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THE CURSES OF DEUTERONOMY 27 AS A SANCTION
IN THE COVENANT FORM OF DEUTERONOMY

A Thesis Presented to the Faculty
of Concordia Seminary, St. Louis,
Department of Exegetical Theology
in partial fulfillment of the
requirements for the degree of
Master of Sacred Theology

by

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May 1966

40408

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1966
no. 5
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Short Title

THE CURSES OF DEUT. 27

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CHAPTER I

INTRODUCTION

The pericope of curses found in Deut. 27:15-26 presents several striking problems. The word for cursing as used in the pericope has a connotation of terrible doom. The passive form of the verb leaves the agent of the curse undetermined. Therefore it becomes necessary to establish the exact meaning of the word in the Hebrew and other Semitic languages in order to draw the significance of invoking a curse in the ancient world. The question then arises regarding the relationship between the practice of cursing in the Bible and in the ancient Near East.

Besides these problems, the present study will attempt to relate the pericope of curses in Deut. 27 to other passages of the Pentateuch which show similarity of form and content. The exact intention and content of these curses as well as the addressees will also be examined.

Furthermore, an attempt will be made to compare the pericope of curses with corresponding parts of the Near Eastern treaties. The section of Deut. 27:15-26 is to be studied also in the total context of Deuteronomy, to determine how it fits into the general framework of the book. In this connection some thought will be given to the biblical concept of Covenant, which shapes, so to say, the cited framework of Deuteronomy.

As the title of the present study says, the curse pericope under consideration will finally be found to constitute a sanction to the law section contained in the book of Deuteronomy.

CHAPTER II

THE CURSE--A WORD STUDY IN THE LIGHT OF THE BIBLICAL AND NEAR EASTERN MATERIALS

The Universality of the Curse

The invoking of a curse was a universal phenomenon in the Ancient World.¹ The importance of malediction, which in this essay will be used as a synonym for "curse,"² is apparent in the religious language of the cults and its use permeated the entire life, private and public, of the people. In the political sphere it is exemplified by King Balak's request that Balaam curse the people of Israel, who were thought of as a threat to the Moabite kingdom.³

¹This statement needs no further proof considering the specific studies on the subject, like that of Johannes Pedersen, Der Eid bei den Semiten (Strassburg: Verlag von K. T. Trübner, 1914), which will be used in the present study, or the extensive presentation Ancient Near Eastern Texts Relating to the Old Testament, edited by James Pritchard (New Jersey: Princeton University Press, 1955).

²The word "malediction" is derived from the Latin terms male and dicere, and expresses the exact idea of the wish that evil befall someone or something. The word is preserved in the biblical translations of certain Romance languages, as a derivation from the Vulgate maledictus. The French Bible translates it with maudit. In Portuguese the former commonly accepted Ferreira translation as well as the new Authorized Version (Rio de Janeiro: Sociedade Bíblica do Brasil, 1960) translate the curse in Deut. 27 with maldito.

³Num. 22:4-6. The fact that this very episode was followed by Israel's breach of the covenant with Yahweh is not a mere coincidence. Habel goes as far as to relate this incident with the covenant renewal at the plains of Moab. "Through these events, including the covenant curse of the plague (Num. 25), the participants were motivated to covenant renewal. The activities at Beth-Peor, then, offer a relevant 'conflict' tradition which helps to elucidate the original covenant of

The English word "curse" or "malediction" does not reflect the various shadings of meaning which the ancients attached to the concept nor its application in actual practice. It will therefore be necessary, first of all, to determine what the ancients mean by a curse and how they made use of it. In doing so the expression "Ancient World" will be limited in the present study to the ancient Near East, since the latter is the area of primary interest for Old Testament studies. Furthermore, archaeological research has revealed that

there is no focus of civilization in the earth that can begin to compete in antiquity and activity with the basin of the Eastern Mediterranean and the region immediately to the East of it--Breasted's Fertile Crescent. Other civilizations of the Old World were all derived from this cultural center or were strongly influenced by it. In tracing our Christian civilization of the West to its earliest sources we are, accordingly, restricted to the Egypto-Mesopotamian area.⁴

Even the Near East seems to be too broad a geographical area to determine a concept as it was used in a specific culture. Nevertheless, this study will be based on materials from this general area and more particularly from that occupied by West Semitic peoples: Ugarit, Phoenicia, Aram, and Palestine.⁵

Since it has been shown that these peoples, connected as they were by linguistic, geographic, politic, economic and other ties, shared to a great extent in a common culture, it will be helpful, for the purpose of the present chapter, to investigate whether the invoking of a curse was

Deuteronomy." Norman Habel, Yahweh Versus Baal: A Conflict of Religious Cultures (New York: Bookman Associates, 1964), p. 26.

⁴William F. Albright, From the Stone Age to Christianity (Baltimore: The John Hopkins Press, 1940), p. 6.

⁵Stanley Gevirtz, "West-Semitic Curses and the Problem of the Origins of Hebrew Law," Vetus Testamentum, XI (1961), 137-158.

also a characteristic expression of their solidarity. If documentary evidence can be adduced to show that cursing was a universal phenomenon in the cultural setting of Israel, it will be necessary to examine to what extent its practice and meaning was similar to the general custom in vogue in the contemporary world of the Old Testament and in what respects differences existed. Such an analysis will also be helpful in throwing light on the particular pericope under consideration: Deut. 27: 15-26.

The Various Expressions Related to the Curse

The first step will be to draw a sharp distinction between the curse and similar modes of human expression, such as the oath, the imprecation, and the spell.⁶

The oath is very closely related to the curse. It also takes the form of a definite formula. It differs, however, in this respect that it employs a conditional curse as an essential element to produce the conviction that the speaker is speaking the truth. Furthermore, the oath also differs from the curse by being clothed in the language of a solemn avowal.⁷ The most distinctive feature of an oath over against a curse,

⁶Sheldon Blank, "The Curse, Blasphemy, the Spell, and the Oath," Hebrew Union College Annual, XXIII, Part One (1950-1951), 73-95. Blank has attempted to draw such a distinction. His findings, however, are somewhat erroneous with respect to the proposed chronological development of the curse from a simple, non-religious expression to an elaborate system of formulations.

⁷Blank, ibid., traces an even more distinct differentiation by defining a vow. "Like the oath the vow is a conditional curse. . . . But, unlike the oath, it contains the curse formula. It is only by its intent as revealed by its context that a vow can be distinguished from an ordinary curse, as, for example, the curse upon the potential rebuilders of Jericho

however, is that the person who pronounces the former applies it to himself, and not to another person.⁸ Pedersen considers curses and oaths somewhat similar since the hypothetical element in a conditional curse expresses the wish that its evil consequences befall the person taking the oath.

There is also a difference between an imprecation and a curse. The former is strongly associated with the idea of prayer. It is a petition that harm befall an enemy and is usually directed to the deity. The outstanding example is found in the so-called imprecatory Psalms. Mowinckel does not seem to distinguish between a curse and an imprecation when he labels these Psalms Fluchpsalmen. Even though he recognizes the imprecatory element in the Psalms, he simply refers to them as prayers whose "original form was that of a word of curse."⁹ In his treatment of these Psalms the use of the term "curse" is too strong and the designation "prayer" is too weak to describe an imprecation. It is not the

(Josh. 6:26)." In the passage mentioned the Hebrew word is שָׁבַע, which can signify both to take a vow or an oath, or even to swear. The oath, as it will be further described, is essentially a wish of personal application and implication.

⁸Pedersen, p. 108.

⁹Sigmund Mowinckel, "Segen und Fluch in Israels Kult und Psalmen-dichtung," Psalmstudien V (Amsterdam: Verlag P. Schippers, 1961), 82-83. In the exposition of the Psalms of lamentation he recognizes the imprecatory element, but explains it, e.g., as when dealing with Ps. 83:9-17, as follows: "Das sind echte Fluchworte. Sie haben allerdings die Form des Gebets. . . . Mit der Entwicklung der Religion und dem Hervordringen des persönlichen Gottesbegriffes des Jahwismus wurde der Fluch ein Gebet, das Jahwē selbst auffordert, mit seiner vernichtenden Macht einzugreifen." By this explanation of the development of the curse from automatic fulfillment to that by the action of Yahweh, Mowinckel seemingly dismisses the imprecation as a definite mode of human expression.

direct uttering of a curse, but it expresses the wish or prayer that a curse befall someone or something.

A curse must also be distinguished from spells, which

do not depend for their effectiveness either upon God or upon any other external agent; the spoken words themselves are assumed to have the power to produce the desired effect.¹⁰

Casting a spell is a practice which belongs to the realm of magic. It was largely used among people in the ancient world. Blank points to the story of Balak, who indeed called Balaam to curse (אָרַר) Israel. Balak's addition to this request, however, that "perhaps then we can smite them and drive them from the land"¹¹ apparently shows the king's hope that Balaam's words would hold Israel "spellbound" so that they would not be able to defend themselves.¹²

This difference in the shadings of meaning in the word for curse leads to the consideration of the various terms used in the Old Testament and their distinctive connotations.

Hebrew Terms for Curse

Less Significant Roots

The less significant roots to express the curse concept are אָרַר,

¹⁰Blank, p. 86.

¹¹Num. 22:6,11.

¹²Blank, p. 86. His interpretation of this incident seems valid. In spite of the use of the word אָרַר in the passage mentioned, which would require the identification of it with a legitimate curse, the agent cannot be Israel's God. Balak's intention might have been that of a spell, which was correctly understood by Balaam, who seems to correct the king by quoting Balak's very expression, "Come, אָרַר Jacob for me . . .," but giving to it the right shading as he repeats it in his own words, "How can I אָרַר whom God has not אָרַר?"

בּוּךְ or בּוּרָה, and בּוּרָה. They are of secondary importance not only because they rarely appear in the Old Testament text in this connection, but also because their meaning is very broad, including many derivative shadings which have no connection with the idea of a curse.¹³

The root בּוּךְ is always found in relation with the wrath of God. As such it carries the menacing meaning of "execrate, treat with anger, abominate, be angry with."¹⁴ It is etymologically related to the Arabic root zagāma (to scare, frighten). The passage in Ps. 7:12 uses the participial form בּוּכֵי, which can be translated: "Yahweh is one who instills fright, fear" (ein schreckeinflößender Gott).¹⁵ The word, therefore, simply means "to direct a threat against someone or something."

Num. 23:7,8 contains three words which are being studied here in relation with the term curse. The last of them is בּוּךְ. Even though it is parallel to בּוּרָה, it is not identical with it in meaning, since בּוּךְ portrays the consequence of the curse: "Come, curse (אָרַר) Jacob for me, and come, threaten (frighten, בּוּךְ) Israel." It is, nevertheless, related to the act of cursing to the extent that it expresses the force of the curse and the desired effect on the person being cursed. The paucity of occurrences of the verb makes it difficult to establish

¹³Josef Scharbert, "'Fluchen' und 'Segnen' im Alten Testament," Biblica, XXIX (1958), 1-26. The following study of the terms for a curse is based mainly on the work of Scharbert and of Herbert Brichto, The Problem of "Curse" in the Hebrew Bible (Philadelphia: Society of Biblical Literature and Exegesis, 1963).

¹⁴Brichto, pp. 202-203.

¹⁵This translation, suggested by Scharbert, seems to reproduce the exact original meaning.

its basic denotation more accurately.

The root גגפ , already mentioned in connection with גגפ , shares somewhat in its meaning, at least in Num. 23:7,8, cited above. It appears sometimes in the form גפג and is evidently derived from a root common to both forms. It is quite difficult to determine its exact meaning because of the rarity of its occurrences. It may have some connection with the Arabic gabiba, which means "to be thin."¹⁶ There is, therefore, a similarity of meaning between this root and גגפ (to be light). Another meaning is suggested by Job 5:3 where it seems to be used in the sense of "despise" or "disconsider." Scharbert is of the opinion that it corresponds in content to גגפ in the Piel form and may be considered fully synonymous with it.¹⁷

As will soon be demonstrated, the Hebrew root גגפ is directly connected with an oath, used in connection with the invoking of a conditional self-curse. The root therefore is not important to the development of this study, because it describes an action which is not identical with a curse, as defined and delimited above. Nevertheless, it merits attention since it occurs more frequently in the Old Testament than the words previously studied. It may be said that גגפ is present, explicitly or implicitly, in every גגפ oath.¹⁸ In this kind of self-curse the one who pronounces it binds himself by a solemn promise. Treaties

¹⁶Scharbert, p. 14.

¹⁷Ibid., p. 15.

¹⁸Brichto, p. 70, says that the גגפ oath occasionally stands for גגפ by synecdoche of the whole for the part. Therefore, the two words are to be considered as expressing the same thing or merely different shadings of it.

were usually solemnized in the same way, and in some cases the treaty itself was called אָזַן.¹⁹ Here it occupies a prominent position as an imprecation or sanction to guarantee that the terms of an agreement or covenant will be carried out. The word has a similar form and function in the Akkadian. The noun mamītū is cognate to the Aramaic mōmātā, which the Targumim used to render the Hebrew אָזַן, and both convey unquestionably the meanings of "curse/ban" and "oath."²⁰

Scharbert concludes that אָזַן is always used to protect and secure property, order, laws, treaties, or to confirm court decisions. Its equivalents in other languages and cultures of the ancient civilization are found in general and even frequent usage.

