Bar-Ilan University

Unleashing Evil: An Examination of the Curse in the Hebrew Bible

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Submitted in partial fulfillment of the requirements for the Master's Degree in the

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Ramat Gan, Israel   2021

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Abstract

As many texts from the ancient Near East, including the Hebrew Bible, demonstrate, people made use of curses, and virtually anyone could pronounce one. Curses appeal to the supernatural realm to somehow injure an offender or enemy. Although the curse depends on the supernatural or the heavenly realm for its execution, it has been suggested in recent scholarship that the efficacy of a curse should be understood by means of speech act theory. From this perspective, the social setting in which a curse is pronounced determines its efficacy. It will be effective if the curse is performed by a person who is sanctioned for this function by the community; if all the persons who are affected by the curse are present and hear the curse pronounced; and if the name of the controlling deity is invoked. If any of these criteria is not met, the imprecation will not work.

It is the aim of the present study to challenge this relatively new approach to the biblical curse. Two test cases are studied at length: the curse of Saul on any soldier who would break the fast he called for in order to triumph in battle (1 Samuel 14); and the curse Jacob levelled on the person who stole Laban's *teraphim* (Genesis 31). In the course of analysis attention is paid to: features of curses, how they operate, and the role of the deity and divine agents in activating the curses. It is found that, although the terms proposed within speech act theory may play some role in biblical curses, a malediction is not dependent on those terms in order to operate. In the case of Saul's curse, it is unclear that it was Saul's place to impose the curse and that Jonathan, on whom the curse landed, was present to hear it. The efficacy of the curse has much to do with its intractability. The same two deficiencies are present in

the case of Jacob's curse, which affected Rachel; and again, its efficacy seems to

follow from its intractability.

1. Introduction

The phenomenon of cursing is widespread in the Bible and in ancient Near Eastern texts and inscriptions. Curses were part of ancient Near Eastern life and they functioned in a different way from what we know today. Curses were used as imprecatory prayers to the divine world to execute judgement and to bring harm to offenders who violated their agreement in a sworn oath. Once a violation occurred, the divine presence of the deity withdrew, allowing hostile forces to take over and causing chaos for the offender, whether a single individual or a nation. The effects of the curse could take many forms, such as misfortune, an extremely difficult life, excommunication, extermination, an early death and more. These malevolent forces were thought to come from and be controlled by the deity.

Virtually anyone could levy a curse, such as an amateur, a professional curser, a king, a priest and so forth. Further, it was not always necessary that all parties be present during the curse pronouncement, which could be problematic for the careless speaker who might inadvertently put the lives of others in danger. Curses were binding, and once pronounced they were not retractable.

There are times however, when the activation of the malediction comes into question, i.e., in circumstances where the deity is not mentioned or not all parties are present to hear the imprecation. Some scholars have suggested that in these situations the malediction is not active because proper protocol has not been followed. In current scholarship, the use of speech act theory, which explains the

efficacy of a curse with regard to such circumstances, has been presented as a possible solution.

However, in the following study, it will be suggested that speech act theory is not required in such circumstances for the malediction to be active, and that the divine world itself is primarily where the activation of the malediction happens.

a. The Topic

The curse and its power in the Hebrew Bible have been treated in various ways in the last century. Earlier scholarship tended to suggest that the power of the malediction was inherent in the word itself; that is, the words, without divine intervention, activated the curse (Blank 1950, 78).[1] The soul was also thought to be where the power of the curse originated; if one had a wicked soul, it could transfer that wickedness into the souls of others (Pedersen 1964, 441).[2] Thus, it was the soul that engendered the curse.

Today, scholars have moved away from the idea of the soul being the operative power behind the malediction; however, the notion that words contain power remains to some degree.[3] Some scholars have submitted that the performative utterance plays a part in the activation of the imprecation.[4] Therefore, more recent scholarship has introduced speech act theory as a suggested framework. Hence, the activation of the curse "depends" on social convention: the

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[1] Blank describes words as acting on their own accord without divine assistance. Thus, the term "word magic" has also been assigned to this way of understanding the function of words in a curse. They are "self-fulfilling" and the word itself was thought to contain the necessary power to do either good or bad (Blank 1950-51, 87).

[2] Pedersen describes the soul as the site of origin of the curse. He further submits that the stronger the soul (i.e., a prophet or a priest), the stronger the curse. The soul was thought to be the central place not only for the curse, but an evil soul also could infect another soul.

[3] The terms 'curse,' 'anathema,' 'imprecation' and 'malediction' are used as synonyms. Anathema is the term for "curse" in Greek. Malediction literally means "evil saying" in Latin, and imprecation refers to "the act of invoking evil on" someone or something: "curse" (Kitz 2014, 9).

[4] The term 'performative utterance' was coined in Austin's book *How to Do Things with Words.* He combined two words: the verb 'perform' and the word 'action.' This is to convey that there is more to words than "just saying something," (Austin 1955, 7). That is, the sentence is not only describing the action but is "itself the doing" (Hillers 1995, 758).

appropriate person pronouncing the malediction in the appropriate place with all those involved present.

