

# UNDERSTANDING THE *HEREM*

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## Summary

*The term for 'devote' or 'destroy' has not always been understood correctly, particularly in relation to the so-called 'holy war'. It forbade the use of property, or relationships with people. It applied only occasionally to loot, and not to idolatrous objects; but in its application to enemies, it involved extermination, and thus the verb acquired its secondary sense of 'destroy'.*

The Hebrew term *herem* has attracted special attention because of its use in the account of the invasion of Canaan, in the book of Joshua, where it often connotes the destruction of Israel's Canaanite opponents. This policy is enjoined in Deuteronomy 7:2 and 20:17 by the use of the verb *hah<sup>a</sup>rîm*, which also occurs in war narratives (e.g. Nu. 21:2f., Dt. 2:34 and 3:6). The term has other applications in the Pentateuch, and indeed in Old Testament literature generally; taking these into consideration, it appears that the interpretations found in many commentaries on Joshua are not entirely satisfactory.

## A problem of translation

It is not easy to find an unambiguous equivalent in English for *herem*. 'Devoted' has acquired a connotation of personal loyalty; 'devoted to destruction' is periphrastic and not accurate in all contexts. 'Ban' has to be given a technical meaning for this purpose, and in many places it would be awkward or difficult to use. 'Dedicated' is too wide a term and fails to convey the idea of destruction which is often required. The RSV and NIV prefer 'devoted thing' for the noun,<sup>1</sup> and 'totally destroy' for the verb, which is accurate but leads to many marginal notes. The Greek translators experienced similar difficulty; the Septuagint is almost equally divided between ἀνάθημα and ὄλεθρον (counting verbal forms and cognates in both cases). Certainly there is a derived meaning of *hah<sup>a</sup>rîm* in which the element of 'devotion' is weakened or perhaps non-existent;<sup>2</sup> but it is not always easy

<sup>1</sup>S.R. Driver, *A Critical and Exegetical Commentary on Deuteronomy* (London, T. & T. Clark 1902) 99, points out that AV 'accursed thing' represents a secondary idea.

<sup>2</sup>Brown, Driver & Briggs s.v. *herem*, 1b.

to identify, and arguably the Septuagint adopts it too readily. In this article I will stay with 'devoted' as far as possible.

### History of interpretation

The interpretation of *herem* in Joshua has undergone some development since Driver defined it as 'a mode of secluding, and rendering harmless, anything imperilling the religious life of the nation'.<sup>3</sup> Similarly, for the Jewish commentator Reider, it is 'a mode of separating or secluding anything endangering the religious life of the people and presenting it to the sanctuary. This institution was applied particularly for the purpose of wiping out idolatry, hence it was directed also against the idolatrous Canaanites'.<sup>4</sup>

Soggin takes a wider view of the practice of *herem*,<sup>5</sup> as 'the total destruction of the enemy and his goods at the conclusion of a campaign. . .looting was never allowed in any circumstances.' He therefore regards the treatment of Ai, not that of Jericho, as exceptional. As the Talmud points out,<sup>6</sup> Deuteronomy 20:17 could have been read in this sense but that it is stated expressly in 6:10f. that the Israelites were to acquire 'houses filled with all kinds of good things'.

Thompson consolidates this approach: 'In the hour of victory all that would normally be regarded as booty, including the inhabitants of the land, was to be devoted to Yahweh. Thus would every harmful thing be "burned out" (RSV "purged out") and the land purified'.<sup>7</sup> And, 'In the Holy War. . .spoils offered to Yahweh for destruction was known as *herem*. Unless otherwise decreed all the spoils, including human beings, was banned from human use and destroyed'.<sup>8</sup> As applied to the invasion of Canaan, this appears to go beyond the evidence.

Mayes more accurately defines *herem* as 'used for the extermination of the enemy in a holy war as well as for the ex-

<sup>3</sup>Driver, *op. cit.*, 98, commenting on 7:2.

<sup>4</sup>J. Reider, *Deuteronomy* (Philadelphia, Jewish Pub. Soc. of America 1937) 80.

<sup>5</sup>J. Soggin, *Joshua* (London, SCM 1972) 97.

<sup>6</sup>*Sifre Deuteronomy*, tr. R. Hammer (New Haven, Yale University Press 1986) Piska 201.

<sup>7</sup>J.A. Thompson, *Deuteronomy*, TOTC (London 1974) 73. Of the string of references for the words 'purged out', none is relevant to the Canaanites or to booty in war.

