescriptively (Deut 7:2, 26; 13:16, 18; 20:17). In the prescriptive war passages of Deuteronomy 7 and 20 Moses commands the Israelites, as they occupy the land, to consign the inhabitants of Canaan without fail to *herem*.

When the LORD your God brings you into the land that you are entering to take possession of it, and clears away many nations before you, the Hittites, the Girgashites, the Amorites, the Canaanites, the Perizzites, the Hivites, and the Jebusites, seven nations more numerous and mightier than you, and when the LORD your God gives them over to you, and you defeat them, then you must devote them to complete destruction (חָרַם). You shall make no covenant with them and show no mercy to them.... You shall consume all the peoples that the LORD your God will give over to you. Your eye shall not pity them, neither shall you serve their gods, for that would be a snare to you.... He will give their kings into your hand, and you shall make their name perish from under heaven. No one shall be able to stand against you until you have destroyed them (Deut 7:1–2, 16, 24).

Significant concepts in this passage related to the imposition of *herem* (Hiphil infinitive absolute and imperfect of חָרַם) (v. 2)³⁷ include the concomitant striking of the enemies (נָכַח) (v. 2), consuming them (אָכַל) (v. 16), withholding kindness (חָנַן) (v. 2) or pity (חָוַס) (v. 16), effacing their name (Hiphil אָבַד), and wiping them out (Hiphil שָׁמַד).

In Deuteronomy 20 the command is reiterated in similar fashion. “But in the cities of these peoples that the LORD your God is giving you for an inheritance, you shall save alive nothing that breathes, but you shall devote them to complete destruction (חָרַם), the Hittites and the Amorites, the Canaanites and the Perizzites, the Hivites and the Jebusites, as the LORD your God has commanded” (vv. 16–17). Key concepts here include repetition of the directive to impose *herem* (Hiphil construction of the verb חָרַם) with the additional amplification not to keep alive anything that breathes (לֹא תִחְיֶה כָּל-נְשָׁמָה) [“you shall not preserve the life of all breath”].

Herem in the Conquest

In the Joshua narratives, *herem* is applied to numerous cities of Canaan. Throughout the book the verbal form of חָרַם appears thirteen

³⁷On the emphatic or intensifying nature of the infinitive absolute when used in tandem with the imperfect conjugation, see Arnold and Choi, *Biblical Hebrew Syntax*, 74–76; Waltke and O’Connor, *Biblical Hebrew Syntax*, 584–88.

times and the nominal form fourteen times.³⁸ Only three cities destroyed in the conquest of Canaan appear to incorporate all the typical elements of *herem*, which include capital punishment of the human population and destruction of the city by fire: Jericho (6:17–18, 21), Ai (8:26), and Hazor (11:11). It appears likely that these cities were to serve as a warning or exemplar to the peoples in the southern, central, and northern regions, respectively, that Yahweh was claiming divine right over the land as a whole in order to bequeath it to Israel.³⁹ The highest concentration of cities placed under *herem* is found in the southern campaign around Jerusalem, where seven cities are reportedly given over to *herem*: Makkedah, Libnah, Lachish, Gezer, Eglon, Hebron, and Debir (10:40).⁴⁰

In Judges the הרם appears twice, pointing toward the eventuality that after the conquest the practice grows obsolescent. In Judges 1:17, as part of the military campaigns to conquer Canaan, Judah and Simeon consign the Canaanite city of Zephath to *herem*, with additional

³⁸Josh 2:10; 6:17, 18, 21; 7:1, 11, 12, 13, 15; 8:26; 10:1, 28, 35, 37, 39, 40; 11:11, 12, 20, 21; 22:20.

³⁹As Collins observes: “Insofar as the *herem* applies primarily to the promised land, it also rests on the promise that this land is legitimately given to Israel by its God” (“The Zeal of Phinehas,” 8). Moshe Greenberg suggests that Jericho is subject to the most severe *herem* as a form of firstfruits offering (*Encyclopedia Judaica*, 2nd ed., 9:12). I will suggest below that this is likely due to differing degrees of *herem*.

⁴⁰It is probable that these seven cities possess symbolic value and serve as a schematized summary for the southern campaign. This connection follows from several factors. (1) Exactly seven cities are mentioned, which suggests fullness or completion. (2) The summary is formulaic and repetitive, which hints that the narrator is providing an overview. (3) In a later summary of all the cities and kings that the Israelites conquered in chapter 12, there is mention of four additional cities not reported here: Geder, Hormah, Arad, and Adullam. This implies that these seven cities are representative. (4) Later portions of Joshua insinuate that the conquest of the land *in totum* was a more methodical undertaking. For instance, in Josh 13:1; 15:63; 23:4–5 much of the land remains to be conquered. Thus, 10:28–43 is likely a summary account of the singular massive campaign that the Israelites take in the southern hill country and Shephelah. (5) Apparent tensions with later accounts of Caleb’s specific conquest of his territory also suggest a lengthier southern campaign. E.g., Josh 15:13–16 describes Caleb as taking Hebron and Debir, which are included in this list of cities. It is possible that what is described in Joshua 15 takes place here in chapter 10. The chronology of the accounts, however, seems challenging in that chapter 15 appears to occur during the tribal allotments. Taking into account Josh 14:10 with its mention of forty-five years, the time of the conquest by Josh 14 has been at least five years (40 years of desert wandering + 5 years of conquest) if not seven years (38 years of desert wandering from the failed scouting report + 7 years of conquest). What likely has occurred then is that the cities have been repopulated since Joshua and the Israelites took them. Later on Caleb and his extended family must retake the cities and repopulate them (see David M. Howard, Jr., *Joshua*, New American Commentary [Nashville: Broadman & Holman, 1998], 256–62; Marten H. Woudstra, *Joshua*, New International Commentary on the Old Testament [Grand Rapids: Eerdmans, 1981], 184; Eugene Merrill, *Kingdom of Priests: A History of Old Testament Israel*, 2nd ed. [Grand Rapids: Baker, 2008], 162).