Further, speech act theorists have expanded on Austin's notion of the performative utterance and applied it to the biblical text. They have suggested that the spoken language "accomplishes a thing by being uttered in keeping with certain social conventions" (Anderson 1992, 83). This means that if a particular society recognizes a certain act, such as someone saying 'I do' in a marriage ceremony, that very act of 'saying something' brings the marriage to actualization (Austin 1955, 7). Mitchell adds that curses and blessings spoken by God or a representative of God such as a prophet or priest have more strength than those spoken by ordinary people. Curses spoken by an "everyday" person do not have the same potency, and society did not expect those pronouncements to come to pass (Mitchell 1983, 341).[5]

Although this theory may be applicable to some curses that appear to conform to social convention, a problem arises when we encounter circumstances where social convention appears to be incompatible. The appropriate person(s) is not present, the oath is pronounced inappropriately, i.e., in haste or by someone with no recognizable authority, and there is also no mention of God in the imprecation. According to Anderson and others, an utterance of this nature becomes void when not pronounced correctly. Nonetheless, Anderson admits that if God is the subject of the malediction, social convention should be set aside. This demonstrates to some extent that God's abilities are not hampered despite a

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[5] In the case of a false prophet or even of a person who is in the appropriate place but not designated to speak the utterance, the speech act is considered void and goes unfulfilled (Mitchell 1983, 341).

malediction not being pronounced in a socially prescribed manner. This further

suggests that YHWH is almost always functioning or having a part in the imprecation,

and it makes no difference if his name is invoked or if social conventions are

followed (Anderson 2014, 51). However, we are still left with the question of how

curses operate in situations in which social convention seems not to be evident and

God's name is also absent from the oath-cure.

Thus, in order to best identify the power behind the malediction in these

instances, it appears that the place to begin is the source that enlivens the

anathema, the divine world itself. It appears that the offensive behavior (of breaking

an oath-curse) ignites a chain reaction in which the deity withdraws, and a

malevolent force enters in, afflicting the guilty party. The absence of divine support

leaves a person exposed to attacks from demonic entities.

The withdrawal of divine protection is almost always a catastrophic event,

and this removal seems to initiate divine retribution (Kitz 2014, 229).[6] The curse

itself may even act as a semi-independent "personified being" bringing punishment

to the transgressor (Kitz 2014, 187).

In the following section, further elaboration will be made concerning the

three major areas of the curse's power: the power of the word, the power of the

soul and the performative utterance. I will begin with the most basic concept that

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[6] The removal of an individual from the community because of divine retribution can also be found among Akkadian texts. See also 1 Sam 16:14.

the curse originates in the soul, and then I will proceed to the current theory of

speech act theory and its application to this topic.

b. History of Scholarship

<u>The Impact of Pedersen</u>

One of Johannes Pedersen's greatest works "Israel: Its Life and Culture*"* has immensely affected all studies concerning cursing and blessing in the Hebrew Bible (Pedersen 1964). Although this work has limitations, it has paved the way for more advanced scholarship. Pedersen is credited with recognizing the curse (blessing), its power, and its significance in the Hebrew Bible (Anderson 1992, 2). Pedersen's view of the curse rests on his understanding of the soul and the thought process of the ancient Israelites. Thus, a brief introduction is necessary to understand his idea of the soul.

Pedersen, in his initial introduction to the soul, explains that the soul is the breath that God breathed into Adam (and all subsequent humans) and he "became a living soul" (Pedersen 1964, 7). He further describes the soul as the "entire person as he lives and acts in the world…" (Pedersen 1964 106). Additionally, Pedersen relates that this "unified personality expresses itself as "'will'" and that it is "characterized by volition (choice or decision made by will) and action" (Pedersen 1964, 106).

Although Pedersen views the soul as a "totality," his definition of soul extends further. For example, he sees the soul as both metaphysical and physical. It is even semi-autonomous because it can act on its own accord; it can be sent out, it can be manipulated, and parts of it can even be killed by others (Pedersen 1964, 164). He also describes the soul as: essence, totality, and entity. However, one thing the soul is not, according to Pedersen, is eternal. He claims that "both soul and body

lose their lives at the same time…the soul is laid to rest with the body as one unit" like a life-spirit (Pedersen 1964, 180-81).[7]

Additionally, Pedersen closely linked the soul and mental activity of the Israelite together. Pedersen used anthropological, sociological, and psychological studies of his day as a way to understand the Hebrew Bible. Moreover, Pedersen attempted to demonstrate that the "forms of Hebrew thinking are directly reflected in the actual structure of the Hebrew language" (Porter 1978, 38).

Semantically, he identifies the soul with the Hebrew word נפש and relates that this is the "semitic designation" (Pedersen 1964, 102). He further proposes that רוח and לב are attributes of the soul but have different functions from the נפש. The soul was the operative power (after being infused with words or thoughts) of the human being and could be affected from without (usually from the curse) and from within (Pedersen 1964, 106). [8] He submits that both "thoughts and words are power laden because they spring from the soul which is a source of power" (Pedersen 1964, 106).