<sup>8</sup>*Ibid.*, 128.

clusive reservation of certain things to Yahweh. The common factor is that the things so designated are not available for common use'.<sup>9</sup> He finds 'the application. . .not uniform in theory or practice', but some of the difficulties are of his own making; e.g. he cites Deuteronomy 20:10ff., where *herem* does not apply.

### Holy War?

Thompson, Mayes, and many other commentators, refer to the invasion of Canaan as a 'holy war'. Since this is not a biblical term, but one invented or at least appropriated by commentators, it requires careful definition. Modern usage (particularly in an Islamic context, or with a backward glance at the Crusades) may not reflect biblical ideas.

Discussion of the concept of 'holy war' may be said to have begun with von Rad's paper read to the SOTS in 1949.<sup>10</sup> The theory of an Israelite 'amphictyony' colours the argument, inviting comparison with the 'holy war' made by the Spartans and their allies to evict the Phocians from the Delphic sanctuary and restore it to those whom they considered its rightful owners.<sup>11</sup> The validity of the Greek amphictyony as a model for Israel may be disputed,<sup>12</sup> but it is a separate question whether any or all of the wars of Israel should be described as 'holy'.

The expression 'wars of the Lord' is biblical (Nu. 21:14, 1 Sa. 18:17, 25:28). Adapted (through the German) as 'Yahweh war' (e.g. by Smend<sup>13</sup> and Weimar<sup>14</sup>), it appears to be a less controversial term for describing Israel's wars in general; and it

<sup>9</sup>A.D.H. Mayes, *Deuteronomy* (London, Marshall, Morgan & Scott 1979) 141 (on 2.34).

<sup>10</sup>Von Rad, *Der heilige Krieg im alten Israel*, 3rd. ed. (Göttingen, Vandenhoeck & Ruprecht 1958).

<sup>11</sup>Thucydides, 1.112. He seems to imply that the war was 'so called' by the Peloponnesians themselves. Obviously the Athenian expedition which followed, reversing the position, was not holy, as it could not claim any religious justification. In any case, this was not a war undertaken by the amphictyony as such.

<sup>12</sup>See e.g. B.D. Rahtjen, 'Philistine and Hebrew Amphictyonies', *JNES* 24 (1965) 100-4.

<sup>13</sup>R. Smend, *Jahwekrieg und Staemmebund* (Göttingen, Vandenhoeck & Ruprecht 1966).

<sup>14</sup>P. Weimar, 'Die Jahwekriegserzählungen in Exodus 14, Joshua 10, Richter 4 and 1 Samuel 7', *Biblica* 57 (1976) 38-73; his article is mainly concerned with literary criticism, and he does not find it necessary to assume a predetermined scheme of Yahweh-war as a form-basis.

leaves open the question of how far the religious dimension was expressed in standard procedures and cultic forms. As a result, it has not displaced the term 'holy war', which remains in use to describe a particular style or even an abstraction.

Reviewing the state of the discussion in 1975, Jones<sup>15</sup> observes that there is no set pattern in the accounts of Yahweh-war, but sees 'holy-war theory' (655) as the later development of a formula which was idealistic. This removes the concept from political history to the history of ideas.<sup>16</sup> On the other hand, De Vries<sup>17</sup> analyses Joshua 11, Judges 4 on the basis that a 'primitive holy-war story' has been embroidered; the *herem*, however, belongs to 'deuteronomistic ideology' (82) rather than to the scheme of holy war. Both writers have worked from form-critical observations rather than from the historical data; and while this approach is obviously necessary, the contradiction in the results exposes its limitations.

The following characteristics of a holy war are enumerated in the Cambridge Bible Commentary:<sup>18</sup> (a) No battle could begin without religious ceremonies; (b) The army comprised ordinary people, not professionals; (c) The leader was called by the Lord; (d) The Lord's presence was often symbolised by the Ark; (e) The enemy trembled and the Israelites were encouraged; (f) Victory came usually with a miracle and a war-cry; (g) All the spoils of battle belonged to the Lord.

Reviewing this description, Lawson Younger<sup>19</sup> points out that the first, third and fifth points were normal in the ancient Near East, and the sixth not unusual; he cites Hayim Tadmor<sup>20</sup> to the effect that all Assyrian wars were holy in terms particularly of the first and third criteria. As to the second, it would appear to be a matter of the nature and structure of society whether the army was to any extent drawn from a professional class. As to the fourth, the Ark was put forward at

<sup>15</sup>G. Jones, 'Holy/Yahweh war?', *VT* 25 (1975) 642-58.