commentary identifying the city as Hormah (cf. Num 21:1–3).⁴¹ The only other occurrence of *herem* in Judges concerns Israel’s ill-conceived destruction of the inhabitants of Jabesh Gilead for their failure to assist with the internecine war against Benjamin (21:11). This account clarifies *herem* by negative example, as several hints within the narrative insinuate that this application of *herem* is illegitimate.⁴² First, Jabesh Gilead is an Israelite rather than Canaanite city (this is the only instance in the OT in which *herem* is applied explicitly to Israelites).⁴³ Second, the city’s alleged crimes are unrelated to the types of infractions clearly warranting *herem* in previous legislation or adjudication: idolatrous apostasy or misappropriation of objects devoted to Yahweh (cf. Deut 13:13–18; Josh 7:1–26). Third, the other two OT accounts in which Israelites seek to slaughter other Israelites by “striking [them] with the edge of the sword” (חכה...לפי-חרב)—Saul’s destruction of the Levite city of Nob (1 Sam 22:19) and Absalom’s threatened annihilation of Jerusalem (2 Sam 15:14)—likewise imply disapproval due to clues within the narrative, both for Saul’s deterioration into spiritual apostasy and for Absalom’s cruel vengeance in pursuit of power (cf. 2 Sam 13:28–29).

Herem in the Monarchy

Following the conquest the only concentrated mention of *herem* appears in the account of Samuel’s charge to Saul to exterminate the Amalekites, where the term occurs eight times (1 Sam 15:1–35).⁴⁴ It is clear that this passage must be read canonically in light of Amalek’s previous aggression toward Israel during her sojourn in the wilderness. There the Amalekites attack Israel without provocation (Exod 17:8) and assault the weak, vulnerable, and infirmed (Deut 25:17–18). Yahweh

⁴¹Similarities between this account and that of Num 21:1–3 have led scholars to speculate on the relationship between the campaigns. Merrill suggests that these passages depict separate events and that the Zephath destroyed in Judg 1:17 is a city rebuilt on the ruins of Arad (=Hormah) after it was razed in Num 21:1–3 (*Kingdom of Priests*, 164, n. 7). It appears more likely, however, that both Numbers and Judges narrate the same event, albeit from different angles, with Numbers stressing the unity and faith of Israel and Judges underscoring the leadership role of Judah and Simeon (see Shubert Spero, “Hot Pursuit into Canaan,” *Jewish Bible Quarterly* 38 [Oct–Dec 2010]: 247–50; Robert B. Chisholm, Jr., *A Commentary on Judges and Ruth*, Kregel Exegetical Library [Grand Rapids: Kregel, 2013], 128).

⁴²See Gregory T. Wong, *Compositional Strategy of the Book of Judges: An Inductive, Rhetorical Study* (Leiden: Brill, 2006), 35–38.

⁴³There are, however, subtle clues that חרה may have been applied toward fellow Israelites in other passages, such as the devotion of Jephthah’s daughter (Judg 11:39), Saul’s annihilation of the inhabitants of the Levite city of Nob (1 Sam 22:19), and Jehu’s slaughter of the Baal cult priests (2 Kgs 10:25). These actions, with the possible exception of Jehu (although cf. Hos 1:4), are presented in a negative light in the narratives.

⁴⁴1 Sam 15:3, 8 (2x), 9, 15, 18, 20, 21.

declares perpetual war on Amalek (Exod 17:16), a generational conflict which Saul is commissioned to consummate and fails to fulfill. Amalek, nonetheless, seems already to have instigated war with Yahweh, as she is presented as the aggressor from the beginning and in nearly all subsequent altercations (Num 14:45; Judg 3:13; 6:3; 2 Sam 1:8–10; Esth 3:1–6).⁴⁵ As John Allister observes: “What is being commanded [in 1 Samuel 15] is an act of war in a conflict which the Israelites did not start, and which was never going to be resolved through negotiation.”⁴⁶

Subsequent to this narrative the *herem* is never clearly applied to Israel’s enemies within the land during the monarchical period from the reign of David down through the divided monarchy.⁴⁷ By Solomon’s reign the convention of *herem* appears already a somewhat outdated historical practice (1 Kgs 9:21). Solomon drafts the remaining descendants of the Canaanites not previously consigned to *herem* to become his slave labor force. In that he avoids slaughtering them, one is likely to conclude that *herem* served an earlier purpose during the conquest that has become unnecessary in the case of these survivors.⁴⁸

⁴⁵Walter Kaiser suggests that the Amalekites are a special case in that they attacked Israel in an effort to discredit the living God (Walter C. Kaiser, Peter H. Davids, F. F. Bruce, and Manfred T. Brauch, *Hard Sayings of the Bible* [Downers Grove, IL: InterVarsity Press, 1996], 207).

⁴⁶“The Amalekite Genocide,” *Churchman* 124 (2010): 220.

⁴⁷A related question discussed at length in the literature involves whether or not the establishment of the monarchy transformed or diminished Yahweh war itself into a purely secularized form of conventional warfare (see, e.g., Hans Eberhard von Waldow, “The Concept of War in the Old Testament,” *Horizons in Biblical Theology* 6 [Dec 1984]: 27–48, especially 37–44; de Vaux, *Ancient Israel*, 263). Kidner, for example, suggests that “at more than one level the new military style was a threat to Israel’s character, substituting professionalism and the latest weaponry for spontaneous leadership and naked faith” (“Old Testament Perspectives on War,” 104). Hanson points to other problems that arose with the advent of the monarchy: (1) the division of Israel into two kingdoms, which resulted from the king’s ruthless power grab; (2) the mobilization of armies not for the sake of justice or the protection of the innocent but rather to pursue cavalier military adventures; (3) the pursuit of prestige through lavish luxury, inviting the envy and aggression of Israel’s neighbors (“War and Peace in the Hebrew Bible,” 351). Knierim is probably correct, however, to demur that positing a unilateral secularization of warfare after the establishment of the monarchy oversimplifies the issues and ignores that the Davidic king was legitimated by and approved or disapproved by Yahweh (“On the Subject of War,” 6). Wood is also correct to point out that the central issue is not whether or not the monarchy should have been established—Israel likely could not have survived without it—but whether the right motives for its establishment were employed (*Perspectives on War*, 33–34). I would supplement this perspective by adding that after the advent of the monarchy the text witnesses to a proliferation of wars in which Yahweh appears to take a passive or permissive role (e.g., in wars between Israel and Judah). This suggests, at the very least, a diminution in Yahweh war following the division of the northern and southern kingdoms.