The Most General Form of Curse

The basic meaning of אָזַן in Hebrew is "to be light, swift." The Assyrian kalalu means "to despise, dishonour." The same connotation is found in the Amarna Letters. In Arabic the word signifies "to be small, scanty," and the Sabean dialect uses אָזַן to denote "scanty." The Syriac אָזַן has the same meaning as the biblical Hebrew. In Ethiopic it means "to be light, small, easy," and then "to despise." The Targumim use the word אָזַן in the same sense as the Hebrew Bible.²¹ The related

¹⁹Gen. 26:28; Ezek. 17:13,16,18.

²⁰Brichto, p. 71, has a fuller treatment of the meaning and development of these terms and relates the Hebrew word to significant Near Eastern parallels.

²¹Francis Brown, S. R. Driver, Charles Briggs, A Hebrew and English Lexicon of the Old Testament (Oxford: At The Clarendon Press, 1955), p. 886.

Akkadian root, identical with the Assyrian, is gullulu or qillatu.²²

These examples of the widespread usage of קלל in the Semitic languages lead to the conclusion that in almost all of them it has the basic meaning "to be light, little, insignificant, low, despicable," parallel to its use in the Hebrew Qal. Brichto explains in detail what it means in reference to some possible objects, as follows:

The verb qillel has a wide range of meanings, ranging from verbal abuse to material injury. In every instance its force must be determined on the basis of its context. As an antonym of kibbed and bērek it means to treat with disrespect, abuse, derogate, denigrate, repudiate. As a coordinate of hikkā it involves material injury. In the passive it has the sense of "to be unfavored, unfortunate, afflicted." With parents as object it means "to show disrespect for."²³ With kings as object its basic meaning seems to be "to repudiate."²⁴ With God as object it denotes the lack of fear or respect for the ethical standards which the deity expects of man.²⁵

The significant form of the root occurs in the Piel/Pual, for which the dictionaries in general give the meaning of "make contemptible, to curse, to be cursed, to become a curse."²⁶ In some instances, however, even the Piel/Pual departs just slightly from the basic meaning of "being light, low, disconsidered," and carries the meaning of "regard as insignificant, to look down upon someone or something," and similar expressions. The transition from the sense of "to be insignificant" to "to

²²Brichto, p. 177.

²³Cf. Deut. 27:16.

²⁴According to this interpretation of the word it can properly refer to any kind of treaty, especially to the suzerainty type.

²⁵Brichto, pp. 176-177. The quotation is from the summary given by that author. The conclusions drawn in this section of Brichto's work are discussed in detail in the preceding pages of the book, especially in pp. 118-130.

²⁶Brown, Driver, Briggs, p. 886.

curse" can be demonstrated in 1 Sam. 2:30: "Those who honor me (יִכְבְּדוּ) I will honor, and those who despise me shall be lightly esteemed (cursed, יִקְלָפוּ).

The noun יִקְלָפוּ retains the sense of a curse and is so used in Deut. 27:13 as well as in the other passages which refer to the same situation. In general the noun denotes the word of a curse in its oral or written form (so in Deut. 27:13) to express the "imminent power released by the curse which threatens the offender or transgressor of the law, and finally the actualization of the disaster upon the object of it."²⁷

Scharbert sums up the range of meaning of the root קָלַף from the basic to a more developed sense of a curse as follows:

Das Piel und analog dazu das Pual bezeichnet in erster Linie ein Verächtlichmachen, das Herabsetzen des Ansehens, ein an keine bestimmte Formeln gebundenes Beschimpfen, das sich gegen Gott, gegen den König, gegen den Eltern, gegen andere Personen richten kann, das aber, auf Menschen bezogen, leicht einen Fluch gleichkommt. Weil man infolge des Glaubens an die Macht des Wortes annimmt, dass eine Beschimpfung einen Menschen tatsächlich "kleinmacht", dass heisst, ihm das Glück, die Gesundheit, den Wohlstand mindert, erhält קָלַף im Piel und Pual häufig die Bedeutung "verfluchen, verwünschen", und das Nomen יִקְלָפוּ die Bedeutung "Fluch". Wir sehen also, dass der Begriffsinhalt hier viel weiter ist als bei יִקְלָפוּ und אָרַף.²⁸

The Most Distinctive Term for Cursing

There is not a widespread linguistic analogy of the Hebrew word אָרַף

²⁷Deut. 11:29; 30:19. Brichto, p. 199, in his conclusions drawn from the study of this noun form, however, does not agree with this meaning, which is to be ascribed to Scharbert. Brichto says: "On the contrary, in the case of galala at least, in the majority of its occurrences it has the sense of material misfortune or abusive treatment."

²⁸Scharbert, pp. 13-14.

in the other ancient cultures, as was the case with the previous root studied. The dictionaries list as linguistic parallels the Assyrian or Akkadian araru, in the sense of "to bind, curse, ban, enchant." The Arabic 'arra also has the similar meaning "to chase." That about exhausts the evidence of the use of this root in a cognate sense in the related cultures of the Near East.²⁹

In the light of the Akkadian parallel, אָרַר can be said to reflect the operative force of the curse.

Thus as in the Bible, not anyone could be the subject or agent of the verb araru although anyone could call upon the gods to araru someone else. Thus B. Landsberger, "während araru der nur unter Anrufung der grossen Götter wirksame formelle Fluch ist . . . umfasst das schwächere nazaru auch die Beschimpfung, Verbalinjurie."³⁰

The stem אָרַר therefore has something particular to tell about the curse. It corresponds to אָרַר insofar as both express essentially the effectiveness of the act of cursing. On the other hand, while the latter denotes the good situation or state from which the object of the curse is to be ejected (out of the state of heaviness, honor; the "lightening"), אָרַר denotes the evil situation into which the object of the curse is to be brought (the abandonment, ban, separation from God and from the fellow men). While אָרַר expresses the loss of honor and happiness, אָרַר presents the situation of death as opposition to

²⁹Brown, Driver, Briggs, p. 76. Also Ludwig Koehler, Walter Baumgartner, Lexicon in Veteris Testamenti Libros (Leiden: E. J. Brill, 1951), pp. 89-90. Brichto, pp. 115-116, studies the Akkadian stem in greater detail, showing that araru and arratu/erretu has the basic meaning of "to bind by means of incantation." "It would seem that despite the more extensive operation of metonymy in Akkadian the functions of araru and its cognate noun arratum/erretum parallel rather closely those of 'ārar in Hebrew."

³⁰Brichto, pp. 116-117.

life, the ban over against life in society, a state which befalls the cursed person in the most emphatic mode of expression.³¹

The fact that ארר is definitely the strongest curse formulation is attested by the fact that it is never in its basic meaning applied to God as the object of the curse; for this purpose the word קרר is used.³² In Ex. 22:27 one finds the prohibition that ארר should not be directed against a ruler of the people. This passage is extremely striking in making a clear distinction between cursing (in the same usage, only with different objects) God and cursing the ruler: "You shall not revile (curse, קרר in the Piel imperfect) God, nor curse (ארר, Qal imperfect) a ruler of your people."

Thus ארר specifically constitutes the most effective curse formulation. The authority of enunciating it is given chiefly to certain persons who are endowed with unusual abilities. The Old Testament tells of Noah cursing Canaan (Gen. 9:25); of Isaac cursing the anger of Simeon and Levi (Gen. 49:7). Balaam is called as one whose cursing would work effectively (Num. 22:6). Joshua pronounces the curse against the future builder of Jericho (Josh. 6:26). There are a few more examples of this type of cursing, but in all cases it is applied in very special situations as the uttermost expression of doom and condemnation.

The stem ארר appears approximately sixty-six times in the Old Testament. God is the direct pronouncer of the curse in a number of instances. He curses the serpent in the garden of Eden (Gen. 3:14), and

³¹Pedersen, pp. 80-81.

³²Ex. 22:27; Lev. 24:10-23; 1 Sam. 3:13.

the soil because of man's fall into sin (Gen. 3:17). Cain is cursed from the ground where he killed his brother.³³ In Mal. 2:2 God threatens the priests of Israel with the strongest form of curse, even affirming that he has already cursed them.

As far as the Hebrew modes and tenses are concerned, the stem אָרַר occurs in the Qal perfect, imperfect, and imperative; passive Qal perfect and participle; Niphal perfect, and Piel perfect and participle. The Qal passive participle in a nominal sentence, made up of the participial form and the subject of this passive participle constitutes the simple curse formula. Of the sixty-six occurrences of אָרַר in the Old Testament, some forty appear in the form just mentioned, and of these, thirty-two are used in the masculine singular form אָרַרְךָ.

The Passive Participle Qal אָרַרְךָ

The masculine singular אָרַרְךָ is the very form which is used twelve times in Deut. 27:15-26, once in each of the verses of the pericope. Therefore this participial form merits special attention, both because it is of relatively frequent use among the forms derived from the root and because it is important for this study to establish the precise meaning of the form in the pericope under consideration.

A difference has been noted by Gevirtz between East and West Semitic curse formulations with respect to the verb construction and the agent

³³Gen. 4:11. In this example and in the previous one the basic meaning of 'arur is somewhat modified by the preformative preposition min (from), which may express the legitimate ban, the exclusion from the society, exile.

of the curse. Explaining the distinction between East and West Semitic usage, he says:

The emphasis in the former is upon divine agency, with the most frequent and characteristic verb form being the precative, lû preterite. Hebrew imprecations share the general Western preference for constructions in which the agent remains undesignated and for verbs in passive forms. That form which is peculiarly Hebrew is the Qal Passive Participle of 'rr, 'ārur.³⁴

This particular formation is attested only once in extra-biblical Hebrew sources. A tomb inscription of an Israelite royal officer³⁵ contains the sentence: "Cursed ('rrur) be the man who shall (open this). . . ." It is evident that this formula has counterparts in those curses found in Deut. 27:15-26. "In view of its frequency in the Bible and of its restriction to Hebrew sources, this curse form may be recognized as characteristically and specifically Hebrew."³⁶

The Old Testament occurrences of רַרְר can be grammatically summarized as follows:

'ārur + Noun (common): Gen. 3:17; 49:7; Deut. 27:15; 28:17,18; Josh. 6:26; 1 Sam. 14:14,28; Jer. 11:3; 17:5; 20:14,15; Mal. 2:2; Job 3:8.

'ārur + Noun (proper): Gen. 9:25.

³⁴Stanley Gevirtz, "Curse Motifs in the Old Testament and in the Ancient Near East," unpublished Doctor's Thesis, Graduate Library School, University of Chicago, 1959, p. 253.

³⁵Gevirtz, *ibid.*, p. 240. He documents this assertion by pointing to the Israel Exploration Journal, III, 137-152.

³⁶*Ibid.*, p. 240. The same phrase is used by the author in the other article mentioned (see note 5), where he apparently points to the same reference found in the so-called "Manual of Discipline," The Dead Sea Scrolls of St. Mark's Monastery (New Haven, 1951), II, col. II, ll. 5-12.

'ārur + Participle: Gen. 27:29; Num. 24:9; Deut. 27:16-25; Judg. 21:18;
Jer. 48:10; Mal. 1:14.

'ārur + personal pronoun: Gen. 3:14; 4:11; Deut. 28:19; Josh. 9:23;
1 Sam. 26:19.

'ārur + noun clause with the relative אֲרִיר: Deut. 27:26.

As far as the time indicated by the participle is concerned, there are evident reasons to consider it as construed as a future. A passage like Gen. 9:25 points undoubtedly to coming generations upon which the curse shall befall. Josh. 6:26 refers to a future builder of the city of Jericho. Pedersen, however, seems to stress the immediate future:

In derselben Weise wie das arabische Perfekt wird das Hebräische Participium gebraucht. . . . Sobald jemand durch sein Tun die in diesen Sprüchen charakterisierte Person wird, ist er verflucht. . . . Dies darf nicht als Wunsch aufgefasst werden, sondern ist rein beschreibend: in demselben Augenblick, da der Mann die Stadt wiederaufbaut, haftet das Prädikat 'ārūr an ihm, und er steht unter dem Fluche.³⁷

Mowinckel goes even farther by saying that the curse includes those who have committed that sin in the past and are now present in the assembly. The participle would, according to this view, present the curse in a retroactive effect, which can hardly be true.³⁸

In Deut. 27:15-26 the curse can be said to point to a future sinner. Its effect, however, is at work from the very moment of its enunciation and applies to the immediate future. As will be pointed out later, this pericope, functioning as a sanction to the law, constitutes its closing part. Since the last curse includes the whole Torah, this same Torah

³⁷Pedersen, p. 87.

³⁸Mowinckel, p. 79.

and all the curses had to be first pronounced before the curse could go into effect.

The passive form נִקְרָא involves a number of further considerations. As a passive construction, it involves the question of the agent of the curse, since he is not always explicitly mentioned. In fact, there are very few hints as to the agent in the Old Testament formulae of the נִקְרָא . It has been said in connection with the study of the root קרא that it is never addressed to God as the object. God can, however, become the agent of this curse. The construction itself can only be explained by supposing that while using the passive form "the speaker at the same time thinks of some author or authors of the action in question, just as on the theory of the Arab grammarians a concealed agent is included in every passive."³⁹ The author of the action in question is in fact concealed in the curse formula as to make the discovery very difficult.

It can not, however, be said that this curse formula always represents a wish. Blank agrees with Pedersen on this point:

His (Pedersen's) reservation is certainly justified as far as those curses are concerned which are attributed to God in myth narrative. . . . These are not so much wishes as immediately effective decrees. But since in a myth gods speak as men, there was probably a certain declarative quality in the human curse as well, as though having been uttered it, too, had been realized. Accordingly, when the biblical curse formula is described as the expression of a wish, this must be done with Pedersen's reservation: "nicht immer."⁴⁰

³⁹E. Kautzsch, editor, Gesenius' Hebrew Grammar, translated by A. E. Cowley (Oxford: At The Clarendon Press, 1910), p. 388.