<sup>16</sup>A. Roefe, 'Laws of Warfare', *JSOT* 32 (1985) 23-44 sees an implementation under Josiah, based on Deuteronomy, for which he postulates an improbably rapid evolution.

<sup>17</sup>Simon J. De Vries, 'Temporal terms in tradition', *VT* 25 (1975) 80-104.

<sup>18</sup>J. M. Miller and G. M. Tucker, *Joshua* (Cambridge, CUP 1974) 55.

<sup>19</sup>K. Lawson Younger, *Ancient Conquest Accounts* (Sheffield, Sheffield Academic Press 1990) 259.

<sup>20</sup>H. Tadmor and M. Weinfeld, (eds.), *History, Historiography and Interpretation* (Jerusalem, Magnes Press 1983) 42f.

Jericho for a special reason, and its presence at Aphek was a disastrous mistake. The seventh criterion, devotion of the booty (i.e. the *herem*), simply did not apply in normal situations; the sack of Jericho and Saul's attack on the Amalekites were exceptional cases.

It seems then that Israel, like other contemporary societies, did not recognise any distinction between sacred and secular war; as Craigie has said, the label 'holy war' is best avoided.<sup>21</sup> When used by Mayes to describe the wars of the Judges, it means nothing more than a war 'in which Yahweh delivered his people';<sup>22</sup> clearly the second and third of the above criteria must apply throughout, and the fifth and sixth are relevant to Gideon's expulsion of the Midianites, but otherwise they are not in evidence at all.

I propose therefore to re-examine the biblical uses of *herem* without reference to the idea of 'holy war'; noting first that the meaning is not necessarily, or perhaps primarily, military.

### Non-military usage

In Leviticus 27:20-9, a distinction is made between dedicating (*haqdîš*) and devoting (*haharîm*); that which is dedicated can be redeemed, that which is devoted cannot. The noun *herem* denotes the actual object or person in question. Property remains inalienably in the priests' possession (cf. Nu. 18:14), but a person would have to be killed. Applications are found in Ezra 10:8, where a defaulter forfeited his property on expulsion from the assembly; in Exodus 22:20,<sup>23</sup> prescribing the death penalty for an Israelite guilty of sacrificing to a false god; and in Deuteronomy 13:12ff., dealing with a community involved in idolatry. In the last case the property is not forfeit to the priests, but is to be destroyed. The object of the verb (16) is 'the city and all it contains'; this must include the inhabitants, who are to be put to the sword. The noun (18) denotes the property which might, but for these instructions, have been taken as plunder.

<sup>21</sup>P.C. Craigie, *The Problem of War in the Old Testament* (Grand Rapids, Eerdmans 1978) 49.

<sup>22</sup>A.D.H. Mayes, *Story of Israel between Settlement and Exile* (London, SCM 1983) 62f.

<sup>23</sup>V. 19 MT.

### Military applications

1. In Numbers 21:2f., the verb is used in the aetiology of the name of Hormah, where the point lies in a vow of dedication having been made with the request for divine assistance. The object is first 'their cities', secondly 'them and their cities'.
2. The successes in Transjordan are described in the same terms in Deuteronomy 2:34 and 3:6. Here the verb could well have the weakened sense of 'destroy'; Septuagint renders ὀλεθρευω (as in Jos. 10-11).
3. The application of *herem* to the Canaanites is first made in Deuteronomy 7:2. The prescriptive phrases (1-5, 11, 16, 25), and the promises in 20-2, echo precisely the terms of Exodus 23:20-33. The verbs 'devote' (2) and 'destroy' (ḥākal, 16) do not appear in Exodus, but 'they shall not live in your land' (Ex. 23:33) has the same practical effect. The implications of 'devoting' are spelt out: no covenant, no mercy, no intermarriage.<sup>24</sup> In Deuteronomy 20:17 *herem* is used epexegetically to verse 16, 'you shall not leave alive anything that breathes'.<sup>25</sup>
4. In the book of Joshua, apart from a reference to Transjordan in 2:10, *herem* is applied first to Jericho, then to the conquered cities. For Jericho, the verb is only used once;<sup>26</sup> thereafter the noun is not used at all, and it is possible (but not necessary) to understand the verb in the weaker or derived sense of 'destroy'.<sup>27</sup> Metal looted from Jericho was to go to the treasury; other objects were to be burnt on site. At Ai and subsequently, the loot was given to the people. There is a certain similarity between the case of Jericho and that of the idolatrous commu-