⁴⁸Stern observes that given the fundamental purpose of *herem* to prevent the spread of idolatry from the earlier inhabitants of the land, no consistent application is necessary during the monarchy (*The Biblical Herem*, 180).

An oblique reference to *herem* occurs in 1 Kings 20:42, in which an anonymous prophet rebukes Ahab for failing to destroy the Aramean king Ben-hadad, whom Yahweh designates “my man-of-*herem*” (אִישׁ-הֶרֶם). The significance of this phrase poses difficulties in that it is unclear how the prescriptions of *herem* pertain to the Aramean king.⁴⁹ The Arameans are not included in the peoples condemned by the *herem* stipulations of Deuteronomy 7 and 20, and it is uncertain that Israel is ordered to conquer or decimate Syrian territory. Although some have argued that Ahab must levy *herem* on the Arameans in light of Ben-hadad’s intention to reduce Samaria to rubble (1 Kgs 20:10), underscored by similarities between the fall of Aphek and the fall of Jericho (vv. 26–30),⁵⁰ there are no indications that Ahab is aware of this obligation. The closest parallel to the usage of *herem* in 1 Kings 20:42 is Isaiah 34:5, where Yahweh designates Edom as “my people-of-*herem*” (עַם הֶרֶם). This is the only other instance in the OT in which the object suffix is appended to the noun הֶרֶם. Yet it is difficult here as well to determine precisely what the phrase means in context. It is connected likely to a decisive divine decree of judgment by destruction, a fate to which Edom is consigned in numerous other prophetic passages (cf. Jer 49:7–22; Ezek 25:12–14; Obad 1–21). If that is the case, 1 Kings 20:42 contains an exceptional use of *herem* in which a foreign king is designated for destruction in a fashion analogous to the sentence pronounced on the Amalekites in 1 Samuel 15.

With Hezekiah’s deliverance from the army of Sennacherib, a battle which constitutes the final occurrence of archetypal Yahweh war in the OT and the final appearance of *herem* in the pre-exilic historical narratives, Assyria rather than Israel speaks of the *herem* that she has inflicted on all the peoples she has conquered (2 Kgs 19:11). Hezekiah himself enacts no *herem* in the text (although others within Judah may still be practicing *herem*; cf. 1 Chron 4:41), and Assyria’s defeat by the angel of Yahweh lacks the earlier features of *herem* by limiting the decimation to the besieging army rather than to the Assyrian population or land.

⁴⁹Stern suggests that perhaps הֶרֶם in this case should be related to another cognate meaning “net,” although he is reluctant to pursue this tack too far given the context of the military campaign. He proposes that an earlier divine mandate stipulated that Ahab is to “clinch” the battle by executing the Syrian king (*The Biblical Herem*, 178–83; “The *Herem* in 1 Kgs 20,42 as an Exegetical Problem,” *Biblica* 71 [1990]: 43–47). Lissa Wray Beal concurs that the overlap in meaning may produce an intentional pun: “By the precepts of holy war the foreign king was caught in YHWH’s ‘net’ and should be ‘destroyed’ (Deut. 20:16–18; cf. Agag, 1 Sam. 15:8–23; Achan, Josh. 6:18; 7:12, 15)” (*1 & 2 Kings*, Apollos Old Testament Commentary [Downers Grove, IL: InterVarsity Press, 2014], 267).

⁵⁰Peter J. Leithart, *1 & 2 Kings*, Brazos Theological Commentary (Grand Rapids: Brazos, 2006), 150.

Herem in the Prophets and Exile

The verbal and nominal forms of *herem* occur fourteen times in the prophetic corpus⁵¹ and once in the postexilic narratives (Ezra 10:8). The majority of these occurrences pertain to future prophecies and point mainly to the punishment that Yahweh or Israel will mete out to enemies in the eschaton. Thus, many nations (Isa 34:2; Dan 11:44), including Egypt (Isa 11:15), Edom (Isa 34:5), Assyria (Isa 37:11), Babylon (Jer 50:26; 51:3), and Israel herself (Isa 43:28; Jer 25:9) will bear divine judgment by *herem*. Nonetheless, the time is coming when the decree of *herem* will be abolished (Zech 14:11) after the awesome day of the LORD arrives (Mal 3:24). The lone example of postexilic *herem* appears to involve a mitigated application of *herem* as banishment and forfeiture of property, which Ezra prescribes for those who do not comply with his requirement to assemble for communal confession of sin (Ezra 10:8). In this case *herem* appears not to entail capital punishment or the destruction of goods by fire.⁵²

Possible Inner-Canonical Echoes of the Flood in *Herem*

Having surveyed the sweep of canonical appearances of the term *herem*, we turn now to other sources. Another angle from which *herem* in the conquest narratives may be analyzed is with respect to its possible literary echoes of the Genesis flood account.⁵³ The Genesis flood has been highlighted in recent scholarship as a divine act of judgment in purging the world from the pollution of wickedness (in particular,

⁵¹Isa 11:15; 34:2, 5; 37:11; 43:28; Jer 25:9; 50:21, 26; 51:3; Ezek 44:29; Dan 11:44; Mic 4:13; Zech 14:11; Mal 3:24.

⁵²*EncJud*, 9:10.

⁵³In speaking of literary echoes or intertextual allusions, I am following the lead of Richard B. Hays who posits that “when a literary echo links the text in which it occurs to an earlier text, the figurative effect of the echo can lie in the unstated or suppressed (transumed) points of resonance between the two texts” (*Echoes of Scripture in the Letters of Paul* [New Haven, CT: Yale University Press, 1989], 20; this process is akin to what Michael Fishbane identifies as “inner-biblical exegesis” [*Biblical Interpretation in Ancient Israel* (Oxford, UK: Clarendon, 1988), 1–19]). Hays notes that this “allusive echo functions to suggest to the reader that text B should be understood in light of a broad interplay with text A, encompassing aspects of A beyond those explicitly echoed” (*Echoes of Scripture*, 20). He furnishes seven criteria for discerning echo within a text: (1) availability of the proposed source of the echo; (2) the volume of the echo, involving “the degree of explicit repetition of words or syntactical patterns”; (3) the recurrence of echoes from the proposed source text; (4) thematic coherence between the proposed source text and the argument of the present text; (5) historical plausibility of the echo with respect to the present text; (6) history of interpretation related to how other reading communities have discerned or not discerned presence of echo; and (7) satisfaction of the echo in clarifying the discourse of the present text (*ibid.*, 29–32). Insofar as these criteria pertain to the book of Joshua’s relationship to the Pentateuch, echo is clearly a possibility within the conquest narratives, with the potential links substantiated by the lexical coherence demonstrated below.