⁴⁰Blank, p. 77. He quotes Pedersen's words: "Man wird denn auch nicht immer mit Recht den Fluch als einen tatkräftigen, ausgesprochenen Wunsch bezeichnen können."

Nor is the curse expressed by אָרַר a prayer. The passive form does not permit any implication of such a nature. Moreover, there is no support whatsoever in the Old Testament for the view that the expression of אָרַר is a prayer to God or perhaps to demoniac agents. Furthermore, a curse as a prayer would become an imprecation, which is not the sense of the formula under consideration. In the Near East the power through which a curse became effective was believed to reside in the very utterance of its words. Attempts have been made to bring this idea into the Old Testament. The studies by Mowinckel and Hempel⁴¹ are of this nature, and their investigation has been criticized by Procksch, who says: "Beide unterscheiden den göttlichen Fluch zu wenig vom menschlichen, da das Ganze zu sehr als Magie aufgefasst ist."⁴² In the same connection he presents the distinction of the different terms used to express the curse, and comes to the conclusion that אָרַר has a "rein religiösen Sinn." This may be carrying the conclusions too far, but it becomes clear that the root אָרַר does have a specific religious and theological denotation, which is found in the great majority of the instances in which it is used.

In short, most of the cases of the Old Testament suggest the power of the curse as implicitly attributed to God. Therefore it is something that brings upon the transgressor a punishment that is certain, terrible, and imminent. In the conclusions to be drawn in the next section, more

⁴¹Johannes Hempel, "Die Israelitischen Anschauungen von Segen und Fluch im Lichte Altorientalischer Parallelen," Zeitschrift der Deutschen Morgenländischen Gesellschaft, N. F., Band 3 (78), 1925, pp. 20-110.

⁴²Otto Procksch, Theologie des Alten Testaments (Gütersloh: C. Bertelsmann Verlag, c.1950), pp. 644-645.

will be said about the agency of the curse as it relates to the pericope in Deut. 27.

Confrontation of the Data

The formulation of the curse in Hebrew literature has many parallels in the ancient Near Eastern cultures. It is apparent that its very wording is composed in a common pattern. This curse formulation reflects an aspect of religious as well as literary tradition, preceded by a long pre-literate history, which shaped and determined its literary form. The striking analogies between such formulations and the biblical records have sometimes led to conclusions that are too sweeping or general.⁴³ Blank has made the attempt to develop the idea and form of malediction from a simple, non-religious curse formula to a composite curse, made up of the simple formula plus curses freely composed, and finally to the curse as an imprecatory prayer.⁴⁴

After a close look at some Near Eastern formulations it becomes evident that the curse was viewed as a great power in the eyes of the pronouncer, victims, and witnesses of it. Although it would be very difficult to establish the role of fear in the Motivational Psychology of the ancients, the curse can be regarded as having been something greatly feared by those people. Nevertheless, one can perceive with fair precision a given culture's attitude towards, for instance, the supernatural, as it is evidenced in the way the people of this culture look at the curse.

⁴³Julius Morgenstern, "The Book of the Covenant--Part II," Hebrew Union College Annual, VII (1930), 241-258.

⁴⁴Blank, passim.

The question at this point is the search for the agent of the passive form of the Hebrew curse, particularly in Deut. 27. In all occurrences of the participial construction outside this context there is no clear-cut identification of the agent. The only instance which is worth examining is Joshua's curse upon the future rebuilders of Jericho. When, according to the threat of the curse, Hiel of Bethel lost his two sons in rebuilding the city, 1 Kings 16:34 says that it came to pass "according to the word of the Lord, which he spoke by Joshua the son of Nun." If the **דבר** is defined as "the word of Yahweh," Yahweh has to be taken as the agent.

There is, however, direct evidence in Deuteronomy itself to a cursing by divine agency. The reference in Deut. 28:20 may not be acceptable to those who hold that this chapter and the preceding one do not form a basic unit. The passage should nevertheless carry some weight, for it says explicitly, "the Lord will send upon you curses." If this verse is at all connected with the preceding pericope of curses in ch. 27, it would indicate that Yahweh does the cursing.

There is a relationship of concept between the pericope of this study and the related passage of Deut. 11:26, in which Yahweh says: "I have set before you life and death, blessing and curse." If these passages have any connection at all with the curses in ch. 27, the conclusion that they have Yahweh as agent would be justified.

An even stronger argument for the divine agency of **דבר** in Deuteronomy 27 is the fact that this form of cursing is found in a covenantal context, and is attached to the covenant as a sanction. The Near Eastern cultures assumed that existence was possible only within the

fellowship of the tribe or clan. Whoever entered the berith was introduced to fellowship and life.⁴⁵ On the other hand, the breach of this berith

puts the real idea of malediction into effect. The style of this formula is the common style of Near Eastern casuistic jurisprudence. . . . The pronouncement of this punishment is the malediction, to vanish, to perish.⁴⁶

In the Old Testament berith has a similar connotation. It is the covenant between Yahweh and his people, which is not to be broken. If Deut. 27:15-26 is a part of this covenant, as will be demonstrated in the following chapters, then there is legitimate reason for saying that these curses are the expression of the same God of Israel who made the covenant with her.

⁴⁵Pedersen, p. 64.

⁴⁶Charles Fensham, "Malediction and Benediction in Ancient Near Eastern Treaties and the Old Testament," Zeitschrift für die Alttestamentliche Wissenschaft, XLIV (1962), 1-9.

CHAPTER III

THE PERICOPE OF CURSES: DEUTERONOMY 27:15-26

Exegetical Problems

In the preceding chapter an attempt was made to establish the basic meaning of words and concepts related to the curse in general as a preparation for the exegetical and comparative study of the passage of Deut. 27:15-26. The essential elements of the curse contained also in this pericope have been examined and will serve as point of departure for dealing with the text itself. Among other things, the conclusion was reached that the series of indictments in Deut. 27 no doubt belongs to the type of malediction which involves a divine agent as the executor of the curse. If this is the case, the next question to arise is: Against whom is the curse directed? or in other words: Who is to experience the doom threatened in the malediction?

The closing words of the chapter 27 (vv. 15-26) are to be pronounced by the Levites as the spokesmen of Yahweh and undoubtedly require the preceding verses in the chapter to set the stage for the address, no matter how broken the context may seem to be. Accordingly one finds all Israel gathered for the purpose of some kind of ritual.¹ The section

¹The Sitz im Leben of the chapter is that of a covenant ceremony. The people of Israel are addressed as involved in the covenant enactment. The first verse of the pericope of curses in Deut. 27 (v. 15) reflects a basic element of the covenant, namely the requirement that the people of Yahweh should serve him alone. V. 9 reflects the same basic element by stating, "This day you have become the people of Yahweh," and Israel is bound to Yahweh and cannot serve other gods. Therefore the situation

ends with a curse which intends to protect a body of laws, the Torah, from any attempt of violation of the text, in a common Near Eastern fashion.

In ancient Near Eastern parallels, whether the contrast be between equals or between non-equals, the primary preoccupation is the preservation of the stipulated terms.² Contracts between equals usually are content with expressing a brief curse to protect the terms in general; those between non-equals frequently specify individual stipulations, whether or not these have been enumerated in the body of the text.³ The affixed imprecations, therefore, were intended to serve as a deterrent to any violation. Since these Near Eastern parallels describe the situation in which such curses were pronounced and give the reason for such terrifying provisions, and clearly determine the addressees of the curses, there is reason to believe that the pericope under consideration had its origin in a similar setting of circumstances and purposes. This form of doom therefore expresses a denunciation of any possible transgression of the covenant regulations and also the judgment which is imminent upon the transgressor.

presents, as will be shown in detail in the next chapter, the situation of a covenant renewal ceremony.

²It will become clear in the following discussion that the pericope of curses in Deut. 27:15-26 deals with a covenant between non-equals. Yahweh is the more powerful party and Israel is the less powerful party.

³Stanley Gevirtz, "Curse Motifs in the Old Testament and in the Ancient Near East," unpublished Doctor's Thesis, Graduate Library School, University of Chicago, 1959, pp. 47-48. Gevirtz offers many examples of the type of contracts to which he refers. Most striking are the instances from the old Akkadian treaties, which employ the very same root for curse as it is used in Deut. 27: "He who changes this agreement, may Anu Enlil and Ea curse (ar-ra-ta) him with an indissoluble, baleful curse (li-ru-ru)!"

The Individuality of the Curse

Even a superficial look at the series of indictments in Deut. 27: 15-26 makes it apparent that the curse is directed against individual persons. The subject of the passive verb is presented in three different forms: "Cursed be the man who" (a definite noun as the subject of the passive verb); "cursed be he who" (the participle of activity--whenever a person is identified with the action expressed by the participle, he is under the curse); "cursed be whoever" (the noun clause with the relative stands for an individual sinner).

There is no doubt, in the light of these formulations, that even though Israel as a whole listens to these words, each sentence of doom is pronounced upon every individual member of the congregation. The keeping of the terms of the covenant is a personal responsibility. At the same time, the breach of the covenant by a member of the community affects his relationship to the whole group. As previously noted, Semitic cultures stressed the fellowship of the individual within the tribe or covenant. Therefore disobedience implied punishment which consisted in upsetting the house of the vassal, in changing or reversal of his social status, and in obliteration of the name of the vassal.⁴ So also in the present context it can be said that "God's curse signifies the exclusion of the sinner from God's fellowship; it is the most terrible

⁴Charles Fensham, "Malediction and Benediction in Ancient Near Eastern Vassal-Treaties and the Old Testament," Zeitschrift für die Alttestamentliche Wissenschaft, LXXIV (1962), 74-75.

judgment that can befall him."⁵ In the specific case of the first statement of the pericope⁶ it launches a curse "not against the national sin of using images in connection with its worship, but against the private use of a graven or molten image on the part of the individual."⁷

The Curse Against Secret Sins

The characteristic feature of each of the curses in Deut. 27 is the focus on the individual. It is also noteworthy that these curses are concerned especially with the secret life of the individual person. Although it is apparent that the congregation or its leaders could not be aware of all the acts of every member, the curses nevertheless stand guard over man's entire life, even of those moments in which he cannot be controlled by any other member of the congregation. "Als letzter Grund des Zornes Gottes muss immer die Sünde, als Verletzung seiner Heiligkeit, angesehen werden, wenn sie auch nicht ins Bewusstsein des Menschen tritt."⁸

The phrase סֵתֵר סֵתֵר , "in secret, in secret places," is used twice in the pericope, in verses 15 and 24, and gives prominence to every concealed or hidden act, be it the hiding-place of a thief, an adulterer,

⁵Otto Procksch, Theologie des Alten Testaments (Gütersloh: C. Bertelsmann Verlag, c.1950), p. 645.

⁶Deut. 27:15.

⁷Adam C. Welch, Deuteronomy--The Framework to the Code (London: Oxford University Press, 1932), pp. 126-127.

⁸Procksch, pp. 643-644. His section on the wrath of God as expressed in the curse is very incisive. The malediction which he considers of greatest significance is that pronounced by God himself. The curse that is pronounced by men, he says, is often part of magical representations.

the intimacy of a mother's womb, or any concealing of things from the view of somebody else.⁹ The expression ךְ הַסֵּתֶר calls to account any sin done in the intention of getting away with it without punishment, although it could be easily concealed from the judicial authorities of the people of Israel.¹⁰

But not only the curses which explicitly contain the reference to secret sins are meant to provide against this kind of transgression. A closer look at the other statements indicates that the whole pericope intends to warn against this type of concealed acts of breaking the covenant. Von Rad introduces the point in the following manner:

Gleichwohl hat diese Reihe eine Besonderheit, die ihr allen ähnlichen Reihen gegenüber eine eigene theologische Prägung gibt, denn sie wendet sich gegen Praktiken die heimlich, also ausserhalb der Kontrolle der Öffentlichkeit, ausgeführt werden könnten.¹¹

The erecting of an image (v. 15) for the purpose of adoration is given prominence as a part of the whole process which constitutes an abomination to Yahweh. So, then, the curse directs itself against this particular way of practicing idolatry on the part of the individual in secret.

The dishonoring of the parents (v. 16), as said in the previous

⁹Francis Brown, S. R. Driver, Charles Briggs, A Hebrew and English Lexicon of the Old Testament (Oxford: At The Clarendon Press, 1955), p. 712.

¹⁰Only Deuteronomy uses the expression ךְ הַסֵּתֶר in the Pentateuch. It occurs in 13:6 (enticing to secret idolatry), in 28:57 (for the secret eating of one's own children in a siege), and in 29:29 ("The secret things belong to Yahweh our God").

¹¹Gerhard von Rad, Das Fünfte Buch Mose in Das Alte Testament Deutsch (Göttingen: Vandenhoeck & Ruprecht, 1964), p. 121.

chapter, did not have to be expressed in words and did not necessarily involve gross sins openly committed. The participial construction

לִּפְּנֵי or, as the footnote in Kittle's Biblia Hebraica suggests, לִּפְּנֵי ,¹² points to one who acts lightly over against father and mother, who looks down upon them, dishonors them. According to its sense and basic meaning of the Piel, this verb therefore refers to a despising which takes place already in the innermost thought of the transgressor.