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[7] The idea that the soul perishes or ceases to exist upon death is not a new concept, and the argument persists in current scholarship today (Steiner 2015, 2).

[8] Steiner, in his study of נפש, presents more up-to date research concerning the soul with the primary focus of the study being Ezk 13:17-21. Steiner describes the נפש as an entity that is separate from the body. Pedersen also appears to see the soul, to some extent, as a separate entity although his concept of the soul and its function is more based on the soul as a self-fulfilling agent. According to Steiner, נפש has the meaning of "soul" in addition to person and self (Steiner 2015, 115). Greenstein further relates that נפש "extends metonymically on two separate tracks." The first track refers to the נפש as an 'organ of breathing' further, "the Hebrew נפש and the Akkadian *napāšu* both mean 'to open the throat to breathe.'" The second track refers to an 'organ of eating,' נפש comes to mean 'appetite' or, more generally, 'desire' (Greenstein 2002, 449).

According to Pedersen, just as the soul and thought process are closely interconnected, so were sin and curse. They were virtually inseparable: "sin breeds the curse and the curse breeds sin…" (Pedersen 1964, 441). Pedersen states that the "curse acts within the soul" (Pedersen 1964, 441). Thus, the depraved soul became a nonhuman empty space afflicted by the malediction (Pedersen 1964, 411).

He maintains that the curse is not transferred through "word or wish *per se*" but through transference from soul to soul by "thought, word, or deed" (Pedersen 1964, 441). Speaking evil things or even thoughts could penetrate another human being's soul (from without) and produce a cursed state. The curse acted to some degree as an "entity" that could take possession of its victims. It (the curse) was a "substance" that infected the soul and then could be spread to others (Pedersen 1964, 437). This was something to be feared, and even one unjustly beset with a curse was still at risk for contracting the malediction (Pedersen 1964, 442).

Pedersen adds a magical quality to his evaluation of the soul and the curse by suggesting that the curse can enter another soul by thought or word, meaning, the soul can be manipulated. He suggests that by "acquiring blessing" one can keep the curse at bay, much as a "lucky" object is used to keep oneself from misfortune (Pedersen 1964, 442-443). This aspect of "self -fulfillment," according to Pedersen, gave the soul the power of transference to affect another soul with the curse (Mitchell 1983, 34).

Although biblical studies owe a great debt to Pedersen for his contributions to the topic of blessing and curse in the Hebrew Bible, he does not escape criticism for some of his erroneous observations or lack of research to support some of his

claims. For example, Pedersen placed a great emphasis on "the power of the soul" and the soul being able to affect others by transference. The נפש, however, has no evident power to act outside of itself. Also questionable is Pedersen's characterization of the "primitive" mind of the Israelite, which could only think in what he termed "totalities" (Pedersen 1964, 106). Pedersen's view of "primitive" Israelite thought was based simplistically on his characterization of the Hebrew language (Pedersen 1964, 25-26).[9]

Sigmund Mowinckel builds on Pedersen's work, giving a more extensive overview of sin and curse. Most of his writing on the curse is based on the Psalms. For example, he adopts Pedersen's ideas concerning the soul and its power of transference of evil to another soul. He maintains that the curse transmits from the person that is "filled with the curse" to others and to his environment; it is "dangerous" and "contagious" (Mowinckel 1962, 48). Mowinckel's understanding of the curse and its "magical" appeal does not differ much from Pedersen's idea that curses were self-fulfilling. He also maintains the interconnectedness between sin and curse, meaning that they exist together. It is sinfulness that allows the malediction to function.

Further, he reinforces the concept of the "magical" power of words, meaning he places more emphasis on the power of the spoken word and its "self-fulfilling" nature (Mowinckel 1962, 710). Mowinckel suggests that the person is the efficacious power behind the spoken word, meaning that by simply speaking the word, the thing

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[9] For a different type of critique, see, e.g., Porter. 1978-79.

spoken comes into being.[10] He stresses the effectual word more than Pedersen, and he applies this concept to both blessing and curse (Anderson 1992, 7).

Mowinckel largely focuses on the function of cursing and its effect on others and the community. He defines the curse as a "substance that consumes the soul" until it is empty and there is nothing left. Mowinckel also claims that the Hebrew word אָלָה is all-encompassing, that it refers to "the word and act of cursing" and to all the "misfortunes and failures" and the state of being "cursed" and being "filled with the curse." Mowinckel does present some biblical passages to support his claim, (Isa 24:6-12; Jer 23:10; Num 5:21-27), but they tend to deal only with the aftermath of the curse's destruction; thus, his claim of the "contagiousness" of the curse remains questionable.