violence) and the cleansing of its habitations for a nucleus of new humanity, with Noah depicted as a new Adam (Gen 6:7–13).⁵⁴ Through several lines of connection, Israel's conquest of the Canaanites through the imposition of *herem* echoes the flood narrative of Genesis 6–9 as a swift and decisive act of judgment to purge the land of Canaan from its moral pollution and to cleanse its habitations for a new humanity.⁵⁵

First, the term “blot out” (מחה) describes those who perish during the flood (Gen 6:7; 7:4, 23) as well as Yahweh's intention to efface the Amalekites, against whom God wages a prototypical Yahweh war (“I will certainly blot out [מחה] the memory of Amalek from under heaven” [Exod 17:14; cf. Deut 25:29; 1 Sam 15]). Second, the earth was “corrupt” (שחתה) prior to the flood (Gen 6:11, 12, 13, 17), and Moses warns the people of Israel not to “corrupt” (שחתה) themselves with idolatry for the sake of the land that they are entering to possess (Deut 4:16, 25–26, 31). The implication is that the dispossessed people of the land had “corrupted” themselves with the pollution of idolatry and sexual perversion (Deut 20:18; 7:4, 16). Third, the waters of the flood “prevailed” (גבר) over the earth just as Israel “prevailed” (גבר) over Amalek in Yahweh war when Moses raised his hands (Exod 17:11). Fourth, everything that has “breath” (נשמה) perishes in the flood (Gen 7:22). Likewise, the Israelites were to leave alive nothing that has “breath” (נשמה) (Deut 20:16), a command that Joshua fully obeys (Josh 10:40; 11:11, 14). Fifth, all flesh was “cut off” (כרתה) by the waters of the flood (Gen 9:11), and Joshua “cut off” (כרתה) the most formidable adversaries of the land of Canaan, the Anakim (Josh 11:21). Sixth, the incident of Noah's

⁵⁴See J. Richard Middleton, *The Liberating Image: The Imago Dei in Genesis 1* (Grand Rapids: Brazos, 2005), 220; Dempster, *Dominion and Dynasty*, 73–74; Peter J. Gentry, “Kingdom through Covenant: Humanity as the Divine Image,” *Southern Baptist Journal of Theology* 12 (Spring 2008): 21. Glenn Kreider notes that the flood serves as a paradigm for the eschatological cleansing of the earth through fire, a concept close to what I am developing here and one that may be fortified by drawing this connection to *herem* (“The Flood Is as Bad as It Gets: Never Again God Will Destroy the Earth,” *Bibliotheca Sacra* 171 [Oct–Dec 2014]: 418–39; cf. Michael J. Svigel, “Extreme Makeover: Heaven and Earth Edition: Will God Annihilate the Earth and Re-Creat It *Ex-Nihilo*?” *Bibliotheca Sacra* 171 [Oct–Dec 2014]: 401–417; Oren R. Martin, *Bound for the Promised Land: The Land Promise in God's Redemptive Plan*, *New Studies in Biblical Theology* 34 [Downers Grove, IL: InterVarsity Press, 2015], 151, n. 67).

⁵⁵Meredith Kline has argued along analogous lines that the conquest represents what he terms the “intrusion ethics” of “anticipated eschatology” whereby a preview of the final divine judgment intervenes into human history in a special moment and place. He concludes: “It will only be with frank acknowledgement that the ordinary standards were suspended and the ethical principles of the last Judgment intruded that the divine promises and commands to Israel concerning Canaan and the Canaanites come into their own and the Conquest can be justified and seen as it was in truth—not murder, but the hosts of the Almighty visiting upon the rebels against His righteous throne their just deserts” (“The Intrusion of the Decalogue,” *Westminster Theological Journal* 16 [1953]: 15–16).

cursing of Canaan for his sexual perversion follows immediately upon the heels of the narrative concerning Noah's and his family's exit from the ark (Gen 9:20–27). This literary placement appears to foreshadow the role Israel possesses in fulfilling this curse on Canaan as just requite for her sexual perversion (Lev 18:26–30; Josh 6:26; 9:23). In light of these associations, Israel's imposition of *ḥerem* upon select cities of Canaan appears to function as a recapitulation of the flood account, signaling that God is removing the pollution of the land and establishing his new humanity within it.

Extra-Biblical Light on the Practice of *Ḥerem*

Having investigated possible precursors of *ḥerem* in the flood account, we turn now to extra-biblical occurrences of the term to provide additional clarification. In his comprehensive study of *ḥerem*, Stern identified a wide range of occurrences of the term ḥrm or analogies of the practice in the literature of Mesopotamia (such as Mari and Qatna), Ugarit, Egypt, South Arabia, and Moab.⁵⁶ Although Stern's treatment has come under criticism from some quarters,⁵⁷ he has provided the most comprehensive treatment of *ḥerem* in an effort to evidence that the practice was not confined to ancient Israel.⁵⁸ Recent advances beyond Stern's work have analyzed more carefully the extra-biblical occurrences of the West Semitic term ḥrm to strengthen correlations to determine meaning. Lauren Monroe notes that outside the Bible only two clear examples of the term have been discovered, the ninth-century B.C. Mesha inscription, by the Moabite king (cf. 2 Kgs 3:4), and an Old South Arabian Sabaean text which she dates to the beginning of the seventh century B.C. Ada Taggar-Cohen recently has drawn attention to a

⁵⁶*The Biblical Ḥerem*, 1–17. Abraham Malamat first identified a possible connection between the *ḥerem* and the Mesopotamian prohibition of taking *asakku* at Mari (see Charles Sherlock, "The Meaning of HRM," 14; Stern, *The Biblical Ḥerem*, 57–58; Jacob Milgrom, "The Concept of *Ma'al* in the Bible and the Ancient Near East," *Journal of the American Oriental Society* 96 [Apr–Jun 1976]: 241). There are a number of reasons for discounting this connection, however (see Sherlock, "The Meaning of HRM," 14; *Dictionary of Deities and Demons in the Bible*, s.v., "Taboo," 824–25; Moshe Greenberg, "Is There a Mari Parallel to the Israelite Enemy-*Herem*?" *Eretz-Israel* 24 [1993]: 49–53 [Hebrew]; Milgrom, "The Concept of *Ma'al*," 241).

