The Biblical Herem
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This book is a seminal work, and as such has drawn criticism, some of it, inevitably, justified. This work has many features that are duplicated nowhere else, and as such it is still a viable work of scholarship. They include, but are not limited to, the chapter on the philology of the root HRM, the discussion of parallels, old and new, and much of the biblical exegesis. I am especially proud of the work I did on the Mesha Inscription (=MI), in which careful study I made many original observations on the MI. Although Mina Glick, like me a student of Jeff Tigay (although I had him as an undergraduate), in her dissertation, *Herem in Biblical Law and Narrative*¹. seemingly thought this work worthless, other scholarship has vindicated my work and my approach. Especially provocative is John Walton’s brilliant study, *The Lost World of the Israelite Conquest; Covenant, Retribution, and the Fate of the Canaanites*. For many years, I have been immersed in the study of the *Song of Songs*, and have had little occasion to delve into the subject of this treatise, the biblical herem, so I have been catching up with developments in the field, but cannot in the brief time span I have been allotted for this preface, claim to have read everything published on the subject, and clearly, there are many works of importance I have missed, nor will I be able to comment in this brief space on everything on the subject I have read.

A major mistake, for which Mina Glick rightly reproved me, was downplaying the importance of covenant in relation to the herem.² It is important, looking at the text from a biblical point of view, and whereas I spoke of the war-herem with the Mesha inscription in mind, Mina Glick, who downplays (an error on her part!) the importance of the Mesha Inscription, the only instance of an archeologically attested herem, she rightly emphasizes the importance of covenant, as do other writers. Mina Glick’s interpretation of Deuteronomy 13 is a highlight of her work,³ and she shows how closely Deuteronomy 13 parallels the example of 1 Samuel 15,⁴ the most historically plausible example of the war-herem in the Bible, at least if the conquest of Canaan didn’t happen as described, as modern archaeology seems to show.

On the subject of parallels to the herem, I have seen two articles, each focusing in depth on something I mentioned in my revised dissertation. The first published is called, “The Hittite Herem” and it features a complete Hittit-
tological workup of four fragments of a text I identified as a herem parallel in my section on new parallels, labeled simply, “Hittite.” The most parallel part of the text in translation reads:

[Thus (says) Mursili, King of the land of Hattusa: … “This town is aggressive] [ve [towards me…If] I shall destroy [it and desolate it, I will offer it to Tesub my Lord, and I’ll make] it [sacred; henceforth in the future no] son of man [will inhabit it.…]” \(^5\)

Later it reads:

This town was aggressive towards me. I have invoked Tesub, my Lord, and Tesub, my Lord, has done my soul’s desire and has fulfilled my soul’s desire: he handed it over to me and I have desolated it and made it sacred. As long as heaven (and) earth and mankind will be, in future may inhabit it! [I have offered] it to Tesub, my Lord, together with fields, farmyards, vineyards… Let Tesub, my Lord, your bulls… [make it] your grazing land… \(^6\)

The first part of the text is obviously not in the best of condition, but the second part is in better condition. There are clear differences and similarities to the biblical herem. It seems on the surface to be closer to the MI than the Bible, at least in its circumstance of responding to the aggression of an enemy. \(^7\) It also is closer to the MI in that action is taken on a king’s initiative, though as the text continues we see that Mursili II proceeded by means of divination while we don’t know by what channel Mesha communicated with his gods. There is also a section in which Mursili II addresses the gods of the enemy, which is something not found in either biblical text, or in the MI, where it seems according to most interpreters that Mesha destroys an Israelite sanctuary to YHWH. However, like Jericho and like the idolatrous city of Deuteronomy 13, the land of the desolated city is made a “eternal ruin-mound”—the city is given to the god.

In her article, Lauren. A. S. Monroe, draws a parallel between the MI and Joshua 8 that shows the importance of the MI for understanding the biblical herem:

Segert has suggested the possibility that both the Mesha Inscription and certain Deuteronomic and Deuteronomistic compositions reflect a topos that included the following seven elements: receipt of an oracle, departure, battle, capture of the city, slaying of the populace, herem and taking of booty.” If such a fixed schema existed, it is most explicitly represented in the Bible in the account of the conquest of Ai in Joshua viii. The Mesha Inscription and Joshua viii also share an eighth element: the building of a cult installation as a culminating event after conquest.