Mowinckel's contribution to the study of the curse rests primarily on his emphasis on the cult of Israel, and the function of the malediction within Israel's cultic system (Mowinckel 1962, 49). He maintains that the curse has its place in the cult and rites of Israel, and he bases this claim on several ritual proceedings described in the Bible. For example, a woman suspected of adultery is made to drink the "cursed water" (Num 5:11), and an enemy curses his foes before battle (Numbers 22-24) (Mowinckel 1962, 49). Mowinckel states that these procedures demonstrate that the curse has its place within the cultic setting of Israel (Mowinckel 1962, 48-49). Therefore, he concludes: "behind the curse at all times lay the power of the community through the cult" (Mowinckel 1962, 715). He further states that

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[10] Aitken also submits that a verbal utterance in and of itself cannot "effect reality by simply being uttered" (Aitken 2007, 21).

this "power" is rendered through a representative of the community (priest) who then with the help of the Deity (through a cultic process) enacts the malediction. The necessity for the imprecation could be due to enemies that are attempting to attack the community or to insolent behavior by one of its own members (Mowinckel 1962, 715).

Mowinckel further incorporates magic into Israelite religion; he suggests that the connection between religion and magic is seamless - "there is no essential difference" (Mowinckel 2014, 64). Mowinckel simply differentiates between "good" magic and "bad" magic (he envisions a thin line between the two) by way of who is performing the cultic rite. The unauthorized person has not been sanctioned by the cult or the community; he is rather a "private individual" who has no social standing and therefore no authority in the cult. In contrast to the magician, who is the unauthorized person, stands the "efficacious procedure" performed with the appropriate words, and by an authorized person of the cult (priest, prophet) who has been sanctioned by his society to act (Mowinckel 2014, 66).

Johannes Hempel both appreciated Mowinckel's work and criticized him because of his overemphasis on the Israelite cultic system (Hempel 1925, 21). Hempel viewed the curse similarly to Pedersen but applies a history of religion approach (Anderson1992, 9). He draws from the literature of other cultures, such as the West Semitic, the early rabbinical, and even the apostolic writings.

Hempel, like Pedersen, believed that a curse could spread from one person to another by being exposed to a cursed person (Hempel 1925, 32). His definition of the curse is similar to Pedersen's so that he retains the idea of the "magical" curse

with regard to transference with both blessing and curse (Hempel 1925, 25). He divides the evolution of the Israelite religion into three stages. In the first stage, Israelite belief was predominately ruled by magic and the self-fulfilling word. He referred to this as "folk religion" (Hempel 1925, 23-47). The second stage was evolutionary, and blessing and cursing relied on cultic ritual, and YHWH also played a part (Hempel 1925, 60-94). The last stage consists of what Hempel terms "ethical monotheism." In this stage "blessing and cursing were no longer influenced by magic" because the magical element had been completely removed (Mitchell 1983, 43-44).

Sheldon Blank was the first to examine the curse apart from the blessing (Anderson 1992, 12). His objective was to study the curse as an introduction to "blessing type prayer" in the Hebrew Bible. He traces the "development" of the curse from a profane wish to an imprecatory prayer as Hempel had suggested (Blank 1950-51, 73).

Blank divides curse formulas into three different categories. The first (Type-I) is a simple curse formula, a "nominal sentence made up of the Qal passive participle of the verb ארור and the subject of the passive participle sometimes with a condition added" (Blank 1950-51, 73-74). For example, "the subject may be a common noun: אֲרוּרָה הָאֲדָמָה (Gen 3:17) or proper noun: אָרוּר כְּנָעַן (Gen 9:25), or an active participle: אֲרוּרִים הֵם (Deut 28:19), אָרוּר לֹקֵחַ שֹׁחַד (Deut 27:25), a pronoun: אָרוּר אַתָּה (1 Sam 26:19), or a noun clause with the relative pronoun אשר: אָרוּר אֲשֶׁר לֹא יָקִים אֶת דִּבְרֵי הַתּוֹרָה הַזֹּאת (Deut 27:26)" (Blank 1950-51, 74).

The second form is a composite curse formula (Type II), a basic curse formula with "freely composed curses" with additional elements added. The "composite curses" are broken into two sub-groups based on whether God appears in the curse formula or a human being is the curser. Curses spoken by humans, the first sub-type, exhibit "a single pattern with one or more main clauses, each in itself a curse, the main verb in each main clause in the third person and the subject of each verb identical with the person cursed in the preceding curse formula, and all of these in the imperfect (or perfect with *vav* consecutive)" (Blank 1950-51, 75).[11] For example, Gen 9:25 exhibits a typical formula: וַיֹּאמֶר אָרוּר כְּנָעַן עֶבֶד עֲבָדִים יִהְיֶה לְאֶחָיו So he said, 'Cursed be Canaan; a servant of servants He shall be to his brothers' (NASB). The simple curse formula אָרוּר כְּנָעַן is followed by the freely composed section עֶבֶד עֲבָדִים יִהְיֶה לְאֶחָיו (Blank 1950-51, 75).[12]

The next example presents curses spoken by God, the second sub-type (of Type-II curse formulae). The change occurs in the curse formula in which a person is the subject of the verb in the formula, and an occasional interruption appears in the verse as God speaks in the first person as the one who effectuates the curse (Blank 1950-51, 79). An example of this type of curse is found in Gen 3:15, where YHWH effectuates the curse concerning the woman and the serpent:

וְאֵיבָה אָשִׁית בֵּינְךָ וּבֵין הָאִשָּׁה וּבֵין זַרְעֲךָ וּבֵין זַרְעָהּ הוּא יְשׁוּפְךָ רֹאשׁ וְאַתָּה תְּשׁוּפֶנּוּ עָקֵב׃

> And I will put enmity between you and the woman
> And between your seed and her seed;

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[11] There is one exception to this rule found in Jer 20:14 where the jussive אל יהי is used (Blank 1950-51 76).