⁵⁷See, e.g., the discussion in Monroe, "Israelite, Moabite, and Sabaean War-*ḥerem* Traditions," 319, n. 1; Taggar-Cohen, "Between *Herem*, Ownership, and Ritual," 419. Stern provides what I would consider a number of dubious ANE parallels in his treatment of the terminology.

⁵⁸Kang, following Brekkelmans, argues that the term *ḥerem* occurs only in the Bible and the Moabite Mesha inscription (*Divine War*, 81; cf. Brekkelmans, *De ḥerem*, 128–45). Monroe allows for two occurrences outside the Bible, the Mesha inscription and the Sabaean inscription which she discusses at length ("Israelite, Moabite, and Sabaean War-*ḥerem* Traditions," 319).

possible Hittite parallel, *Catalogue des textes hittites* 423.⁵⁹

The Mesha Inscription

In the Moabite inscription King Mesha boasts of his decimation of two Israelite cities, Ataroth and Nebo. He exults that he has placed the Israelite city of Nebo under the *herem*:

And Kemosh said to me: “Go, take Nebo from Israel!”
 And I went in the night, and I fought against it from the break of
 dawn until noon,
 and I took it, and I killed [its] whole population,
 seven thousand male citizens(?) and aliens(?),
 and female citizens(?), and aliens(?), and servant girls;
 for I had put it to the ban (חרם) for Ashtar Kemosh.
 And from there, I took th[e ves]sels of YHWH,
 And I hauled them before the face of Kemosh.⁶⁰

The city is destroyed, including all segments of the population from free male citizens to female slaves, and the site is dedicated to the Moabite god Kemosh as inalienable property. Lemaire underscores that the Moabite *herem* originates decisively in this case from the divine oracle by the national deity and is to be perpetrated by the massacre of the enemy population and offering of spoils from the enemy sanctuary.⁶¹

Following this act of *herem* Mesha reports that he begins a series of building projects in Qarhoh, most likely the citadel or acropolis within nearby Dibon.⁶² He erects the walls of its urban parkland and acropolis, its gates and towers, its palace, its retaining walls for the reservoir and its cisterns. Most significantly, he constructs a “high place” (*bāmā*) or cult installation for the worship of Kemosh. The erection of the high place is intended to fortify his ties to Kemosh in asserting hegemony over the newly acquired territory, as well as to provide a cult site as an act of gratitude for delivering victory over his enemies. The pertinent lines of the inscription read as follows:

I made this high-place for Kemoš in Qarhoh
 A ‘high [place] of sal]vation, because he saved me from all the kings
 And because he caused me to prevail over all my enemies.⁶³

⁵⁹“Between *Herem*, Ownership, and Ritual,” 419–34.

⁶⁰“The Inscription of King Mesha,” trans. K. A. D. Smelik, in *The Context of Scripture*, ed. W. W. Hallo and K. Lawson Younger, Jr., 3 vols. (Boston: Brill, 2003), 2:138. Cf. the translation of Routledge, “The Politics of Mesha,” 248.

⁶¹“Le *herem* guerrier,” 86.

⁶²Routledge advances this interpretation and proposes that this is where the inscription itself is installed (“Politics of Mesha,” 232). Gösta Ahlström links Qarhoh to the Akkadian cognate *kirhu* = “walled area” or “acropolis” (*Royal Administration and National Religion in Ancient Palestine* [Leiden: Brill, 1982], 16).

⁶³Routledge, “Politics of Mesha,” 247; cf. “The Inscription of King Mesha,” in *The Context of Scripture*, ed. William W. Hallo (Leiden: Brill, 1997–2002): 2:137.

Thus King Mesha binds himself and the newly acquired land to Kemosh through the purging work of *herem* and the reconstruction and aggrandizement of the chief city of the territory (Dibon). Following this work, the city is repopulated with Moabite citizens, an act which consummates the annexation of recovered territories through the installation of a fresh populace.⁶⁴ Bruce Routledge adds here the concept of social exchange as a key feature underlying *herem* in the Mesha inscription. He contends that Mesha's military victory and imposition of *herem* were crucial for nation-forming and for the prevention of undesirable social exchange between peoples⁶⁵

The Sabaean Inscription

Similar war ideology emerges from the Old South Arabian text from Sabā, *Revue des études sémitiques* 3945. Monroe observes that the inscription has suffered numerous mistranslations over the years. She proposes that in light of new evidence, the text should be read as an imposition of *herem* by the Sabaean *mukkarib* Karib-ilu, who reigned early in the seventh century B.C. from the Kingdom of Sabā, known in the Bible as Sheba and located in modern-day northwestern Yemen.⁶⁶ In this text the Sabaean ruler boasts of several military conquests, including the exertion of hegemony over the Arabian peninsula and northern trade routes. He exults over his imposition of *herem* to the city of Nashan. The pertinent line reads: "And he devoted the city of Nashan to the *herem* by burning."⁶⁷ In the next line the king claims to designate this city and his other conquered cities to 'Almaqah, the moon god and national deity of Sabā, after which he builds a temple for 'Almaqah. Thus this text likewise relates *herem* to land rights and

⁶⁴Lemaire, "Le *herem* guerrier," 90.

⁶⁵Routledge argues that "the key to invoking *herem* is prevention of exchange through the insertion of the deity, who holds booty and captives as inalienable (non-exchangeable) possessions" ("The Politics of Mesha," 238).