<sup>24</sup>Mayes, *Deuteronomy*, 183, finds an inconsistency between vv. 2 and 3: 'Had (2) been carried out, or had it been intended. . . the following verse would have been superfluous'. But the same would be true for the 'no covenant' provision; the two are linked (Ex. 34:15f.). J. Ridderbos, *Deuteronomy* (Grand Rapids, Zondervan 1984), 120 explains v. 3 by reference to v. 22, but this is less realistic; *herem* could hardly be applied after a period of shared occupation, so v. 22 implies gradual extension of boundaries and reduction of Canaanite cities, while maintaining the separation.

<sup>25</sup>*kol n'sāmāh*, which I take as referring to human life. The word is never clearly used of animals except in Gn. 7:22, and even this is not certain; see T.C. Mitchell, 'The Old Testament Usage of n'sāmā', VT 11 (1961) 177-87.

<sup>26</sup>Jos. 6:21; the MT has it in v. 18 but the reading is doubtful (LXX translates as from *hmd*, 'desire').

<sup>27</sup>LXX consistently uses ἀνάθημα in chapters 6-7 and ὀλεθρευειν in 10-11 (except 10: 35, ἐφονεύσαν.)

nity envisaged in Deuteronomy 13, though the motivation is different. Jericho is seen as an offering of first-fruits; in Deuteronomy, the idea is to disown and reject idolatry. The common factor, as Mayes has said, is that there is nothing in it for the people themselves.

5. The force sent to destroy the recalcitrant citizens of Jabesh Gilead was instructed to 'devote' all the males and married women (Jdg. 21:11). Here, as in Deuteronomy 7:2 and 13:16 and repeatedly in Joshua 10 and 11, the verb is linked with 'strike' and adds something to it. This could be understood merely to indicate 'complete destruction' (as, probably, in Dt. 2:34), or to introduce a sacral viewpoint; in the context of a decree from the assembly, the latter seems more appropriate.<sup>28</sup> Septuagint renders by ἀναθηματίζειν.

6. The verb *hah'arîm* occurs 7 times, and the noun *herem* once, in 1 Samuel 15:3-21; the Israelites were forbidden to give quarter or take plunder in attacking the Amalekites, so distinguishing them from the other enemies against whom Saul made war.<sup>29</sup> The noun is applied to the spoil only (21); the verb, 3 times to the spoil (3, 9b, 15), 3 times to the persons (8, 18, 20) and once to the spoil and persons together. The precise terms of God's command through Samuel were: 'Strike Amalek; devote all his property; do not spare any person.' The parallel with Jericho is very close; this goes beyond the rule in Deuteronomy 20:16f., which applies only to the persons.

7. According to 1 Kings 9:21, Solomon subjected the Canaanites 'whom the Israelites had been unable to devote'. BDB considers

<sup>28</sup>See A.E. Cundall, *Judges* (London, Tyndale Press 1968) *ad loc.*, who points out that the men of Jabesh had failed 'to honour their obligations within the covenant community'; the narrative of course represents the Israelite attitude, and the author is in no way justifying it.

<sup>29</sup>That the Amalekites were a special case is underlined by 14:48, as D. Edelman points out in *King Saul in the Historiography of Judah* (Sheffield, Sheffield Academic Press 1991) 73; it is not so clear that they alone are designated 'plunderers', which may sum up all the enemies mentioned. Edelman has assembled evidence that there was or had been an Amalekite enclave west of the Ephraimite hills, but it is difficult to see how it could have been a serious threat in Saul's time. If it was still in existence, such an enclave was on the same footing as the 'Canaanite' peoples of the Land. The Amalekites who plagued Israel were essentially raiders rather than a settled people, which would more naturally explain a special application of *herem*.

this a secondary usage, as 'exterminate' (*s.v.*, 1a, *cf.* 2 Ki. 19:11 of the Assyrian conquests); but the Deuteronomic law is clearly in view, and we hear a strong echo of Joshua 15:63, 17:12.<sup>30</sup>

8. Ahab was rebuked for releasing Ben-Hadad on the grounds that he was *ʾis hermî* (1 Ki. 20:42); apparently the prophet had warned Ahab against making a treaty in view of the insolent attitude of Ben-Hadad earlier on. One may recall that in Deuteronomy *hahʾrîm* implies making no treaty. Thus *herem* signifies a divine decision to exclude the object or person from normal relationships.