[12] Also see: Josh 6:26; 9:23; Jer 17:5; 20:15-17 (human curse pronouncements).

He shall bruise you on the head,
And you shall bruise him on the heel (NASB).

And similarly, in Gen 4:11: וְעַתָּ֖ה אָר֣וּר אָ֑תָּה מִן־הָֽאֲדָמָה֙ אֲשֶׁ֣ר פָּצְתָ֣ה אֶת־פִּ֔יהָ לָקַ֛חַת אֶת־דְּמֵ֥י

אָחִ֖יךָ מִיָּדֶֽךָ׃ "Now you are cursed from the ground, which has opened its mouth to

receive your brother's blood from your hand" (NASB) (Blank 1950-51, 79). Blank

submits that the first two curse formulas represent profane wishes and are therefore

"non-religious" (Blank 1950-51, 73).

The third (type-III) curse formula is "freely composed," does not contain the

curse formula and is also divided into two sub-groups (Blank 1950-51, 80). The first

sub-type is similar in form to type-II curses. However, although the person remains

the subject of the verb of cursing, God is not mentioned "within the limits of the

curse" (Blank 1950-51, 80). Further, these curses consist of one or more clauses each

containing a curse; the main verb is in the third person, and the verb is directed at

the subject of the clause (Blank 1950-51, 80).

Most of the examples of the first sub-type are found in the Psalms, such as

in Ps 40:14-15 (13-14):

רְצֵ֣ה יְ֭הוָה לְהַצִּילֵ֑נִי יְ֝הוָ֗ה לְעֶזְרָ֥תִי חֽוּשָׁה׃
יֵבֹ֤שׁוּ וְיַחְפְּר֨וּ ׀ יַחַד֮ מְבַקְשֵׁ֪י נַפְשִׁ֡י לִסְפּ֫וֹתָ֥הּ יִסֹּ֣גוּ אָ֭חוֹר וְיִכָּלְמ֑וּ חֲ֝פֵצֵ֗י רָעָתִֽי׃

Be pleased, O Lord, to deliver me;
Make haste, O Lord, to help me.
Let those be ashamed and humiliated together
Who seek my life to destroy it;
Let those be turned back and dishonored
Who delight in my hurt (NASB).

Blank notes that within the formula it is stated "Let them be put to shame"

rather than "Put them to shame (O Lord)"; then further, that the verbs are in the

form of "modal imperfects" (Blank 1950-51, 80).[13] Although the deity is invoked, a wish is expressed in the jussive mode, without making a request of the deity to enact or effect the curse.

The second sub-type (of Type-III) is almost "wholly independent of the curse formula where God is addressed directly with verbs in the second person or obliquely in the third person and asked to fulfill the curse wish of the petitioner" (Blank 1950-51, 81).

Most of these types of prayers also appear in the Psalms and in Jeremiah. For example, in Jer 11:20 Jeremiah the prophet expresses his desire to see "vengeance" taken upon his enemies by the hand of the righteous judge, YHWH: אֶרְאֶה נִקְמָתְךָ֣ מֵהֶ֔ם כִּ֥י אֵלֶ֖יךָ גִּלִּ֥יתִי אֶת־רִיבִֽי "Let me see Your vengeance on them, For to You have I committed my cause" (NASB); and Jer 12:3 וְהַקְדִּשֵׁ֖ם לְי֥וֹם הֲרֵגָֽה הַתִּקֵ֤ם כְּצֹאן֙ לְטִבְחָ֔ה "Drag them off like sheep for the slaughter and set them apart for a day of carnage!" (NASB) (Blank 1950-51, 82).[14]

Blank maintains that it is at this stage that the curse formula evolved into imprecatory prayer (Blank 1950-51, 82).[15] He explains that the book of Jeremiah outlines this "step-by-step" process which was completed by the end of the seventh century (Blank 1950-51, 82). In the end, Blank's theories align with those of his

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[13] It should be noted that although YHWH is not called upon in the curse formula, it is clear from Ps 40:13 that the psalmist expects YHWH to bring these things to pass: Be pleased, O Lord, to deliver me; Make haste, O Lord, to help me (NASB).

[14] Also see, Jer 17:18; 18:21-23; Psalms 69:24-26, 28; 58:7-8; 79:12; 83:14-18; 109:6-19; Job 3:3-10.