⁶⁶Biblical references to Sheba highlight its renown as a commercial center, which included the trade of camels (Isa 60:6) and other commodities such as gold, spices, frankincense, and precious stones (Ps 72:15; Isa 60:6; Jer 6:20; Ezek 27:22). From the perspective of biblical theology and sapiential tradition, Sheba plays a minor but key role. The queen of Sheba visited Solomon to learn of his wisdom (1 Kgs 10:1-13; 2 Chron 9:1-12) an experience which the narrator of Kings relates left her breathless (1 Kgs 10:5). In Psalm 72 (attributed to Solomon) the kings of this land bring gold and other tribute to the Davidic monarch (vv. 10, 15). In Job 1:15 the Sabaeans raid Job's livestock, a pillaging which seems perhaps an ironic reversal of their otherwise subservient role in much of the wisdom tradition. For more on the history of the archaeological excavations in Marib beginning in the nineteenth century, see Gus W. Van Beek, "South Arabian History and Archaeology," in *The Bible and the Ancient Near East: Essays in Honor of William Foxwell Albright*, ed. G. Ernest Wright (reprint ed., Winona Lake, IN: Eisenbrauns, 1979).

⁶⁷Monroe, "Israelite, Moabite, and Sabaean War-*herem* Traditions," 333.

confirmation of the divine-human covenant relationship through cult instatement.⁶⁸

The Hittite Inscription

Recently Ada Taggar-Cohen has correlated a likely incidence of *hērem* practice in a Hittite text, *Catalogue des textes hittites* 423, an evocation ritual for the conquest of an enemy city.⁶⁹ The text relates two stages of ritual by which the enemy gods are invoked to depart from the city so that the Hittite king might destroy it. In the first stage the Old Woman⁷⁰ lays out a series of seven paths containing brightly-colored cloths along with bits of food and other artifacts to attract the attention of the city's gods. She then sacrifices to these gods and repeatedly offers them food and beer. At the climax of this first stage, the king dons his royal robes, pours out a libation offering, and pronounces the following formula over the city:

The town has been rebellious to me.
 May the Storm God, my lord, fulfill my will,
 may he bring about my desire,
 so that he handed it over to me and I had laid it waste,
 and have consecrated it (*šuppiyahhun*).
 As long as heaven and earth and mankind will be,
 in the future no son of man will inhabit it!
 This enemy city with its fields, cultivated land, granary, vineyards
 (belongs) to the Storm God, my lord....⁷¹

In the second stage of the ritual the SANGA-priest consults the gods through oracular inquiry to confirm a favorable outcome to the Hittite king. The king's ritual destruction of the city follows a favorable omen.

This text has several important implications for the practice of *hērem*. First, the city is expropriated to the divine realm, a clear

⁶⁸Monroe suggests that "the erecting of a cult installation as a culminating event following enactment of the *hērem* provided a tangible expression of the relationship between people, land and god, which imposition of the *hērem* served to restore" (ibid., 335).

⁶⁹Available online at <http://www.hethport.uni-wuerzburg.de/HPM/index.html>, accessed 7 June 2016. The Hethitologie Portal Mainz provides a bibliography to all known and published Hittite texts. See also Taggar-Cohen, "Between *Herem*, Ownership, and Ritual," 423–27; Volkert Haas, *Die hethitische Literatur: Texte, Stilistik, Motive* [New York: Walter de Gruyter, 2006], 228. Although Hittite has no cognate to the term 𒀭𒌷 , the concept of "consecration-through-destruction" is evident in several related terms.

⁷⁰The Old Woman was a renowned cult professional in the Hittite religion responsible for a number of oaths and rituals (see Taggar-Cohen, "Between *Herem*, Ownership, and Ritual," 424, n. 20).

⁷¹The translation of Taggar-Cohen, "Between *Herem*, Ownership, and Ritual," 425.

indication that the rite includes inviolable transfer of ownership to the god. Second, *ḥērem* is viewed as necessary owing to the city's flagrant flouting of divine ownership and land rights, presumably effected through covenant (as evident through mention of "rebellion"). As Taggar-Cohen relates: "This ritual clearly shows the case of a city being offered to a deity because of its rebellion in rejecting the demand of the Hittite ruler to surrender and submit to him. Sacrificing and consecrating the city is a legal act of transfer to the deity that makes anyone who later settles there a defendant in a divine lawsuit."⁷² Third, the city is placed under curse, a practice clearly evident in several instances of *ḥērem* in the OT (e.g., Josh 6:26; 8:28) but generally unaccounted for in treatments of the significance of *ḥērem*. Here the curse requires that the city remain uninhabited for all time, suggesting a severe application of ritual destruction.

Correlation of the Extra-Biblical Texts

Correlating these extra-biblical texts, the imposition of *ḥērem* involves the consignment of a city to the god as inviolable possession in tandem with at least four concrete elements: (1) the killing of a significant portion of the human population to prevent social exchange and the possible future contamination of the conquering people; (2) destruction of the city effected by conflagration; (3) the resettlement of the conquered city by the victorious new people or the pronouncement of a curse designating that the city must remain desolate for perpetuity; and (4) the construction of a cult installation to honor the conquering god and to signify that the god and his people have claimed dominion over the territory.⁷³ Tying together these elements, Monroe deduces the following:

The *ḥērem* presents itself first and foremost as a political assertion of inviolable relationship between a conquered nation on its newly acquired land and the god for whom the land was granted.... The purpose of *ḥērem* is not only to destroy an enemy; it is positively linked to the binding of a new population to the land it has conquered.... By imposing *ḥērem* on particular towns, the conquering population symbolically asserted political ascendancy over the land as a whole.⁷⁴

⁷²"Between *Ḥerem*, Ownership, and Ritual," 426.

⁷³ Stern concludes in his thorough study of *ḥerem* that the practice has reference both to chaos (destruction) and to order (consecration) in that *ḥerem* is God's work with humanity to bring order out of the chaos by "building the world" through consecration (*The Biblical Ḥerem*, 110, 119). He argues that "the הרם was a reenactment of creation, a way of achieving a world order (literally creating sacred space) in which [Israel] could live and thrive" (*ibid.*, 219). He has likely identified a significant connotation for the term *ḥerem* as it relates to the restoration of creational order.

⁷⁴*Ibid.*, 321, 325–26.

Having surveyed the meaning and application of *herem*, we turn now to the possibility of gradations in the practice of *herem*, which may shed additional light on the significance of the custom.