9. The few occurrences in the Latter Prophets and the Writings add little to the foregoing. The only clear testimony to a meaning merely equivalent to 'destroy' is in 2 Chronicles 20:23 and Daniel 11:44; BDB cites Sennacherib's message (2 Ki. 19:11, parallel Is. 37:11, 2 Ch. 32:14), but this must be read in the light of the emphasis in the Assyrian records on the involvement of Asshur.<sup>31</sup> Most other texts refer explicitly to God, often as agent; *e.g.* Isaiah 34:2, Jeremiah 25:9, Malachi 3:24 (again an extension of 'smite', *cf.* Jer. 50:21). In Isaiah 34:5, *ʾam hermî* is exactly parallel to 1 Kings 20:42. Isaiah 43:28 speaks directly of rejection by God.

### Meaning and application of *herem*

The following conclusions may be drawn from the texts cited:

1. The term is not normally applicable to idols and other cult objects, but only to property and persons which could otherwise be held for private use. Idols are to be destroyed, as repeatedly directed in the Pentateuch, not 'devoted'.<sup>32</sup>
2. The essence of the idea is an irrevocable renunciation of any interest in the object 'devoted'.
3. Consequently, so far as persons are concerned, the options of enslavement and treaty are not available. This accounts for a

<sup>30</sup>The phrase 'were not able' does not occur in Jos. 16:10 or Jdg. 1.

<sup>31</sup>*E.g.*, D. Winton Thomas, *Documents from Old Testament Times* (London, Thomas Nelson & Sons 1958) 66f., regarding the same campaign. Compare Mesha's inscription noted below.

<sup>32</sup>The sole exception appears to be Dt. 7:26, which is also an exceptional usage of *tôʾēbāh* for the idol itself. I suggest that *herem* is applicable because the object has been illegally retained; in itself, it could not be classed as something which *might* have been given to the sanctuary (which is the normal significance of the term). This text also illustrates the concept of the thief becoming *herem* by a kind of attraction, as in the case of Achan.



semantic equivalence with 'destroy' (utterly), and for the development of the 'weakened' or 'secondary' meaning.

4. This 'no quarter' policy was not usual in war; witness the distinction drawn in Deuteronomy 20, and the special circumstances of the attacks on Hormah and the Amalekites.

5. The verb *haḥarîm* can mean simply 'to give no quarter' without religious implications; but in Joshua, with its strong dependence on Deuteronomy and in view of the reasons given there for the policy, the connotation 'devoted' should be retained. It gains support from the reference in the Moabite stone,<sup>33</sup> where Mesha' says explicitly that he devoted 7,000 Israelite prisoners 'to *'Astor Kemos'*.

This assessment calls for significant modifications to the interpretations cited earlier. It appears that, *pace* S.R. Driver and J. Reider, *herem* did not apply to 'anything imperilling the religious life of the nation'; such objects were to be destroyed out of hand, not given to the sanctuary. On the other hand, it was normal to take booty, even when the (Canaanite) enemies were to be destroyed. On this point especially, it is arguable that the adoption of the dubious concept of 'holy war' has led some commentators to read implications into the texts, contrary to their plain meaning. Achan's crime was a breach of *herem*, but not in general terms 'a violation of the war law of Deuteronomy 20:10-18', <sup>34</sup> since *herem* was specially applied to the loot at Jericho, while in Deuteronomy 20:17 the verb refers to the people only.

In conclusion, where the word *herem/haḥarîm* is used with its full religious force (and always, in its nominal form), it means uncompromising consecration without possibility of recall or redemption. It was not applied to idolatrous objects, but to things which could have been taken as plunder or people who could have been enslaved. It was not the normal procedure of war, although the verb could be used in a secondary sense to denote overwhelming destruction of the enemy. The application of *herem* did not make a war 'holy'; but it did introduce a special theological dimension which forbade taking booty, or prisoners, or both, according to the instructions given in the particular case.

<sup>33</sup>D. Winton Thomas, *op. cit.*, # 197 l. 17.

<sup>34</sup>A.D.H. Mayes, *Story of Israel*, 42.