The removal of boundaries or the landmark of the neighbor (v. 17) could be done by open violence. In this case it would become a court case and as such it would be evidently condemned. Since the pericope provides for this curse on acts of dishonesty, it would seem likely that in this instance also it is directed against a removal of the boundary by guile or stealth.¹³ The evil act which is cursed in v. 17, therefore, can be said to refer in this context to a secret act of dishonesty.

To mislead a blind man on the road (v. 18) is a clear case of a transgression done out of malice and wickedness, without being recognized as such by the blind man until he is left alone and realizes that

¹²Paul Kahle, "Textum Massoreticum," Critical Apparatus to the Biblia Hebraica, edited by Rudolf Kittel (Stuttgart: Württembergische Bibelanstalt, c.1937), p. 304. The suggestion of this change gives the form which is closer to the root of the verb "to dishonor, curse."

¹³Johannes Pedersen, Der Eid bei den Semiten (Strassburg: Karl J. Trübner, 1914). The place in which the curse is pronounced, according to Pedersen's view, is of great importance. The fact that the curse in Deut. 27:17 directs itself against a sin against the neighbor and is to be pronounced before the altar of Ebal, leads Pedersen to link it with the sin against the neighbor (the same word לִּפְּנֵי) which is brought before the altar, according to Solomon's prayer in 1 Kings 8:31,32, in order that the evildoer be discovered.

he has been tricked. Therefore this sin takes on the appearance of a hidden sin inasmuch as the victim is unaware of its happening to him.

The perverting of justice (v. 19) is a transgression which may not be easily detected and established right away. It involves the whole process of beguiling including the initial plans to perform the evil deed. The mention of the usual names for the underprivileged people which Deuteronomy cites many times¹⁴ may point to a perverting of justice which is felt especially by those people who are in no position to help themselves out of the situation by an appeal to the courts. As a protective device in favor of the underprivileged, the curse may be directed against the wicked machinations of the rulers of the people who could not be called to justice by other means.¹⁵ This is evidently a concealed and wicked attitude which, even though not detected by the people's eyes, is threatened with unappealable doom.

Then follows a fourfold curse dealing with sexual perversions (vv. 20-23). It is to befall the person who maintains forbidden sexual relations with either his mother, sister, mother-in-law, or with an animal. It goes without saying that this kind of sin is generally a hidden act. Since only the people involved would normally know about it, it is evident that the curse applies to secret transgressions of the law.

¹⁴The underprivileged people are the sojourner, the fatherless, and the widow, sometimes cited together with the Levite. For passages, see note 42.

¹⁵The verb **פָּוַן** in the Hiphil suggests the attempt to "twist around" the justice which belongs to the needy and brings in the idea of "causing to turn aside in their crooked ways" that which is due to the poor people. Cf. Brown, Driver, Briggs, pp. 639-640. The original meaning of the word in the Qal is "to stretch out, to extend, to bend."

The two following verses, 24 and 25, are closely related to one another by the fact that both are to prevent murder. The first of the two expressly and clearly refers to the secrecy of the act by using the phrase $\gamma \text{ } \overline{\text{ד}} \text{ } \overline{\text{ל}} \text{ } \overline{\text{ל}} \text{ } \overline{\text{ל}}$. The curse is directed against the unknown killer, in order to keep him from getting away with his misdeed. It refers, therefore, not to a murder for which there are witnesses, but to a hidden act which cannot be avenged. The concern of Deuteronomy for the unknown aspect of the act of murder is expressed in Deut. 21:1-9. It tells what to do with the corpse when the murderer cannot be found out. There are also parallels in the Near Eastern cultures of curses pronounced upon the killer, either known or unknown. In other instances the curse is found in the area in which the death occurred or upon the tombstone of the killed person.¹⁶

Verse 25 denounces an undivulged act which involves a $\overline{\text{ט}} \overline{\text{ו}} \overline{\text{ל}} \overline{\text{ל}} \overline{\text{ל}}$ (to take a bribe). The offer and taking of a bribe usually was indeed a secret act and the whole action, in this case the murder of an innocent person, was done in secret. The prophet Ezekiel denounces the same kind of secret bribery and attributes it to the fact that the princes of Israel have forgotten the Lord God as an evident instance of breaking the covenant.¹⁷

Finally, v. 26 sums up all the preceding. It may also be said to reflect somewhat the acts that are hidden from the sight of men. The

¹⁶Gevirtz, "Curse Motifs," p. 100. The example cited is that of an eighteen year old girl from Hatra, upon whose tombstone it read: "The curse of our lord and our lady and the son of our Lord and B'l-Smyn and 'tr't upon whoever killed her."

¹⁷Ezek. 22:12. "In you (Israel) men take bribes to shed blood . . . and you have forgotten me, says the Lord God."

Near Eastern materials offer striking evidence in support of this interpretation. Close parallels shed light on this passage in a special way. Royal inscriptions were protected by means of imprecations leveled at anyone who might alter them, or at anyone who would fail to maintain the integrity of the text. Gevirtz attributes great weight to the inscriptions from the West Semitic area, such as this one: "He who alters my foundation-records and sets his foundation-records in their place, that man, be he king or governor, may Anu and Enlil curse him with an evil curse (li-ru-ru-su)."¹⁸

The following example is even more striking, because it reflects the provision against an unknown perpetrator or against the person who would make the change in secret: "May the Sun-god of heaven, the Storm-god of Hatti know whoever shall change the words of this tablet."¹⁹ Another example from the Near East serves even more clearly to shed light on the intention of the passage. The treaty between Suppiluliumas and Mattiwaza provides at the end for its regular reading in the presence of the king and the people of the Hatti country. This may point to a similar procedure at the covenant renewal ceremony in Israel. In addition, it threatens with a curse anyone who shall remove the tablet or break it or change its wording, exactly as in the biblical passage (Deut. 27:26). Then the ancient Babylonian text goes on to express the same curse upon whoever shall "put it in a hidden place." This denounces the same kind

¹⁸Gevirtz, "Curse Motifs," p. 51. The quotation is documented with the Old Babylonian "Jahdun-lim," RA XXXIII, 50.

¹⁹Ibid., p. 19. The source is the text of the alliance granted by Suppiluliumas to Nigmadu of Ugarit, contained in MRS IX, 17340.

of deceitful procedure to which Deuteronomy alludes.²⁰

After looking at the individual passages of the pericope it becomes clear that the entire section of curses has as its primary concern to deal with the concealed aspects of sin. The curse, therefore, is to operate especially where no human person can detect the wrong. Particularly in instances where all human justice becomes ineffective because of its inability to identify the sinner, the curse is supposed to go into effect. Mowinckel sums it up, when he says regarding the pericope: "Und besonders werden solche Sünden erwähnt, denen es sonst schwer ist, auf die Spur zu kommen."²¹

The Intention of the Curse

The series of curses in this context convey the strongest warning to every transgressor of the law. It has been said in the previous section that the curses are directed mainly to secret sins. This does not exclude, however, the open transgression, which is also condemned by the curse. Thereby that the curses were pronounced in front of the altar or near by in a liturgical setting including the people's response, the Israelites and Near Easterners expressed their most emphatic condemnation of a sin. King Solomon, in a passage which is very similar, says in his prayer: "Hear thou in heaven, and act, and judge thy

²⁰James Pritchard, editor, Ancient Near Eastern Texts Relating to the Old Testament (New Jersey: Princeton University Press, 1955), p. 205.

²¹Sigmund Mowinckel, "Segen und Fluch in Israels Kult und Psalmen-dichtung," Psalmstudien V (Amsterdam: Verlag P. Schippers, 1961), p. 79. At the same time he recognizes the grossness of the sins, whose wicked implications increase by the fact that they are committed in secret.

servants, condemning the guilty by bringing his conduct upon his head!"²²

The concern of the entire congregation for the punishment of the transgressor is expressed by Mendenhall thus:

Religious obligation is sanctioned by the deity itself. This is to say that an act contrary to the will of the deity will be punished directly by the deity in ways which vary, of course, depending upon the concept of divine action held by the community. Since the punitive acts of a god tend to be natural calamities such as plague, drought, and famine, which strike the entire community, religious sanctions tend at least to reinforce, if not to produce, the concept of corporate responsibility which is characteristic of the early stages of legal thought in the ancient world.²³

The curse is enunciated so clearly as to exclude the possibility of the transgressor relying on any defense against it. It was common in the ancient cultures, and afterwards especially among the Arabs, to think that one could hide himself from the effect of a curse or to avoid it by throwing oneself to the ground or by stopping up the ears while the curse was being pronounced.²⁴ Putting it in the biblical setting, Blank says:

Probably biblical man was not so naive as to seriously believe either that he possessed such omnipotence (in personally cursing someone) or that he was afflicted with such impotence (at the mercy of anyone's curse). And yet a confession might be wrung

²²1 Kings 8:31-32. The passage was already mentioned before (see note 13). The stress at this point is on the effect of the judgment upon sin. The comparison is not a complete parallel to Deuteronomy because at this point Solomon directs a prayer to God, in which he talks about an oath. In Deuteronomy, on the other hand, the curse has to be taken as God's judgment, as shown in the previous chapter.

²³George Mendenhall, "Ancient Oriental and Biblical Law," The Biblical Archaeologist, XVII (May 1954), 27.

²⁴Pedersen, p. 77. This procedure, however, was always connected with a malediction as expressed by human agents. It does not seem to apply to a divine curse.

from a culprit by directing a curse against him, a son might be stoned merely for cursing his parents.²⁵

Still more needs to be said about the purpose of the curses in the pericope under study. As the maledictions are recited, judgment is thereby pronounced on every man's rebellion against Yahweh. Each worshiper is to hear the condemnation of his own rebellion and disobedience and to see in every curse the judgment which his own sin deserves. "Als letzter Grund des Zornes Gottes muss immer die Sünde, als Verletzung seiner Heiligkeit, angesehen werden, wenn sie auch nicht ins Bewusstsein des Menschen tritt."²⁶

The Apodictic Form of the Curse

In a previous discussion²⁷ the conclusion was drawn that the curse has to be sharply differentiated from the imprecation or prayer which includes a wish. Especially the curse ךִּי־יָמָוֶה states so decisively what is going to happen as to rule out completely the notion of a mere probability or possibility. The Arabic sheds light on this particular formulation by using the perfect tense to express the curse: "You have perished!," even though the object of the malediction has not perished yet.²⁸ Pedersen goes on to state that the Hebrew uses the participle

²⁵Sheldon Blank, "The Curse, Blasphemy, the Spell, and the Oath," Hebrew Union College Annual, XXIII, Part One (1950-51), 93. In evaluating this quotation it is necessary to remember that the assertion is based on the supposition that the curse is pronounced by man and that the power of the curse is not directly coming from God. Furthermore, Deut. 27 does not take the cursing of the parents as an insignificant transgression.

²⁶Procksch, p. 643.

²⁷Supra, p. 5.

²⁸Pedersen, pp. 86-87.

in the same way as the Arabic does the perfect. He says:

Dies darf nicht als Wunsch aufgefasst werden, sondern ist rein beschreibend. . . . Sobald jemand durch sein Tun die in diesen Sprüchen (Deut. 27) charakterisierte Person wird, ist er verflucht.²⁹

This reference to an Arabic formulation raises the question whether there is an essential difference between the biblical כִּלְכִּלְךָ curses and many of the Near Eastern parallels. The distinction between casuistic and apodictic law formulations, set forth by Alt,³⁰ has been used to identify different cultures of the ancient Near East. It has been disproved, however, that the casuistic law was at home among the West Semitic peoples and that the apodictic law formulation was original and unique to Israel.³¹ It is nevertheless true that most of the Semitic curses can be called imprecations because of the casuistic nature of the action of the transgressor, for instance, "When they alter this word," or "If there is someone who does this."³² The imprecatory nature is also very clearly apparent when the wish is expressed in the form "May the gods do so and so, may the great net of Enlil fall upon him," and by many others.³³

The curse formulation expressed as a given fact or as an apodictic statement, constitutes a unique Hebrew stress, even though it cannot be

²⁹Ibid.

³⁰Albrecht Alt, "Die Ursprünge des Israelitischen Rechts," Kleine Schriften zur Geschichte des Volkes Israels (München: C. H. Beck'sche Verlagsbuchhandlung, 1953), I, passim.

³¹Stanley Gevirtz, "West-Semitic Curses and the Problem of the Origin of Hebrew Law," Vetus Testamentum, XI (1961), 156.

³²Cf. the examples by Pritchard and Gevirtz cited above.

³³Gevirtz, "Curse Motifs," p. 11.

said to have been used only in Israel. The fact that the Hebrews gave great importance to the directness of such kind of malediction distinguishes it from the common Near Eastern use, though the former might have arisen out of the latter. About the superiority of the Israelite right Alt says:

Israel hat ein gut Teil seiner Eigenart zu wahren und in der Auseinandersetzung mit der in Palästina vorgefundenen Kultur etwas Neues zu schaffen vermocht, das über den alten Orient hinausweist, so gewiss es mit auf ihm beruht. Auch die israelitische Rechtsgeschichte gibt davon Zeugnis.³⁴

The Eschatological Elements in the Curse

Another difference between the biblical and non-biblical curses would exist if it could be established that the curses in Deut. 27 also have an eschatological character. In the whole Near East the curse is restricted to material things of the present life. The curses and blessings in Deut. 28 are also of this nature. The malediction expressed there threatens earthly disasters as a consequence of disobedience. The blessings likewise establish a correlation between obedience and earthly prosperity.