GRADATIONS IN HEREM

In his lengthy study of the sociology of ancient Israel, Norman Gottwald complained of the “considerable inconsistency” with which *herem* was practiced in the OT.⁷⁵ Gottwald observed, for example, that with respect to Jericho God commands Israel to destroy everything, while at Ai and Hazor the cattle and spoils are spared. Elsewhere, Saul is condemned for taking spoils from the Amalekites (1 Sam 15:9, 14–15, 21), while David is not (1 Sam 27:8–9). Wood adds that while Israel completely decimated the very structures of certain cities placed under *herem* such as Jericho (Josh 6:24–26), occasionally cities subjected to *herem* had to be re-captured, as in the case of Hebron (Josh 10:36–39; 15:13–17). This variability leads to ambiguity concerning whether or not *herem* entailed the complete obliteration of a city.⁷⁶

Discerning this discrepancy, Lemaire proposes that two forms of *herem* were operative in ancient Israel, an absolute *herem* and a lesser form of *herem*.⁷⁷ He suggests that absolute *herem* served to eradicate apostasy from Israelite (Deut 13:13–18) or Canaanite cities (Deut 7:1–2) through utter decimation, while the lesser *herem*, although destroying the human population, allowed for the preservation of cities or spoils which the Israelites intended to inhabit or appropriate (Deut 20:16–17). While Lemaire’s taxonomy correctly observes a distinction in various forms of *herem*, several difficulties remain with his proposal. First, he fails to furnish a clear rationale for distinguishing applications of absolute vis-à-vis lesser *herem*. Insofar that the Canaanite cities Jericho, Ai, and Hazor were all presumably polluted by idolatry, it is unclear why Jericho would receive absolute *herem* while the other cities a lesser form. Second, his taxonomy is overly narrow in failing to distinguish among what appear to be various types of lesser *herem*. Although some cities are burned (Ai [Josh 8:26–28]; Hazor [Josh 11:10–15]), others are not (e.g., cities surrounding Hazor [Josh 11:12–13]). In most cases all inhabitants are “struck by the edge of the sword” (cities of southern Judah [Josh 10:28–40]), but in foreign cities only male inhabitants are to be executed (Deut 20:10–15). Third, Lemaire’s

⁷⁵*The Tribes of Yahweh: A Sociology of Liberated Israel, 1250–1050 B.C.E.* (Maryknoll, NY: Orbis, 1979), 543. Moshe Greenberg likewise observes that outside the Pentateuch enactments of *herem* do not always neatly comply with the Mosaic prescriptions (*Encyclopedia Judaica*, 2nd ed., 9:10).

⁷⁶*Perspectives on War*, 23–24.

⁷⁷“Le *herem* guerrier,” 93–94.

classification fails to account for the symbolic role of the curse or devastation pronouncement as the climax of *herem* both in cities given to absolute *herem* (Jericho [Josh 6:26]) and in some cities given to lesser *herem* (Ai [Josh 8:28–29]). This climactic curse formula is conveyed by common terms that appear in cases of higher degrees of *herem*, words such as “curse” (ארר) (Josh 6:26), “heap [of ruins]” (תל) (Deut 13:17; Josh 8:28), “desolation” (שְׁמִמָה) (Lev 26:33; Josh 8:28), “horror/hissing” (שָׁרָקָה/שָׁמָה) (Jer 25:9), and “desolation/wasteland” (הֶרְבָּה) (Lev 26:33; Jer 25:9, 11).⁷⁸

Bearing in mind these distinctions, a more comprehensive classification of the degrees of *herem* would distinguish at least three categories of *herem* in the Old Testament. (1) Absolute *herem*: in this supreme form of *herem* all the inhabitants and livestock are killed, the spoils are burned or dedicated to the conquering deity, and the city is incinerated and cursed. Examples of absolute *herem* would include apostate Israelite cities (Deut 13:13–18) and Jericho (Josh 6:16–26). These cases of supreme or absolute *herem* appear related to morally depraved populations of a particularly egregious sort that have flouted covenant stipulations.⁷⁹ The absolute *herem* in these instances serves as a pattern for the thoroughness of divine judgment. (2) Intermediate *herem*: in this form of *herem* all the inhabitants are killed and the city is burned and cursed, but Israel appropriates the livestock and spoils. Examples would include Ai (Josh 8:26–28) and probably Hazor (Josh 11:10–15). (3) Extenuated *herem*: in the final form of *herem* all the inhabitants are killed, but Israel appropriates the livestock and spoils while keeping the city intact (usually) or by burning and re-building it for re-occupancy. Examples would include the cities of Canaan in general (Deut 20:16–17), the cities surrounding Hazor (Josh 11:12–13), the cities of southern Judah (Josh 10:28–40), and perhaps Laish (Judg 18:27–28—although the term חרם is not used, the Danites’ actions are consistent with *herem* practices) as well as Jabesh Gilead (Judg 21:11).⁸⁰

Other categories of military action in Deuteronomy and the conquest narratives certainly lie beyond the pale of these three

⁷⁸Sherlock notes that *herem* and curse are closely related concepts: “*hrm* can be regarded as an extreme extension of *qll*: it indicated complete and irrevocable opposition to Yahweh, treason of the worst kind” (“The Meaning of HRM,” 20).

⁷⁹For the connections between *herem* and covenant fidelity, see Peter C. Craigie, *The Book of Deuteronomy*, New International Commentary on the Old Testament (London: Hodder and Stoughton, 1976), 178–79.

⁸⁰It is unclear if the cases in the epilogue of Judges should be considered normative, as there are clear indications in the narrative that the actions of the tribes should be viewed in an unfavorable light (see the earlier discussion). In the case of Jabesh Gilead, only the males and non-virgin women are killed, but, again, it is not clear if this is normative *herem* practice.

classifications. At times the legislation mandates only a portion of the city inhabitants to be killed, such the male population of foreign cities (Deut 20:10–15). It is likely that this military action directed at foreign cities is not to be equated with *herem*, however. The term does not appear in Deuteronomy 20:10–15, and the plight of these cities is contrasted with the indigenous cities of Canaan which *are* subject to *herem* in Deuteronomy 20:16–17. Similarly, although the stock phrase “strike with the edge of the sword” (Hiphil נכה with the accusative of specification לַפִּי־חֶרֶב) often appears in contexts of *herem* (Deut 13:16; Josh 6:21; 8:24; 10:28; 11:11), in many cases the phrase denotes more generalized, though decisive, military action that does not involve the application of *herem* (Gen 34:26; Judg 4:15–16; 2 Sam 15:14; 2 Kgs 10:25; Job 1:15, 17).⁸¹