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5 G. F. Del Monte, “The Hittite Herem” in L. Kogan, ed., Memoriae Igor Diakonoff (Babel und Bibel 2; Orientalia et Classica v.8), 40.
6 Ibid. 41–42.
7 Ibid 40, 41.
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Both the building of a cult installation and imposition of the herem serve as expressions of the integrity of the relationship between a people on its land and the god from whom that land was granted. Guarding this exclusive relationship through the enactment of herem constitutes an assertion of collective identity both internally and externally, with the surrounding nations as witnesses. Thus the purpose of herem is not only to destroy an enemy; it is positively linked to the binding of a new population to the land it has conquered.  

This is the heart of the article, as far as I am concerned. Monroe goes on to present a Sabean text that cannot be dated with certainty. Rather than present the text here, I give Monroe’s analysis of the significance of the text:

The Sabaeian text thus contains the following four key elements. First, herem is associated with destruction wrought on a massive scale and effectuated by conflagration. Second, at least some segment of the population of the conquered city is killed and consecrated to the deity. This is expressed in line 16 by the comment, “he gave command concerning those of NSN whose dedication to the gods was allotted, so that they were killed.” Third, resettlement of the conquered territory by the victors is tied specifically to the occupation of individual towns, so that the town in effect becomes an empty vessel ready to receive the new population. Fourth, a cult installation is erected, signifying that the new population and its patron god have set up residence. All four of these are elements that the Sabaeian text shares with the biblical and Moabite herem accounts.

She further suggests:

I would suggest that the parallels between Joshua viii and the herem texts from Moab and Saba signify that reference to building the altar on Mount Ebal is an integral part of the Ai herem tradition, and that its original home is preserved in the Masoretic Text.

Monroe’s article is one of the most insightful and important publications since the initial publication of my work. Monroe’s overall approach is very much in line with the approach I tried to follow in the work before you, and it illustrates the importance of the comparative method for understanding the biblical herem.

I will not comment on Susan Niditch’s important work on war, War in the Hebrew Bible: A Study on the Ethics of Violence (New York: Oxford University Press, 1993) as I responded to it in an article, Philip D. Stern, “Isaiah 34,  8

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9 Ibid. 335.
10 Ibid. 337
Chaos, and the Ban,” where I give many reasons not to regard the war-herem as a (human) sacrifice. I will add one more reason, Deuteronomy 13—which contains the war-herem turned inward at a hypothetical idolatrous city—is prefaced by a few verses which speak of the Canaanite practice of human sacrifice, which it condemns. The Deuteronomic writers and editors (including the famous Deuteronomists) who prefaced the herem with these verses plainly did not regard the herem as a human sacrifice, as the verses (Deut 12:29-13:1) show YHWH’s especial displeasure with human sacrifice. Glick, who for some reason does not mention Susan Niditch’s work in her dissertation, does not analyze the herem as sacrifice, and John Walton positively objects to it. It is impossible to do justice to Walton’s rich and complex work in this space, but although an avowedly Christian scholar, who accepts the Bible as the authoritative word of God, he attempts to analyze the conquest herem first in terms of what it meant in its ancient Near Eastern context, and only then does he finish by applying his conclusions to his understanding of the New Testament. First, he employs a covenant order vs. non-order or chaos paradigm similar although obviously not identical to my world order vs. chaos paradigm. Although my sin was to employ a pattern of thought used from Egypt to Mesopotamia and apply it to the herem, Walton came by his honestly—starting with the meaning of “good” in the Hebrew Bible. Whether “Covenant order” is an improvement over “world order” I am a little unsure—sometimes God thinks outside the idea of covenant—like to pick an example at random, Deut 12:28. “You shall hear all these words which I command you this day… so you will do what is good and upright in the eyes of YHWH your God.” Yet if Walton is correct in labeling a tôʿēbâ (which word the NIV translates as “detestable”) as “contrary to order” (in context, he means the Covenant Order, for he says, “practices that God labels tôʿēbâ …are unacceptable for Israel, as we would expect, because they are violations of Israel’s covenant”—cf. Deut 12:29-31). So, for Deut 12:29-31, where God labels human sacrifice a tôʿēbâ that he hates, I do not agree with the claim that God only detests it when Israelites do it, not when Canaanites do it. Perhaps it is true, however, in