In Deut. 27, however, there is no mention whatsoever of any material loss. All that is said is that the perpetrator of the deed is cursed without giving any explanation of the nature of the doom. Brichto affirms that the noun כִּלְכִּלָּה , at least in the majority of its occurrences, implies material misfortune,³⁵ and therefore excludes any

³⁴Alt, p. 331.

³⁵Herbert Brichto, The Problem of "Curse" in the Hebrew Bible (Philadelphia: Society of Biblical Literature and Exegesis, 1963), p. 199.

eschatological meaning.³⁶ The curses in Deut. 27:15-26, however, by using the root ארר, seem to have undergone a sharpening and widening of meaning, extending the ultimate execution to the time of the end. Several factors seem to indicate that a deeper meaning than that of earthly misfortune was attached to the curse. The fact that the pericope points particularly to secret sins, which cannot be detected by human judges and courts, seems to favor this view. The Israelites were to understand that divine power acted timelessly upon the wrongdoer, that is without any strict concern about time, or even without being limited to human life time.

Another fact may point in the same direction. The pericope is found in a covenantal setting as a piece of liturgy. The people's response is ordained after each curse. The expression of assent by the people then becomes a part of an oath, since it constitutes the solemn promise of observance of the terms of the sanctions expressed in the curses. Every individual of the Israelitic nation takes upon himself unconditionally whatever is implied in the word אָרַר. So Blank: "The words אָמֵן יְהוִה are a concise poetic substitute for the longer oath formula."³⁷ In this covenant context the curse might have included a malediction in the hereafter upon sins which could not be punished by

³⁶The puzzle which arises is, "Why is the root ארר used in the curses themselves, and not the root ארר as it would be expected for the sake of consistency (with v. 13 which announces the אָרַר). " There is therefore apparently no direct relationship between vv. 11-13 and 14-26. An attempt will be made in the next chapter to solve this impasse.

³⁷Blank, p. 89. The lack of the accompanying word אָמֵן in Deut. 27 does not weaken the point. The word אָמֵן in this context is a response to Yahweh, and as such it expresses the same idea as in אָמֵן יְהוִה.

men on this earth. If this idea of the eschatological aspect of the curse holds true for this pericope, this will certainly constitute a different emphasis which cannot be established elsewhere in the Deuteronomic Theology.

Exegetical Comments--The Individual Verses and their
Relationship to other Parts of the Pentateuch

The first of the curses (v. 15) directs itself against the secret worship of an image and mentions various items, which are not contained in this form in any other code of the Pentateuch. The verse agrees with the following verses of the pericope in being leveled against a specific sin. It differs from them in denouncing not a social transgression, but a ceremonial one. It launches a curse not against the national sin of using images in connection with the worship, but against the private use of a graven or molten image on the part of an individual. The making of a הָדָבָר is also forbidden in Deut. 5:8; 4:16.³⁸ The passage in the Covenant Code (Ex. 20:4) is more closely related to Deut. 5:8, even though it uses the same term הָדָבָר for the first form of image cited in the passage under consideration.

Another particularity of v. 15 is its use of the word מִצְבָּתוֹת , which seems to be a characteristic of the language in Lev. 18. There it occurs five times for the abhorrent sexual and cultic perversions of the Canaanite worship. It is used in the same way in Lev. 20:13. The expression מִצְבָּתוֹת occurs eight times in Deuteronomy, mainly associated with idolatry. The word for abomination itself occurs some

³⁸In Deut. 9:12 the term מִצְבָּתוֹת is used for a molten image.

nine times more.³⁹ The identical parallel referring to the making of an image as an abomination is Deut. 7:25,26 which brands the whole procedure of idolatry as abomination.

The passage uses further the particular expression "made by the hands of a craftsman." The reference is unique in the Pentateuch. An idol-maker as a craftsman is presented also by Isaiah, Jeremiah, and Hosea.⁴⁰

Summing up the references to v. 15 contained in other parts of the Pentateuch, it appears that the most unique description of idolatry is the clause "and set it up in secret." There are some similar expressions in the Covenant Code and as well as in the so-called Holiness Code. The singular features of the verse, however, are either contained in Deuteronomy only, or even unique to the passage mentioned.

The second verse (v. 16), directed against the person who deals lightly with his parents, has as an evident parallel the provisions of the fourth commandment of the Decalog (Ex. 20:12; Deut. 5:16). The term לִפְנֵי used in these two texts is a perfect antithetic parallel to לִפְנֵי in Deut. 27:16. The former makes a positive demand, namely that a man should treat his parents with high respect; the latter has the force of a prohibition, warning against a dishonorable treatment of parents. The related form לִפְנֵי is used in Ex. 21:17 and the

³⁹Some parallel passages using the word לִפְנֵי in Deuteronomy are: for idolatrous worship practices (12:31; 18:9,12; 20:18; 32:16); for serving other gods (13:14; 17:4); for sacrificing what is blemished (17:1); men and women interchanging clothes (22:5); paying vow to Yahweh with profits of prostitution (23:18); a divorced husband taking the wife after another had her (24:4); cheating with unjust weights (25:16).

⁴⁰Some examples are Is. 41:7; 45:16; Jer. 11:3,9; Hos. 8:6.

form $\text{z}^{\text{z}}\text{P}^{\text{z}}$, which belongs to the same root, occurs in Lev. 20:9. The formulations of v. 16 therefore have a linguistic parallel in the Book of the Covenant and in the Holiness Code. The sequence of the curses seems to be based on the principle that duty to parents is next only to one's obligation to God.

In connection with v. 17 it might be noted that there are texts in the ancient Near Eastern materials which also provide regulations for the observing of the boundaries of one's property. Such a parallel is found in an early Sumerian treaty, preserved in the Vulture Stele from Lagash.⁴¹ The establishment of boundaries was a current motif in suzerainty treaties. The only parallel in the Pentateuchal text is found in Deut. 19:14. There the removal of the landmark seems to point to a future situation in the settled life in Palestine, but at the same time points far back to the landmarks which "men of old have set." Since only these two passages in the entire Pentateuch (Deut. 19:14; 27:16) deal with the removal of boundaries, it is difficult to explain the fact more precisely.

The only parallel to the content of the next curse (v. 18) is found in Lev. 19:14. Here the act of putting a stumbling block before the blind or of cursing the deaf is also forbidden, followed by the positive statement, "But you shall fear your God: I am Yahweh!" This declaration is the basis of the covenant relationship in which the people stand. In this situation they should avoid any wicked way of life. V. 18 is therefore more closely related to the Holiness Code.

⁴¹Dennis McCarthy, Treaty and Covenant (Rome: Pontifical Biblical Institute, 1963), p. 16. "In days to come . . . they must not violate the border of Ningirsu, they must not change the course of the canals, they must not remove the stele."

V. 19 is without doubt the most Deuteronomic of all the verses of the curse pericope, both in wording and content. The expression "to pervert justice" as well as the list of the underprivileged people occur throughout Deuteronomy and is a characteristic feature of the book.⁴² Similar concern for the needy people is expressed in Ex. 22:20-23; 23:3,9. The closest parallel, however, is that mentioned in Deuteronomy.

Vv. 20-23 share the same general content. The curse is directed against illicit sexual relations. Since these acts are basically sins of adultery, the passage may be based on the general prohibition against them laid down in the Decalog (Ex. 20:14; Deut. 5:18). The kinds of transgression have a close parallel with those mentioned in Lev. 18 and 20.

Incest with the stepmother (v. 20) is forbidden elsewhere in Deut. 23:1; Lev. 18:8; 20:11. The sentence upon this sin here is somewhat similar: it requires that both evildoers be put to death.

Bestiality (v. 21) is condemned in Ex. 22:19. There the sentence is also death. Also Lev. 18:23 and 20:15 require death for both, the person and the animal.

V. 22 speaks about incest with a half-sister. Legislation of a similar content is found in Lev. 18:9 and 20:17, but there is no passage in Deuteronomy which is related to this prohibition.

V. 23 curses the sin of incest with one's mother-in-law and is

⁴²In Deut. 10:18 Yahweh is spoken of as he who "executes justice for the fatherless, and the widow, and loves the sojourner." Other parallels are Deut. 14:29; 16:11,14; 24:17,19,20,21; 26:12.

found condemned in Lev. 18:17 and 20:14, though not altogether in the same wording.

To summarize vv. 20-23, it can be said that the last three of the four kinds of sexual perversion have no parallel in Deuteronomy itself. All four are, however, not only listed in the Holiness Code, but are forbidden there twice, namely in Lev. 18 and 20. The language, however, differs from that of Deuteronomy. Only one of the perversions is prohibited somewhat in a similar passage in the Book of the Covenant. Exodus and Leviticus speak of the penalty in terms of death. Deut. 27 does not describe the form of punishment, but launches the curse upon the transgressor. The point, however, is that the curse stands and is accepted by the audience regardless of whether the individual is going to be caught or not. There is no sin done in secrecy that will escape the wrath of God.

Vv. 24 and 25 are also somewhat related to one another. Both condemn murder, which was forbidden also in the Decalog.⁴³ As already noted, the first of the two verses contains the phrase וְהָרָג. This important element is not found in Ex. 21:12 and Lev. 24:17, which also deal with murder. These passages simply say that the man who kills shall be put to death. If the hiddenness of the sin mentioned in Deut. 27:24 is its primary concern--and it seems evident that this is the case--then the passages in Leviticus and Exodus are very remote in their relationship to Deuteronomy.

V. 25 contains a curse against receiving a bribe for slaying the innocent and is paralleled almost exactly in two passages: Ex. 23:8

⁴³Ex. 20:13; Deut. 5:17.

and Deut. 16:19. All three use the same technical term דָּוַן דָּוַן . The other expression which seems to be familiar is דָּוַן דָּוַן . The blood of the innocent is to be revenged, unless the manslayer flees to one of the cities of refuge, appointed in Deut. 18. Deut. 21:9 provides some regulations regarding the shedding of "innocent blood." This expression is found in the Pentateuch only in Deuteronomy, although it occurs also in other Old Testament texts. The intention of this curse is to prevent a specific and horrible type of murder, namely cold-blooded professional killing.

The last verse of the pericope (v. 26) is general in scope and appears to have a comprehensive function. Since it has no parallel in the Pentateuch, it is very difficult to determine the content of the Torah referred to in the curse. This word is purposely left untranslated by the present author, because there is no English word which is adequate enough to render it. The term "law" does not give the exact meaning of the Hebrew word.⁴⁴

It has to be agreed that in this passage the word "Torah" does not embrace the whole Old Testament or even the entire "law of Moses." In its context it clearly refers, first of all, to the preceding eleven verses. It provides an all-inclusive curse upon anyone who shall dare to alter the terms of the curses. As the closing verse of the pericope it constitutes a climax in the entire series of indictments. As the

⁴⁴"In its fully developed sense in rabbinic times Torah was the whole divine revelation (written and oral) as to God's nature and will for man. The content of the revelation at any specific time in the biblical period can be ascertained only by careful study." Philip Hyatt, "Torah in the Book of Jeremiah," Journal of Biblical Literature, LX (1941), 381.

first verse of the pericope establishes a foundation for the whole section as a covenant sanction, so v. 26 sums up all the preceding verses of the pericope as the enactment of the "Deuteronomic Torah."⁴⁵ The laws of Deuteronomy, therefore, can be said to constitute the content of the Torah in Deut. 27:26.

The degree of comprehensiveness assigned to "Torah" in v. 26 may be decisive in determining the relationship of this section to the rest of Deuteronomy. From the parallels in the content of the curses and that of other parts of the Pentateuch, the following may be concluded: Although the Book of the Covenant can be found to be represented in six of the twelve curses, the Holiness Code in nine, and Deuteronomy itself in six instances, none of them shows enough similarity in content or in wording to warrant a conclusion as to the dependence of the pericope upon these other texts.⁴⁶ "The parallels agree in substance, but the resemblance is seldom verbal: hence the imprecations will hardly have been taken directly from the corresponding prohibitions."⁴⁷

⁴⁵Joachim Begrich, "Berit. Ein Beitrag zur Erfassung einer alttestamentlichen Denkform," Zeitschrift für die Alttestamentliche Wissenschaft, LX (1944), 10.

⁴⁶Some draw the conclusion from the similarity of the laws mentioned in Deut. 27:15-26 with those mentioned in the Covenant Code and in the Holiness Code that the curses were pronounced at a time when the codes mentioned had become authoritative. Since the codes mentioned are dated in the post-exilic period, the curses are regarded as a sanction to the laws as they came into existence at this time.

However, the position taken in this paper is valid, namely that even though the main concern of Deut. 27 is with the laws in Deuteronomy, at least the elements of the Covenant Code and Holiness Code mentioned in Deut. 27 must have also been recognized as authoritative already at the time of the convocation at Moab, and therefore the curses are also a sanction to these elements.

⁴⁷Samuel Driver, Deuteronomy in the International Critical

There is nevertheless a resemblance in content between Deut. 27:15-26 and the rest of the book. Although the relation of the pericope to the body of Deuteronomy will be treated in the next chapter, it is clear from the comparison made that the subject matter of the curse is not merely a summary of previous Deuteronomic laws (because vv. 15-26 contain references which are not listed in other parts of Deuteronomy), nor is the section a completely new addition to the body of laws contained in the book (because many of the references in the pericope are already found in the laws of Deuteronomy). At this point it may be concluded that the curse pericope Deut. 27:15-26 is of such a nature as to indicate that it constitutes the enforcement or sanction to the bulk of laws in Deuteronomy.