[15] Blank essentially classifies curses as "profane wishes" or "imprecatory prayer." Profane wishes are "nonreligious" because no deity is mentioned, or implied, and imprecatory prayers are petitions in which God is addressed directly or indirectly (Kitz 2014, 11).

predecessors: the curse formula derives its power from the spoken word. The curse

was "automatic and self-fulfilling," and the word was "irrevocable" once it was

uttered. In order to destroy a curse, the words (or the curser) had to be destroyed

or "neutralized" (Blank 1950-51, 93).[16]

Blank further deals with blasphemy against God, noting that the euphemism

ברך is used in place of ארר (Job 2:9; 1 Kgs 21:13); however, Blank does note that the

verb (נקב) קלל is used as a possible "less offensive synonym" (Lev 24:11; Ex 20:7;

Deut 5:11) (Blank 1950-51, 83). Despite Blank's argument, there are several passages

in the Hebrew Bible where stronger terms for 'curse' are used and God is the

subject: Gen 3:14; 17; 5:29; Josh 6.26; 1 Sam 26:19 and Jer 11:3.

Blank further addresses the spell, the oath, and how to protect oneself

against curses. He concludes that the spell and curse are almost one and the same

(Blank 1950-51, 87).

Claus Westermann follows Hempel's theory according to which the

"establishment of the Jerusalem cult blessing and curse were initiated by the king,

the priesthood, and the prophets" (Westermann 1978, 23-24).[17] Westermann's

theory is that the curse evolved differently from the blessing. He states that "quite

early the blessing was brought into relationship with YHWH's activities"

(Westermann 1978, 23). According to Westermann, YHWH is seen "bestowing" the

blessings on his creation; the curse, however, was kept at a distance and not

[16] Some texts adduced by Blank to demonstrate that curses were neutralized are: 2 Sam 16:9; Jer 36:23; 1 Kgs 2:46; Jer 26; Amos 7:12; (Blank 1950-51, 93).

[17] See also Westermann 1982.

associated with YHWH's work. He maintains that one does not read about "the curse

of YHWH" or "YHWH putting a curse on someone or something" (Westermann 1978,

23). He further submits that instead of speaking about "YHWH's curse" the Hebrew

Bible "tells of his judgments and punishment" and that the Israelites "theologize" the

blessing differently from the curse (Westermann 1978, 23).

In his attempt to elevate the blessing over the curse, Westermann appears to

have overlooked sections of the Hebrew Bible that suggest YHWH will be

instrumental in bringing a curse upon the disobedient. In Deut 28:20 for example, we

are clearly told that YHWH will cause these calamities to come upon the disobedient:

יְשַׁלַּח יְהוָה‏ בְּךָ אֶת־הַמְּאֵרָה אֶת־הַמְּהוּמָה‏ וְאֶת־הַמִּגְעֶרֶת בְּכָל־מִשְׁלַח יָדְךָ אֲשֶׁר תַּעֲשֶׂה עַד
הִשָּׁמֶדְךָ וְעַד־אֲבָדְךָ‏ מַהֵר מִפְּנֵי רֹעַ מַעֲלָלֶיךָ אֲשֶׁר עֲזַבְתָּנִי:

> The Lord will send upon you curses, confusion, and rebuke, in all you
> undertake to do, until you are destroyed and until you perish quickly,
> on account of the evil of your deeds, because you have forsaken Me
> (NASB).

This passage indeed speaks of YHWH's "punishment" and "judgments," but it also

suggests that God is the one who will bring the curse of these afflictions.

Although these early contributions to the study of the curse have their

shortcomings, they have paved the way for further scholarship and have attempted

to address the pressing question of the source of the malediction's power.[18] At the

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[18] Pedersen's overemphasis of the "primitive" Israelite thought process and its contrasts with modern man is an area that is scrutinized by modern scholars. Also, his use of the anthropological studies of his day are now dated and need to be modified. His assumptions and comparisons of other cultures are also suspect. He is further critiqued for his argument "that the psychology of the Hebrew people can be directly derived from the structure of the Hebrew language" (Anderson 1992, 6). Westermann's theory that blessing and cursing have taken two different "evolutionary paths" has also received criticism for failing to demonstrate how these "paths" have evolved and further that it is even possible to demonstrate (Anderson 1992, 11-12).

same time, earlier notions of the soul being the operative power behind the curse have largely been abandoned. The concept that the word had power (a magical self-filling capacity) in itself has been replaced to some extent by the idea that its power derives from social convention.[19]

The Impact of J.L. Austin: Speech-Act Theory

Let us now turn to present-day studies on the curse and the operative power behind it. Austin's work, although not originally related to biblical studies, has nonetheless had an impact on scholarship concerning the malediction. Austin defines a performative utterance as a sentence that is neither true nor false. It does not describe an action but rather is itself the doing (or the partial doing) of the action (Austin 1955, 5-6). A further condition of the performative utterance is that it must be spoken in the appropriate place, by the appropriate person, and that all that are to be involved in this process are present (Austin 1955, 14-15). If all parties are not present, then the utterance is void. Thus, the operative power shifts from the magical word (the understanding that the word alone is the operative power and therefore something occurs because it is spoken) and the soul (meaning the operative power for the malediction springs from the soul) to social convention.