THE DEFINITION AND PURPOSE OF HEREM

Having surveyed the various extra-biblical and intra-canonical appearances of *herem*, we are now in position to define the term more precisely. In its broad outlines, *herem* is a ritual act of divine judgment enacted militarily by Israel in the promised land as indicative of the inviolable relationship between God, the provider of sacred land, and his covenanted people in the land, so as to restore order, render justice, remove abomination, and re-establish holiness. Several aspects of the process of *herem* include the following: (1) the condemned, idolatrous populace, in some cases along with its livestock, is consigned to the deity by eradication so as to prevent future exchange with and thereby defilement of God’s people; (2) the spoils (precious articles and other valuables) are dedicated for the construction and adornment of God’s sanctuary or, in lesser categories of *herem*, appropriated by the Israelites; (3) the polluted habitations are set apart for consecration-by-eradication, burned with fire (so as to purify the site potentially for new inhabitants in lesser forms of *herem* and to assert political hegemony over the land as a whole), and occasionally cursed for perpetuity; (4) a worship site (altar) is erected, signifying that God and his people have taken residence in the purified, bequeathed land. Thus understood, *herem* is not an act of genocide but rather a special dispensation of divine warfare focused primarily upon land conquest, purification, and

⁸¹Several scholars argue that the stock phrase “strike with the edge of the sword” (Hiphil נכה with לַפִּי־חֶרֶב) is, in fact, identical to *herem* (Wong, *Compositional Strategy of the Book of Judges*, 37–38; Niditch, *War in the Hebrew Bible*, 63; *EncJud*, 9:11). Wong points out that the former phrase is used twenty-six times in the Hebrew Bible, thirteen of which are used interchangeably with or in close proximity to *herem* (*Compositional Strategy of the Book of Judges*, 37). While conceptually linked, it appears better, however, to distinguish the two designations. *Herem* certainly involves the execution of the human population, but to strike with the edge of the sword is often more generic as noted above.

repopulation. The act is essentially connected to divine-human covenant obligations. Key cities were consigned to inviolable divine right through eradication in order to express Yahweh's hegemony over the land as a whole and his act of bequeathing it to his people who repopulate it in accordance with his directive to fulfill his covenant obligations.

CONCLUSION

The preceding overview of the broad contours of *herem* demonstrates that *herem* possessed a key place in Israel's conquest of Canaan. Tied to covenanted land purity, the practice of *herem* was integral to the occupancy of the land but grew obsolete following the conquest. *Herem* was enacted to sustain God's exclusive holiness and sovereign right to inhabit and bequeath the sacred land of his dwelling in accordance with his character and promises. The enactment of *herem* further underscored God's sovereignty and justice. God has the sovereign right over life, and Israel, as the corporate embodiment of the theocracy, was designated ("deputized") to function as an extension of that divine right over life. Israel, functioning in this capacity, foreshadows Christ, who is judge over all people (John 5:26–29).

The fires of *herem* are likely not confined solely to the conquest of Canaan. The apostle Peter speaks of a future type of *herem* that will engulf the earth: "By the same word the heavens and earth that now exist are stored up for fire, being kept until the day of judgment and destruction of the ungodly" (2 Pet 3:7). As Christians, we eagerly await the day when divine justice will prevail and the earth will be renovated for the faithful saints. With the early church we cry, "Come, Lord Jesus!"

Appendix: YHWH War is the unique divine initiation of spiritual and physical military conflict tied theologically to Israel's establishment and preservation as the distinctive mediatory theocracy. YHWH war is waged to sustain God's exclusive holiness and sovereign right to the sacred land of his dwelling, to bring to fruition God's compassionate desire to extend blessing and *shalom* to all peoples of the earth, and to achieve God's supreme glorification through salvation and judgment. The four basic types of warfare in the OT occur on a continuum from archetypal Yahweh war to inverse Yahweh war.

	1	2	3	4
Types of Conflict	Wars of Liberation or Deliverance	Wars of Deliverance, Conquest, or Expansion	Wars of Expansion or Political Vengeance	Wars of Judgment
Yahweh's Role	Active	Active	Passive	Active
Israel's Role	Passive	Active	Active	Active
Military Posture	Primarily "Defensive"	Defensive or Aggressive	Primarily "Aggressive"	Aggressive or Defensive
Revelatory Mediator	Prophet	Prophet, Priest	Priest, Prophet (True or False)	Prophet (True or False)
Is the Conflict "Yahweh War"?	Yes	Yes (But at Times Mixed)	No	Yes
Relation to "Yahweh War"	Archetypal Yahweh War	Synergistic Yahweh War, Sometimes Mixed with Questionable Human Elements	Conventional Human Warfare, Distinct from Yahweh War	Inverse Yahweh War, Israel Herself Becomes the Target of Yahweh War
Outcome of Conflict	Yahweh Provides Victory to Israel	Yahweh Provides Victory to Israel	Yahweh Permits Victory to Israel or Segments of Israel	Yahweh Provides Victory to Israel's Enemies
Select Biblical Examples	Exodus event (Exod 14-15); Gideon's initial victory over Midian (Judg 7:7-25); Jehoshaphat's victory against coalition forces (2 Chron 20); Hezekiah's victory against Assyria (2 Kgs 18:13-19:37; Isa 36-37)	Joshua's conquest of Jericho (Josh 6:1-27) and northern and southern campaigns (Josh 10:1-43; 11:1-23); Gideon's later victory against Midian (Judg 8:1-28); David's victory over the Philistines (2 Sam 5:17-25); Uzziah's victories over Philistines, Ammonites, and Arabians (2 Chron 26:1-15)	Wars between the northern and southern kingdoms (1 Kgs 14:30; 15:6, 16); Joram's and Ahaziah's wars against Syria (2 Kgs 8:28); Jeroboam II's imperial expansion (2 Kgs 14:23-25)	Israel's failed attack against the Amalekites and Canaanites (Num 14:39-45); Philistia's victory over Israel at Shiloh (1 Sam 4:1-11); Shalmaneser's conquest of Samaria (2 Kgs 17:1-8); Nebuchadnezzar's conquest of Judah (Jer 21:1-5; 2 Kgs 24:1-5)