The Liturgical Response

The final **יִשָּׁר** is an adjective in form meaning "assured, firm." Here it is used adverbially as an emphatic expression of assent on the part of the audience: "assuredly, verily, certainly."⁴⁸ It is used several times in the Old Testament. Especially striking are the passages in which it is used in a strictly liturgical setting, as is

Commentary (New York: Charles Scribner's Sons, 1906), p. 299. About the closing verse of the pericope, Driver argues that it is an adaptation by a later hand. The whole structure of the pericope, however, opposes this view. Hillers points to the fact that in the light of Near Eastern curse sequences, there was not always a unity of content in them. Furthermore, the comprehensive feature of a closing verse was common in the treaties. Cf. Delbert Hillers, Treaty-Curses and the Old Testament Prophets (Rome: Pontifical Biblical Institute, 1964), pp. 33-34.

⁴⁸Driver, p. 301.

also the case in Deut. 27.⁴⁹ One may therefore agree with Driver in regarding this pericope as "an old liturgical office, used on solemn occasions."⁵⁰ This is certainly indicated by placing the לֹא־יִשְׁכַּח at the end of every one of the verses. All this leads to the conclusion that this pericope was definitely a part of a liturgical procedure.

Mowinckel says in his concern for the cultic aspects of Deut. 27: 15-26:

Looked at from a material standpoint, the section contains a type of liturgic, religio-moral catechism; with regard to the content, it constitutes an interesting parallel to the Dodecalog in J and E, and with the Decalog; in a formal aspect, however, it is preparatory to the latter.⁵¹

The לֹא־יִשְׁכַּח intends, first, to confirm the acceptance of the task of obeying Yahweh and fearing to do whatever he forbids. Second, it intends to confirm the personal application of the divine threat of curse, in true recognition of its justice. Thirdly, it attests the praise of God in a joyous response to his holy will.⁵² Finally, the לֹא־יִשְׁכַּח expresses a renewed and complete allegiance to the Lord of the covenant.

⁴⁹The expression is used in its original sense in 1 Kings 1:36; Jer. 11:5; 28:6; Neh. 5:13. As a liturgical formula it occurs in some Psalms (41:14; 72:12; 89:53) and in a highly liturgical manner in Ps. 106:48; and said twice in Neh. 8:6. In these last two instances the audience is directly charged with the response.

⁵⁰Driver, p. 300. The agreement with this statement does not imply the agreement with his basis for the affirmation. He states that the list of curses is constructed without special reference to Deuteronomy, and that it is probably in reality not the work of the author of the book. Therefore, Driver concludes, the pericope has to be considered an addition as an old liturgical office done by a later hand.

⁵¹Mowinckel, p. 78.

⁵²Heinrich Schlier, "Amen," Theological Dictionary of the New Testament, edited by G. Kittel, translated by G. Bromiley (Grand Rapids: Wm. B. Eerdmans Publishing Co., c.1962), I, 335.

CHAPTER IV

THE PERICOPE OF CURSES IN ITS CONTEXT

The present chapter is devoted to three major concerns. First, an attempt will be made to show the relationship between the Hittite treaty form and the covenant form of the book of Deuteronomy.¹ Secondly, the relationship between the book of Deuteronomy and the Old Testament idea of the covenant will be described in general terms. Finally, chapter 27 will be related to the total context of Deuteronomy and the specific place and function of the curses in that chapter will be assigned.

Deuteronomy and the Hittite Suzerainty Treaty

There was an international form of treaty or covenant which was common property of any number of peoples and states in the second millenium B.C. This mode of establishing international relationships occurs already in the old Sumerian culture even previous to the second millenium B.C. In the historical context of the ancient Near East one will find the Hittites as presenting the most specific instances of this international form in their so-called suzerainty treaties. Mendenhall, pointing to this fact, affirms that the Hittites borrowed this form

¹It may be well at this point to draw some lines of distinction between the use which is being made in this study of the terms treaty, covenant, and treaty or covenant form. A treaty will refer mainly to an agreement among parties in non-biblical texts. The term covenant is here restricted to biblical dealings, as it is expressed chiefly by the Hebrew word *בְּרִית*. A treaty form or covenant form narrows the sense of the respective term down to mean concretely the five or six-membered structure of the Hittite treaty or, in a similar way, of the biblical covenant.

from the Eastern cultures.² He says further:

It is not surprising that international covenants had developed a specialized form of their own in Babylonia and Assyria, which do not have any direct relationship to the forms known in ordinary business or private legal contracts. Probably by the accidents of transmission or excavation, we have adequate source material for studying international covenants only from the Hittite Empire, 1450-1200 B.C. This material is invaluable for our purposes, since it is contemporary with the beginnings of the people of Israel.³

There is a definite relationship between the Hittite treaties and the Old Testament covenant of Yahweh with his people Israel. This relationship is not necessarily of cause and effect, but of a common background. MacKenzie says in this connection:

It is the suzerainty treaties, as they are called, made by the great king of the Hittites with vassal princes in northern Syria, that furnish the most illuminating parallels to the covenant on which was based the religious existence of Israel.⁴

The nature of these suzerainty treaties has been analyzed by Mendenhall as follows:

The primary purpose of the suzerainty treaty was to establish a firm relationship of mutual support between the two parties (especially military support), in which the interests of the Hittite sovereign were of primary and ultimate concern. It established a relationship between the two, but in its form it is unilateral. The stipulations of the treaty are binding only upon

²George Mendenhall, "Covenant Forms in Israelite Tradition," The Biblical Archaeologist, XVII (Sept. 1954), 54.

³Ibid., p. 53. There are many important details in covenant making which are pointed out by the author. For instance, a solemn religious ceremony took place in the usual procedures. The vassal swore to observe the terms of the covenant and invoked the curse of the gods on himself if he would not fulfill his oath. The yearly reading of the terms of the covenant was expressly prescribed. Mendenhall is the first to trace the relationship between the Near Eastern treaty form and the biblical covenant.

⁴Roderock MacKenzie, Faith and History in the Old Testament (Minneapolis: University of Minnesota Press, c.1963), p. 38.

the vassal, and only the vassal took an oath of obedience. Though the treaties frequently contain promises of help and support to the vassal, there is no legal formality by which the Hittite king binds himself to any specific obligation. Rather, it would seem that the Hittite king by his very position as a sovereign is concerned to protect his subjects from claims or attacks of other foreign states. Consequently for him to bind himself to specific obligations with regard to his vassal would be an infringement upon his sole right of self-determination and sovereignty. A most important corollary of this fact is the emphasis upon the vassal's obligation to trust in some benevolence of the sovereign.⁵

These Hittite treaties reveal the following six basic elements:⁶

1. The preamble introducing the sovereign;
2. The historical prologue describing previous relations between the contracting parties;
3. The stipulations which outline the nature of the community formed by the covenant and detail the obligations accepted by the vassal;
4. The document clause providing for preservation and regular re-reading of the treaty;
5. The list of gods who witnessed the treaty;
6. The curse and blessing formula, the curses depending upon infidelity and the blessings upon fidelity to the covenant.⁷

⁵George Mendenhall, "Ancient Oriental and Biblical Law," The Biblical Archaeologist, XVII (September 1954), 30.

⁶Dennis McCarthy, "The Covenant in the Old Testament: The Present State of Inquiry," The Catholic Biblical Quarterly, XXVII, 3 (July 1965), 221.

⁷The Near Eastern treaties, and in particular the Hittite suzerainty treaties have been studied by several scholars. A basic study on the subject was presented first by Mendenhall, who was followed by MacKenzie and McCarthy. Other authorities in the field are Klaus Baltzer, Das Bundesformular (Moers: Neukirchener Verlag, 1960), and Delbert Hillers, Treaty-Curses and the Old Testament Prophets (Rome: Pontifical Bible Institute, 1964). With reference to Deuteronomy, the Near Eastern treaties (especially the Hittite treaty) have been used most strikingly by Meredith Kline, Treaty of the Great King--The Covenant Structure of Deuteronomy (Grand Rapids: Wm. Eerdmans Pub. Co., 1963).

It can hardly be doubted that Israel used the treaty form at least in some instances, in order to describe her special relationship with Yahweh. In fact, there is no other literary form from the ancient Near East which is more certainly evident in the Old Testament.⁸ One body of materials which clearly shows a striking similarity with the Hittite treaties is the book of Deuteronomy. This similarity will become evident by the following comparison of specific elements of the two corpora of literature. The left column presents the excerpts of the Hittite suzerainty treaties, and the column at the right shows the parallel found in the book of Deuteronomy.⁹

1. Preamble and Introduction of the Speaker:

"These are the words of the Sun, Muwatilis, the great King, King of the Land of Hatti, Beloved of the Weather God."

"These are the words (מִן־פִּי־יְהוָה) which Moses spoke to Israel. . . ." (Deut. 1:1).

"These are the words of the covenant which the Lord commanded Moses to make with the

people of Israel in the land of Moab, besides the covenant which he had made with them at Horeb." (Deut. 29:1)

2. Historical Prologue:

"When in former times Labarnas, my grandfather, attacked the land of Arzawa and the land of Wilusa, he conquered (it). . . . The Land of Wilusa never after fell away from the land of Hatti, but . . . remained friends with the king of Hatti."

"In the fortieth year . . . Moses spoke to the people as Yahweh had commanded him, . . . after he had conquered Sihon the king of the Amorites . . . and Og the king of Bashan." (Deut. 1:3,4)¹⁰

⁸McCarthy, "The Covenant," CBQ, p. 221.

⁹The following comparison, in its main features, has to be credited to Dennis McCarthy, Treaty and Covenant (Rome: Pontifical Bible Institute, 1963), pp. 2-3. The quotations from the various treaties are documented in the source mentioned.

¹⁰This historical prologue will be related to Deut. 1-4.

3. Stipulations:

"Thou, Alaksandus, shalt protect the Sun as a friend."

"Thou shalt offer the Pass-over sacrifice to Yahweh thy God!" (Deut. 16:2)¹¹

4. The Document Clause:

"Moreover, let someone read thee this tablet which I have made for thee three times every year."

"And thou shalt write on the stones all the words of this law most clearly." (Deut. 27:8) "At the end of every seven years, at the set time of the year of release, at the feast of booths . . . you shall read this law before all Israel in their hearing." (Deut. 31:11)¹²

5. The Gods and Witnesses:

"The Sun God of heaven, lord of the lands, Shepherd of men, the Sun Goddess of Arina, the Queen of the lands, the Weather-God. . . ."

"I call heaven and earth to witness against you this day, that I have set before you life and death, blessing and curse." (Deut. 30:19)

6. Curse and Blessing:

"If thou, Alaksandus, break the words of this document which are placed on this document, then may these oaths wipe thee out . . . and wipe thy seed from the face of the earth."

"But if thou keepest these words, then may the thousand gods . . . keep thee, thy wife, thy sons . . . with friendly hand."

"If thou dost not obey the voice of Yahweh thy God by keeping His commandments . . . which I command thee today, then all these curses shall come upon thee." (Deut. 28:15)

"If thou obeyest the voice of Yahweh thy God by keeping his commandments which I command thee today . . . then all these blessings shall come upon thee." (Deut. 28:1,2)¹³

¹¹The stipulation section in Deuteronomy is mainly chs. 12-26.

¹²There are other clauses in Deuteronomy which come even closer to the treaty between kings, as the reference to a periodic reading of the law by the king (Deut. 17:18-20).

¹³Other references to blessing and curse in Deuteronomy are 11:26-33; 29:21; 30:19. The curses in ch. 27:15-26, as it will be said later, are of a different content.

The overall similarity of the main features of both the Hittite treaty and the biblical covenant in Deuteronomy becomes evident from the exposition above. The precision of the formulations in Deuteronomy makes it reasonable to believe that "we have to do with an established legal formula associated with the treaty tradition. Its use in Hebrew is a sure sign that the central portion of the book was indeed conceived of as a covenant."¹⁴

Kline expresses the relationship between the Hittite suzerainty treaty and Deuteronomy in this manner:

To analyze Deuteronomy in terms of a documentary pattern is not incompatible with the obvious fact that the book according to its own representations consists almost entirely of a series of addresses. For the specific kind of document in view would be orally proclaimed to the vassals at the covenant ceremony. Stylistically, this is reflected in the characteristic "I-thou" form of the suzerain treaties, which itself is a point of correspondence with Deuteronomy.¹⁵

The treaty in its original form, however, as Mendenhall and Baltzer have worked it out from the suzerainty treaties of the second millennium B.C., cannot have served the biblical texts without any adaptation or even transformation.¹⁶ Accordingly, care must be taken in analyzing and applying these foreign structural features to the biblical materials

¹⁴McCarthy, Treaty and Covenant, p. 121.

¹⁵Kline, p. 29. He develops his argumentation and comes to the conclusion that all this leads to recognize the historicity of the covenant renewal presented in Deuteronomy as a particular ceremony conducted by Moses at Moab.

¹⁶Norbert Lohfink, "Der Bundesschluss im Land Moab--Redaktions-beschichtliches zu Dt 28,69-32,47," Biblische Zeitschrift, Neue Folge, VI, p. 43. Lohfink applies the treaty form to what he considers the bulk of the covenant-making at Moab. The comparison is limited to the last chapters cited.

and due attention must be paid to the manner in which these forms were adapted to the life and religion of the Israelites. It might be concluded, however, in the light of the evidence above, that the original form of the covenant at the plains of Moab is that of a treaty. In fact, the present author would concur in Muilenburg's apt phrase that Deuteronomy is the "covenant book *κατ' ἐξοχήν*."¹⁷

Deuteronomy and the Biblical Concept of Covenant

More important for this present investigation than the relationship of the book of Deuteronomy structurally to the Hittite treaty form, is the relationship of the former to the Old Testament covenant between Yahweh and Israel.