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[19] The suggestion that the ancient Israelites believed in the power of the spoken word still exists today. However, the word itself does not appear to have power of its own unless it is empowered by divine activity (whether evil or good). Balaam for example, set out to curse Israel but it appears that both his curse and his blessing relied upon the power of YHWH (Deut 23:5). Concerning the power of the spoken word, see, e.g., Greenstein. 2016, esp. p. 468ff. Schorch. 2000, esp. p. 206.

Austin's notion of the speech act moves beyond the "saying of something" into the nature of doing.[20] That is, the utterance is the action that brings about the result of what is being said (Austin 1955, 14-25). Austin outlines three categories for these speech acts: locutionary acts, which are referential in nature (Austin 1955, 98); illocutionary speech acts, which perform actions (they do something) (Austin 1955, 99-100); and perlocutionary acts, which focus on the results of accomplished utterances (always entail a consequence) (Austin 1955, 107). He further identifies five different classes of utterances: verdictives "typified by the giving of a verdict"; exercitives: "the exercising of powers, rights, or influence"; commissives "typified by promising or otherwise undertaking; they *commit* you to doing something"; behabitives: "a very miscellaneous group that have to do with attitudes and social behavior, such as, apologizing, congratulating, commending, cursing, and challenging"; expositives: "are difficult to define." Expositives are words that are used in an expository manner in a conversation or argument, such as, "I reply" or "I argue" (Austin 1955, 151). Out of these five terms, Austin explains that behabitives are where a curse operates "in its strict performative use" (Austin 1955, 160).[21]

Anthony Thiselton builds on the work of Austin and argues that the performative utterance has nothing to do with "natural cause and effect" (Thiselton

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[20] For a different critique of Austin's work see: Searle 1968; Searle and Vanderveken 1985; Cohen 1964; Thau 1972.

[21] Austin admits that in the last two catergories, expositives and behabitives, he lacks clarity and has difficulty in defining the two terms. He submits that behabatives appear to be "miscellaneous altogether" and that "it could be that they (both categories) are not clear" and may need a "fresh classification altogether" (Austin 1955, 152).

1974, 293).[22] Further, for its potency, the utterance does not rely on any magic contained in words, but rather, the word and event are one. It is the combination of a socially acceptable procedure or utterance working in conjunction with the divine world that energizes a blessing or a curse (Thiselton 1974, 294). However, Thiselton also proposes that without divine intervention, regardless of how well the utterance is pronounced in its socially acceptable circumstance, the words do nothing (Thiselton 1974, 295).

Christopher Mitchell also supports the theory of the performative utterance as the power of the malediction which receives God's approval when performed by the proper person in the proper place. Mitchell gives a biblical example of Isaac's benediction in Gen 27: 28-29:

וְיִתֶּן־לְךָ הָאֱלֹהִים מִטַּל הַשָּׁמַיִם וּמִשְׁמַנֵּי הָאָרֶץ וְרֹב דָּגָן וְתִירֹשׁ:
יַעַבְדוּךָ עַמִּים וְיִשְׁתַּחֲוּוּ לְךָ לְאֻמִּים הֱוֵה גְבִיר לְאַחֶיךָ וְיִשְׁתַּחֲוּוּ לְךָ בְּנֵי אִמֶּךָ אֹרְרֶיךָ אָרוּר וּמְבָרֲכֶיךָ בָּרוּךְ:

> Now may God give you of the dew of heaven,
> And of the fatness of the earth,
> And an abundance of grain and new wine;
> May peoples serve you,
> And nations bow down to you;
> Be master of your brothers,
> And may your mother's sons bow down to you.
> Cursed be those who curse you,
> And blessed be those who bless you (NASB).

He maintains that in this situation, the words in Isaac's benediction have nothing to do with magic or the power of the soul; rather, the words receive power because Isaac called upon God, and his words are enforced because he was the

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[22] Austin states that there "must exist an accepted conventional procedure" in order for the words spoken to have an effect or be accepted by society and those present hearing the utterance (Austin 1955, 14).

appropriate person in the appropriate place to perform the benediction (Mitchell 1983, 341).

Mitchell suggests that if a word is spoken by an unauthorized person, such as a false prophet, the speaker does not have the backing of the deity or society even if "spoken in the same form and context." Accordingly, the word has no effect and therefore goes unfulfilled (Mitchell 1983, 341). Yet he states that the "illocutionary utterance is not wholly dependent on societal conventions for effectiveness." Further, a society might recognize a false prophet while ignoring a true prophet, but the true prophet will prevail, not because of the "magic contained in words" but because "God has the power to fulfill the words" of a righteous prophet who has both the authority from the deity and community (Mitchell 1983, 342).