13 Ibid. Part 6, 234–258.
14 Ibid. 20–23.
15 Ibid. 151, 152..
16 Ibid. 153.
other instances; one must be careful in making generalizations. Yet regardless of the accuracy of his rendering of tö ḫēbā, and his redefinition of the word is important, it pales in comparison to the importance of his redefinition of the word, herem. He proposes it to mean, “remove from human use.” This is an interesting notion, and he does a great deal with it. However, the root has an indelible connection to holiness, consecration, and in practice “removing from human use” had the practical effect of destruction. So, while I cannot dismiss this definition out of hand, I do not see it as a perfect solution to the problem of how to understand the herem as a Hebrew word. I apologize to Walton however, as he deserves a long and detailed discussion, which I cannot provide here. Yet Walton and Walton have provided us with a rich and profound vision of the lost world of the Israelite conquest, whether their viewpoint is actually right or wrong.

I would like to conclude this preface with a word on a subject that has been of continuing interest to me, that of the Mesha Inscription and 2 Kgs 3. Mostly I would like to concentrate on the question of the historicity of 2 Kgs 3, the chapter that purports to detail an Israelite campaign directed at suppressing a Moabite revolt. In my appendix to my chapter on the Mesha Inscription, I go through many reasons to doubt the reality described in the chapter. I was not aware, as I was subsequently, that there was no king in Moab at the time of the campaign, although the chapter plainly says there was. 1 Kings 22:48 reads “There was no king in Edom, a deputy was king.” (NRSV). In 2 Kings 8:20, speaking of a later time than the events of 2 Kings 3, it says, “In his days [the days of King Jehoram, son of Jehoshaphat of Judah] Edom rebelled against Judah and crowned a king” (author’s translation). In other words, kingship started in Edom after the time of 2 Kgs 3! I somehow forgot, when I published a paper on the subject, to include the fact that Jehoshaphat of Judah, another major actor in the chapter was already dead according to 2 Kings 1:17 (see below, 54). Even clearer is the death notice of Jehoshaphat in 1 Kings 22:51, three chapters before 2 Kings 3. Na’aman also states that Jehoshaphat could not be the king of Judah in question here and that the mention of a king of Edom is anachronistic. In addition, Na’aman shows that Elisha the prophet, who enacts the miracle in 2 Kings 3, was not active at this time, but was active later, in the time of Jehu (the king who ended Omri’s dynasty), and his successor. So 2 Kings 3 features Jehoshaphat, who died, according to 1 Kings 22: 50-51, during the reign of Israel’s king, Ahaziah (Jehoram’s brother and predecessor), Elisha the prophet, who was not yet active, and a mythical king of Edom.

Yet out of the wreck of the chapter, Na’aman thinks that 1 Kgs 3:26-27 constitute a “historical kernel.” If Jehoram of Israel was able to inflict such a devastating defeat on Mesha, destroying all of Moab except for one city, why did Mesha open his inscription with the observation that Jehoram’s grandfather, Omri, and Omri’s son, Ahab [who is not mentioned by name] oppressed

17 Ibid. 170.
Moab? Why did he not mention Jehoram as well? And how did Mesha recover from such massive defeats to accomplish what he says he accomplished in his inscription? The mere fact that the stele was recovered at Dhiban, ancient Dibon (Mesha calls himself a Dibonite) and that, unlike 2 Kings 3, which must date for the most part from a later period, it is a contemporary document, gives Mesha a degree of credibility that, it has been shown, is utterly lacking in most of 2 Kgs 3. The only verses which constitute a ‘historical kernel’ are 2 Kgs 3:4-5! 2 Kgs 3:19, 25 are notable for going further than the MI’s herem and indicate, along with the whole chapter, in my view, an angry reaction to it.

With that, I give you,’ the biblical herem…”


ii N. Na’aman, “Royal Inscription versus Prophetic Story,” 164

iii N. Na’aman, “Royal Inscription versus Prophetic Story” pp.158–159, 165–166