The concept of covenant in the Old Testament has been interpreted in various ways. Eichrodt, for instance, points to the importance of covenant, defining it in terms of its theological meaning. He sees the covenant concept as the central theme of the Old Testament as a theological book.¹⁸ Eichrodt's position can be stated in these words:

The covenant concept implies that God's relation with Israel and consequently the religion of Israel must be historical; he [Eichrodt] notes that the covenant also contains an expression of the will and desire of the principal partner and that this provided Israel with a knowledge of the divine will, a law, which guided its actions and gave it a feeling of confidence in a milieu in which the divine was usually felt to be very arbitrary.¹⁹

¹⁷James Muilenburg, "The Form and Structure of the Covenantal Formulations," *Vetus Testamentum*, IX (October 1959), 350.

¹⁸Walther Eichrodt, *Theology of the Old Testament*, vol. I, translated by J. A. Baker (London: SCM Press LTD), *passim*.

¹⁹McCarthy, "The Covenant," *CBQ*, p. 219.

This position is a very solid one, and it will be followed to a great extent in the discussion that follows.

After the presentation of this view, there is not much need to review what others have done on the subject. Wellhausen used the very idea of covenant to establish his theory of an evolutionary development of the Old Testament religion. He takes the concept of covenant as indeed being ancient, but of a lower order and thereby consistent with Israel's status of a typically primitive religion.²⁰ The covenant as a contract involving the expression and acceptance of the moral will of God was said by Wellhausen to have been a later growth. The fuller concept of covenant was supposed to have been created by the earlier prophets. Whitley has recently still advocated a position very close to that of Wellhausen.²¹

The study of Begrich turned away from the traditional critical view, and challenged it to the point of considering it untenable. He concluded that the basic and original meaning of ברית was that of a legal union (Rechtsgemeinschaft) which was established by a simple act of the will on the part of the more powerful party, without any conditions or demands and without any expression of a willing acceptance on the part of the less powerful party.²² This view is still insufficient

²⁰Julius Wellhausen, Prolegomena to the History of Ancient Israel (New York: Meridian Books, 1957), p. 417.

²¹C. F. Whitley, "Covenant and Commandment in Israel," Journal of Near Eastern Studies, XXII (1963), 37-48.

²²Joachim Begrich, "Berit. Ein Beitrag zur Erfassung einer alttestamentlichen Denkform," Zeitschrift für die Alttestamentliche Wissenschaft, LX (1944), pp. 2-4. "There is represented a relationship in which the more powerful party by a free and simple act of will binds

to express the whole idea of covenant. All covenants, all contracts, had their conditions. "But the idea that God alone grants the covenant and that covenant is essentially his grace may still be retained. The people do not earn it. The Almighty Yahweh imposes it."²³

The covenant which Yahweh established with his people Israel or with individual persons of this people at different times in the Old Testament rests on the foundation that he is God, and that he alone should be adored. This essential idea of the covenant becomes evident in the very first commandment of the Decalog, already in Exodus. The words of Yahweh, "I am the Lord your God" (Ex. 20:2) are basic to the covenant and to the laws expressed therein. The will of God, therefore, was expressed in this way already in the so-called Covenant Code (Ex. 19-23). Von Rad sees this piece of biblical text as a special Covenant Gattung.²⁴ As such the Covenant Code can be said to have been the "origin of the many covenantal pericopes which appear throughout the Old Testament."²⁵ The idea expressed in this quote applies particularly

the less powerful party to himself without making explicit demands, without there being mutual rights or duties, and the addition of an act of consent by the inferior to the concept would represent a later degeneration of the old covenant idea."

²³McCarthy, "The Covenant," p. 218. The original concept of ברית is explained by Martin Noth, Gesammelte Studien zum Alten Testament (München: Chr. Kaiser Verlag, 1960), p. 147, as having been derived from אכל, "to eat." Therefore ברית would be understood as the establishment of a covenant through a common meal.

²⁴Gerhard von Rad, Gesammelte Studien zum Alten Testament (München: Chr. Kaiser Verlag, 1958), pp. 34-35. "Die besondere geschichtliche Verkleidung dieser vier Grundelemente im Buch Exodus kann doch nicht darüber hinwegtäuschen, dass sich das Deuteronomium sowohl formal wie sachlich durchaus in derselben Festtradition bewegt."

²⁵Muilenburg, "The Form," VI, p. 352.

to the book of Deuteronomy.

In establishing the structural and substantial relationship between the Book of the Covenant and Deuteronomy, von Rad, in addition, notes the succession of parenthesis based on historical recital (chaps. 1-11), laws (12-26:15), covenant engagement (26:16-19), and blessings and curses (chaps. 27-31). Then he concludes that this pattern points to the course of a great cultic celebration, namely, the old festival of the renewal of the covenant at Shechem, about which more will be said later.

One problem in the structure of Deuteronomy which must be clarified through the perspective of the covenant idea, is that of the presence of two introductions to the legal section in chaps. 12-26, namely, chaps. 1-4 and 5-11. The issue is discussed by Wright,²⁶ who considers it a major problem, because apparently neither introduction needs the other; they seem to be independent of one another. Smith, however, catalogues many Deuteronomic formulae and terms found both in chaps. 5-11 and in the Code (chaps. 12-26). He gives a list of such terms and of other expressions as are found only in the two divisions just mentioned and not elsewhere in Deuteronomy. Thereby he succeeds in "illustrating the very close affinity, if not of unity, of authorship."²⁷

In the view of the covenantal content found in Deuteronomy, the

²⁶Ernest Wright, "Introduction to the Commentary on Deuteronomy," The Interpreter's Bible (New York: Abingdon-Cokesbury Press, c.1953), II, 316.

²⁷George Adam Smith, The Book of Deuteronomy, in The Cambridge Bible (Cambridge: At the University Press, 1918), p. XLIV. Some of the expressions are "to love God," "to go after other gods," "that it will be well with thee," "a peculiar people," "holy people," etc.

present author regards chaps. 1-4 as the main introduction. Chaps. 5-11, on the other hand, are to be explained as "Grundsatzklärungen," a term coined by Baltzer.²⁸ The latter notes that the treaties have such a "declaration of principle" following the historical prologue (which in Deuteronomy would correspond to chaps. 1-4) before they turn to the detailed stipulations. He writes:

Dieser Zusammenhang wird auch dadurch deutlich, dass die Grundsatzklärung vor Einzelbestimmungen noch einmal aufgenommen werden kann. Die Grundsatzklärung selbst enthält vor allem allgemeine Imperative. Ihre Grundforderung ist die Loyalität des Vertragspartners.²⁹

The parenetic form of the chaps. 5-11 does not exclude the view expressed by Baltzer that the declaration of principle contains, above all, general imperatives. Alt says that the apodictic law formulations were regularly used in the acts of the Covenant renewal.³⁰ The declaration in the imperative applies already and especially to chap. 5, which repeats the Decalog in the same form of apodictic law as in Exodus. This form is as that of a sermon, but nevertheless in absolute commands, and thus represents the situation of a covenant making between Yahweh and Israel. The commands are, according to McCarthy,

the direct result of the covenant tradition. Yahweh, the sovereign, has commanded his covenanted people, his vassals, in absolute terms. This law then has, as the Old Testament constantly asserts, an essential religious sanction.³¹

²⁸Baltzer, pp. 22-23. This "declaration of principle" refers especially to chaps. 5-11 as they introduce the laws of chaps. 12-26.

²⁹Ibid.

³⁰Albrecht Alt, "Die Ursprünge des Israelitischen Rechts," Kleine Schriften zur Geschichte des Volkes Israels (München: C. H. Beck'sche Verlagsbuchhandlung, 1953), I, p. 329.

³¹McCarthy, "The Covenant," p. 220.

There seems to be a certain order of importance in the section of the Grundsatzklärung. Chap. 5 presents the primary demand of the covenant, its golden rule as it is expressed in the very first commandment. Then follows the theological core of the whole section, expressed mainly in chap. 6: Israel should "love the Lord your God with all your heart, and with all your soul, and with all your might" (Deut. 6:5), showing this love by recognizing that "The Lord our God is one Lord" (Deut. 6:4) and by doing what he commands. Chap. 7 shows that all that people are and the good land they are about to receive in inheritance is a gift out of God's grace: "You are a people holy to Yahweh your God; Yahweh your God has chosen you to be a people for his own possession." (Deut. 7:6) In chap. 8 the sermon continues by programming the people's future allegiance and asserting that their self-sufficiency comes from God. Chaps. 9-11 contain indictments concerning the stubbornness of the people in the past. There are also contained future requirements of Yahweh, all converging on the complete obedience of the people to him.

The section of declaration of principle is ended by a paragraph (11:26-32) which anticipates the pronouncement of blessings and curses which follow the stipulations. Vv. 29-32 can be said to look forward to the ceremonies of chap. 27. The blessings and curses, however, are only alluded to, not yet formulated. The allusion makes one expect a later full presentation of them. At this point, however, the main corpus of Deuteronomy is inserted (chaps. 12-26). In chap. 27, then, the same context of ceremonial procedures is taken up again. Chaps. 5-11 therefore do not only introduce the particular stipulations, but

also serve to link the two parts (chaps. 5-11 and 12-26) by way of the paragraph 11:26-32. These verses suggest the transition from the Grundsatzklärungen and the body of stipulations to the sanctions which follow.

Chapter 27 and the Total Context of Deuteronomy

Relation with the Preceding

The last few verses of chap. 26 (vv. 16-19) have been called the Bundesverpflichtung.³² In doing so, von Rad tries to establish the unity of the main part of Deuteronomy in "gattungsmässig formaler Hinsicht."³³ He makes clear, however, that he is not evaluating the book by its literary features. There is, then, an overall interrelationship between the various parts. Concerning chap. 27, which has so many times been seen as not fitting into the close context of chaps. 26-28, von Rad's suggestion brings new light. Chap. 26:16-19, as the "covenant obligation," establishes the connection between the preceding body of laws and the Sitz im Leben of chap. 27:9,10 right after 26:19, to form the sequence of the original ceremony. Then he suggests that the rest of chap. 27 (vv. 1-8, 11-26) should follow as a provision for future re-enactments of the same ritual.³⁴

This seems to be so far a very plausible harmonization. Chap. 27

³²von Rad, Gesammelte Studien, p. 34.

³³Ibid.

³⁴Gerhard von Rad, Das Fünfte Buch Mose, in Das Alte Testament Deutsch (Göttingen: Vandenhoeck & Ruprecht, 1964), pp. 118-119.

evidently fits into the total structure of Deuteronomy, as said previously, by continuing and expanding the subject matter referred to in 11:26-32. Provisions are made in both passages concerning a later ritual at Shechem (between Ebal and Gerizim), the place for the re-enactment of the covenant.³⁵

Relation with the Following

More difficult is the establishment of a relationship of chap. 27 with what follows, especially with chap. 28. At first glance it may seem that chap. 28 deals with the very same thing. Both chapters talk of blessings and of curses. There is a difference, however, between the subject matter of the two chapters, even though they might have belonged together to the same covenant structure of Deuteronomy. In chap. 27 blessings and curses are announced, but only the curses are presented. In chap. 28 both blessings and curses appear in two sections (vv. 3-6, 16-19), so far in a perfect balance. This balance, however, is destroyed by the overwhelming number of curses that follow, from vv. 20-68. This evident imbalance, however, would not necessarily be a factor of disunity. A similar distribution can be shown in other Near Eastern texts. The attention given to the curse may express the relative importance which the ancients attached to this means of protection of a treaty. This fact is reflected in the Code of Hamurapi. Here, employed in the same context and toward the same end as in Deut. 28, the blessings

³⁵Gerhard von Rad, Studies in Deuteronomy (London: SCM Press LTD, 1953), p. 14.

occupy sixteen lines, the curses, however, two hundred and seventy-two lines.³⁶

The main point of disagreement between chaps. 27 and 28 is the difference between the curses themselves. Besides the fact that in chap. 27 the blessings are lacking completely, the curses in chap. 28 have a definite material punishment as their aim. This punishment is clearly expressed in terms of material loss or misfortune in the present life time. In their approach to the individual, these curses are directed against every Israelite in the "thou" relationship (second person singular). The pericope of curses in chap. 27:15-26, on the contrary, does not specify the character of the punishment. This fact led the present author to the conclusion that there is something more profound and drastic involved in these curses, a certain eschatological doom or condemnation. This implication seems to make the problem even more acute and the harmonization impossible. Passages like Deut. 29:21 and 30:19, which talk about the curses of the covenant, cannot be tied up with the curses of chap. 27, but rather with those of chap. 28, because they share in the same materialistic view of the punishment.

The particular emphasis of the curses in Deut. 27 is advocated by Alt in these words:

Es handelt sich also bei diesen zwölf Fluchsprüchen, zu denen es eine Analogie sonst im alttestamentlichen Gesetze nicht gibt, anscheinend um ganz spezielle Fälle, während sonst im allgemeinen für bestimmte Verbrechen bestimmte Strafen vorgesehen sind, die

³⁶James Pritchard, editor, Ancient Near Eastern Texts Related to the Old Testament (New Jersey: Princeton University Press, 1955), pp. 178-180.

Über den als schuldig Befundenen vom zuständigen Gericht verhängt werden sollen.³⁷

The curses of Deut. 27:15-26 apparently are in the context of a provisional ceremony to be enacted after the conquest of Canaan, in the promised land. Or, as will be stated later, the pericope immediately precedes this provision. The curses were ordained by Yahweh to be pronounced within the ritual, and they reveal a very ancient feature. These curses really do not seem to fit into the context in which they are found. Only when viewed as a final sanction to the bulk of laws in the book may they be fitted into the context of the covenant at Moab.

Covenant Renewal Ceremony

After the death of the vassal king, it was the custom in the Near East to draw up a new covenant with the heir, bringing the historical prologue up to date and the stipulations as well. Those covenant renewal ceremonies referred to in Deuteronomy could be of this sort, "whereby a new generation was formally bound. It would be a mistake, however, to maintain that the death of the earlier generation freed the latter from any covenant obligation."³⁸ Deut. 27 fits in the whole of the book in the special way that it reflects a definite ritual. The covenant presented in the book applies in chap. 27 to a definite ceremony, even though the feast of Covenant renewal is not directly mentioned. Alt says:

³⁷Alt, "Die Ursprünge," KZ, p. 156.

³⁸Mendenhall, "Covenant Forms," p. 67.

Damit ist ihre Gebundenheit an eine regelmässig wiederkehrende Situation und Aktion im israelitischen Volksleben, wie wir sie zum Verständniss des Aufkommens der Gattung postulieren mussten, in der Tat gegeben und die Berichtigung bewonnen, auch die Szene von Deut. 27 im gleichen Sinne aufzufassen obwohl dort jede ausdrückliche Bezugnahme auf eine bestimmte Festzeit fehlt.³⁹

There appears, then, to be general agreement that the chapter under study reflects the procedures of the feast of Covenant renewal. It was first celebrated at the plains of Moab, with the second generation of Israelites who came out of Egypt. The fact that the provisions for a later enactment are made, suggests the intended continuity of the festival, from time to time, in the future. Thus, according to Mowinckel,

für sich betrachtet will das Stück nicht von einem einmaligen Ereignis in Verbindung mit der Einwanderung erzählen, sondern die Worte einer regelmässig wiederholten Kulthandlung geben.⁴⁰

Von Rad sees in the ritual prescribed in Deut. 27 the origin of the ceremony which was later regularly celebrated at Shechem. There is supposedly no literary similarity between Deut. 27 and Josh. 24, but a close relationship according to content, "ein grossartig archaische Verkündung von Gottesgeboten an die Gemeinde."⁴¹

Various details of the ritual in Deut. 27 bring out very clearly the Covenant renewal ceremony. The amphitheatre of Shechem is appointed as the place for the future national assembly. The blessings and curses are to be pronounced responsively by parts of the assembled congregation. The setting up of stones, the plastering of them, and the writing of the

³⁹Alt, p. 327.

⁴⁰Sigmund Mowinckel, "Segen und Fluch in Israels Kult und Psalmen-dichtung," Psalmstudien V (Amsterdam: Verlag P. Schippers, 1961), p. 77.

⁴¹von Rad, Gesammelte Studien, p. 45.

Torah on them reflects an old Egyptian custom on similar occasions.⁴² An altar is to be built on Mount Ebal and sacrifices are to be offered. The introductory motivation for the observing of the covenant is given in the words, "Today you have become the people of Yahweh" (v. 9). This reference could be placed, as suggested previously, at the beginning of the chapter, linking it with the preceding. The people's response reflects the same liturgical context.

There is a further brief comment to be made about the time of this feast of Covenant renewal, and about the features which it took. At the end of the farming season of the year, in the fall, Israel celebrated the feast of booths. At the same occasion the New Year festival was celebrated, coherent with the idea that the beginning of the year was also the beginning of a new period in life and work of the individual as well as of the community. The renewal of the covenant with God fits in with this same idea, as the expression of a renewed allegiance of the people to Yahweh, and of the latter's repeated words of admonition and promise. Especially important was this feast in the seventh year, when it was associated with the procedures of the year of release. Deut. 21: 10,11 say:

And Moses commanded them, "At the end of every seven years at the set time of the year of release, at the feast of booths, when all Israel comes to appear before the Lord your God at the place which he will choose, you shall read this law before all Israel in their hearing."

⁴²S. R. Driver, Deuteronomy, in The International Critical Commentary (New York: Charles Scribner's Sons, 1906), p. 296. "It was a common custom in antiquity to engrave laws upon slabs of stone or metal, and to set them up in some public place. . . . The black pigment, used in Egypt, consisted of ivory or bone black; and figures, or characters, inscribed by this method were very permanent."

Von Rad comments on this passage, establishing a very reasonable connection between this feast and that of the Covenant renewal:

The performance of a presentation of laws of God, to be noticed in the background of the custom, must have been a very ancient cultic practice. . . .⁴³

And further, about the feast of booths, he says: "So ist es doch gar nicht anders denkbar, als dass das Fest der Bundeserneuerung zwischen Jahweh und dem Volk mit eben diesem Fest identisch ist."⁴⁴ The conclusion which von Rad draws from this, that the Covenant renewal festival was a yearly celebration, is not likely to be definitely proved. The passage cited above seems to refer to the particular feature of the reading of the law, which would be in favor of saying that the ceremony of Covenant renewal has been provided for a re-enactment every seven years.

The Present Form of Deut. 27 and Josh. 8:30-35

There are many literary as well as historical puzzles in Deut. 27 which seem to be insoluble after a look at the realization of the ritual in Canaan under Joshua. Some of these difficulties are of deep concern to this study, because they affect in some way the pericope of curses in Deut. 27.⁴⁵

Moses is mentioned three times in Deut. 27, in the third person, and twice he is associated with other speakers. In v. 1 he addresses

⁴³ von Rad, Gesammelte Studien, p. 42.

⁴⁴ Ibid.

⁴⁵ Immanuel Lewy, "The Puzzle of Dt. XXVII: Blessings Announced, but Curses Noted," Vetus Testamentum, XII (1962), 207-211.

the congregation together with the elders of Israel. In v. 11 only Moses is mentioned. In v. 9 he acts together with the Levitical priests. In a similar kind of address in v. 14 the Levites alone are charged with the enunciation of the curses. Deut. 10:8,9 tell for what purpose Yahweh set apart the tribe of Levi, namely, "to carry the ark of the covenant of the Lord, to stand before the Lord to minister to him, and to bless in his name. . . ." Wright affirms that where the word "priests" is used in Deuteronomy, the context shows that altar-priests are meant. When, however, "Levites" alone is used, Deuteronomy normally refers to men who are scattered throughout the country (client-Levites), and are dependent on the liberality of landowners, because the Levites are without property and serve no altar.⁴⁶ These Levites performed a teaching duty and expounded the faith, including the law. A few of them were separated for the priestly office. In Deut. 27:14 the Levites are presented as readers of the law, particularly of that sanctioning part of law represented by the curses.

Another apparent contradiction comes to the forefront when the spokesmen of the curses in Josh. 8 are found not to be the Levites. Joshua himself reads the law and also the blessing and curse. The problem cannot be solved from the texts as they stand. It seems to be the case that this original distribution of functions at Moses' time suited the circumstances at the time of Joshua in a different way. The meaning or the role of the officers might have changed. It might be even wiser to admit that the ceremony, in some of its supposedly many repetitions,

⁴⁶Wright, pp. 413-414; 444-446. Wright's position is reviewed and criticized by J. A. Emerton, "Priests and Levites in Deuteronomy," Vetus Testamentum, XII (1962), 129-138.

might have taken other forms. As the account in Josh. 8 omits certain details,⁴⁷ so also Deut. 27 might have only implied some others. The ark, for instance, which plays its role in the Joshua account, is not even mentioned in Deuteronomy. Those details which are strictly followed "according to the command of God through Moses," as the account notes, are the building of the altar (Josh. 8:30) and the position of the people in front of the ark of the covenant. As mentioned above, the ark is not even referred to in Deut. 27. This, then, presents a detail of what "Moses the servant of Yahweh commanded at the first" (Josh. 8:33) which is not given in the original provision.

It may follow, therefore, that the two accounts complement each other, or that they might even have differed to a certain extent. The important thing to notice is the overall identity of the two descriptions as a whole. Both reflect the Covenant renewal situation. Both talk about the same basic principle of serving the Covenant God, Yahweh, as a people of his own. This has to be kept in the mind in looking from Deut. 27 to Josh. 8.

The Curses as Sanction

Curses and blessings are announced in Deut. 27:11-13, but in the following verses only the curses are given. The incongruity leads to the very point of this study. It has been noted that the pericope of

⁴⁷Josh. 8:30-35 does not mention the prescribed joy of the people, nor that they ate the sacrifice. No plastering of the stones is referred to, and not even the setting up of them. The tribes are not distributed by their names. Nevertheless, the ritual was carried out "as Moses the servant of the Lord had commanded at the first." (v. 33)

in the General Council being a prerequisite for bringing matters to the attention of the assembly. Thus, the Missouri Synod could make a suggestion only after joining the General Council. Such action on the part of the General Council was held to be arbitrary and evidence of stubbornness.⁵⁰ Der Lutheraner quoted the Lutheran Standard as saying that properly there was no basis for the decision of the General Council, but it was clear evidence of unwillingness to discuss doctrine in free conferences as it should.⁵¹ The periodicals of the Ohio and Missouri Synods called attention to statements by S. K. Brobst of Allentown, Pennsylvania, a member of the General Council, in which he favored the idea of free conferences, siding with the Missouri Synod in holding that the matter could not be handled adequately at a General Council convention.⁵² The writer in the Lutheran Standard was skeptical of success since "the leading minds of the General Council show no inclination to meet and confer with Western 'Symbolists.'"⁵³

⁵⁰N. W., "Why does the General Council refuse to entertain the Proposal of a Free Conference," Lutheran Standard, XXVII (December 1, 1869), 182.

⁵¹J. G. W., "Warum weigert sich das General Council, den Vorschlag einer Freien Konferenz anzunehmen?" Der Lutheraner, XXVI (December 1, 1869), 59, 60.

⁵²C., "Eine Stimme im 'Lutheran and Missionary' ueber freie Konferenzen," Lehre und Wehre, XXV (March 1869), 88; "Free Conference Again," Lutheran Standard, XXVII (August 1, 1869), 118; "Die freie Konferenz," Der Lutheraner, XXVI (February 15, 1870), 93.

⁵³"Free Conference Again," Lutheran Standard, XXVII (August 1, 1869), 118.

and because of other reasons given above. They are a final thrust given by the Lord of the Covenant to all the rest of the laws in Deuteronomy as their official, cultic institution, approved by the people.⁴⁹

This conclusion leads to a rearrangement of the sequence of the ceremony found in Deut. 27 and Josh. 8. The latter must have included Deut. 28 as the blessing and the curse of material consequences, while the section of Deut. 27:15-26 might have been an intermediary remark at the end of the law section. This is the conclusion at which the present author arrives in the light of the aforementioned considerations. The suggestion is that Deut. 27:15-26 constitutes a final sanction to the law section, functioning as its enactment. Then followed the customary section of blessings and curses of chap. 28, as announced in 27:11-13.

It was said previously that the content of the curses in the pericope under consideration (Deut. 27:15-26) is thoroughly consonant with the spirit of Deuteronomy in general. The section is also a complementary expression of the same covenantal setting of the book. Hence they must belong to the same so-called D materials, and in this sense von Rad's reconstruction could be supplemented in this way: Deut. 26:16-19 is the Bundesverpflichtung, which section is followed by 27:9,10, pointing to the Covenant ceremony in Deuteronomy. These two verses would be followed immediately by vv. 14-26, as the enforcement of this covenant obligation.

⁴⁹From a review in Zeitschrift für die Alttestamentliche Wissenschaft, LXXIII (1961), 129, the present author became acquainted with the booklet of E. Moerstad, Wenn du die Stimme des Herrn, deines Gottes Gehorchen wirst (Oslo: Forlaget Land og Kirche, 1960). The work cited, according to the review, sheds light on the problem of Deut. 27-28. Unfortunately, however, there was no copy available.

Then follows the provision for the later Covenant renewal, in this sequence: 27:1-8, 11-13, which then introduces the blessings and curses of chap. 28.

CHAPTER V

CONCLUSION

The curse as it is found in Deut. 27 represents the strongest form of cursing. Even though the practice of cursing was a universal phenomenon in the Ancient World, the curse in the form of אָרַר in Israel cannot be said to have been dependent on the Near Eastern parallels. The conclusion presented in this study was that both had a parallel cultural development.

The curse in the form of אָרַר in Deut. 27 implies divine agency and as such it is the judgment of God upon sin. Each one of the twelve sentences of doom is pronounced upon every individual member of the congregation. The pericope focused, although condemning transgression in general, directs special attention to the secret or concealed sins. In opposition to the curses in Deut. 28, the curses in chap. 27 seem to include an eschatological meaning, which would constitute a different emphasis in the theology of Deuteronomy. Concerning their content, the curses of Deut. 27 have parallels in the Covenant Code, in the Holiness Code, and in Deuteronomy itself. The pericope of curses, although it does not depend to a great extent on any of these texts, can be said to be perfectly consonant with the spirit of Deuteronomy in general.

It has been concluded that the book of Deuteronomy is in various aspects similar to the Hittite suzerainty treaties. The content of Deuteronomy, however, is more thoroughly consonant with the biblical covenant form between Yahweh and his people, of which the cited book

is an expression. The curses in Deut. 27 are to be regarded as constituting a basic unity with the book of Deuteronomy, functioning as a sanction or enforcement of the law section of the book.

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