Jeff Anderson bases his dissertation on the work of Austin and maintains that "curses in the Hebrew Bible are performative acts of power…" They are not "magical" or "religious" alone but are examples of powerful "illocutionary speech acts" that are activated within the realms of social conventions, i.e., the appropriate situation will then prompt the deity to act (Anderson 1992, 39).[23] Anderson's focus is primarily the curse's function within social settings.

Delbert Hillers designated certain passages in the Hebrew Bible that may be performative utterances according to Austin's notions of speech act. For example, he highlights certain verbs, such as Hag 2:23: בָחַרְתִּי (I chose); 1 Sam 17:10: חֵרַפְתִּי (I defy); 1 Sam 16:7: מְאַסְתִּיהוּ (I reject him) that are in the first-person singular perfect,

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[23] Kitz relates that the "modern propensity" is to deemphasize the divine role in oaths and to "eliminate all indications that a divinely enforced curse is involved" (Kitz 2014, 32).

clarifying their use as performative utterances (Hillers 1995, 760). He also concurs

that the utterance must be spoken by the appropriate person in the appropriate

situation (Hillers 1995, 760).

Hillers further states that his suggestions regarding the performative

utterance are without finality. He suggests that older grammars of Biblical Hebrew

contain many examples of the performative utterance, but they simply have not

been labeled as such (Hillers 1995, 760).[24] He proposes a "relabeling" of sorts for

clarification of biblical examples.[25]

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[24] Hillers also notes that different terminologies used by other scholars may add to the misunderstanding of what a performative is. For example, he notes that in "German discussions of Semitic languages the preferred term for *performative* is *Koinzidenz* and *Koinzidenzfall* (coincidence)."

[25] Hiller submits that older grammars of Biblical Hebrew have many examples of the performative but that they use different terminology or do not state sufficiently that a performative is present. He outlines some examples of "performative utterances" in GKC §16i and 106m. Thus, he suggests "relabeling" to make these examples more apparent.

c. Methodology

The focus of this study is to examine occasions in which maledictions are pronounced in the Hebrew Bible and the methods of social convention theory are not followed. This study will attempt to provide explanations of the malediction's power in these circumstances.

In Chapter Two a review of curse etymology will be presented in light of the very different understanding that most readers may have concerning what a curse is and is not in the biblical and ancient Near Eastern world. In Chapter three, an analysis will be made of some underlying features of curses and oaths and their usage, such as conditional and unconditional curses, what circumstances warranted such drastic measures and what role divine agents played.

In Chapter Four, an examination of biblical examples will be presented, examples that under speech act theory may be considered invalid because they appear to lack the necessary features of an active malediction. It will be explained how the divine world and/or divine entities played a central role in the execution of the malediction. This will be followed by a summary and conclusion of the topic.

Materials used in this study will be from the Bible and other ancient Near Eastern sources. Additionally, biblical commentaries, scholarly treatments of the subject, and any other materials that may help clarify the topic will be consulted.

d. Study Contribution

Speech act theorists have provided numerous explanations regarding the activation of the malediction in certain circumstances that adhere to social protocols and also for those that fail to adhere to social convention theory. Such an approach has helped to shed light on understanding the power of certain speakers, such as a priest or prophet who may carry more divine sway than the average individual. However, this has also placed limitations on the activation of the curse by confining the malediction's effectiveness to certain criteria or protocols.

For there are circumstances where social conventions are not followed, yet the malediction appears to be affective. Thus, the ultimate goal of this study is to bring the divine world and its role in the malediction to the forefront. Moreover, it will provide a discussion of the function of the deity and divine agents in the activation of the malediction and will acknowledge the deity's role in executing the provision of the curse.

2. The Etymology of Cursing

The purpose of the following chapter is to provide a "working definition" of Hebrew words for "curse" and to discuss their terminology, formulae, and some forms found in the Hebrew Bible. It goes without saying that ancient Near Eastern societies viewed cursing differently from our modern world. Further, cursing did not necessarily involve using offensive language or insults. Thus, assigning a definition to the word "curse" can be difficult. Most people have a general idea of what a "curse" consists of, and there are things that we intuitively know about "curse," such as its being the opposite of blessing. Where the blessing brings life and prosperity, the curse brings calamity and in many cases death, "opposing that life of shalom" that the blessing brings (Anderson 2014, 27). However, the challenge also lies in identifying utterances as imprecations. For example, assigning an English equivalent to a certain Hebrew term for curse does not necessarily clarify what is meant in English or Hebrew (Anderson 1992, 94). Further, "there are factors that make it difficult to define the word 'curse' with a single definition" (Anderson 1992, 92). We simply lack modern terms to define these "ancient expressions" (Kitz 2014, 32).

Likewise, there is also a thin line that separates curses from other forms of "malevolent speech," such as prayers for the defeat of enemies and prophetic proclamations of doom. When examining such prayers, it can be difficult to distinguish to what extent the speech act can be considered a malediction. Thus, the challenge of curse language and attempting to distinguish between "closely related malevolent speeches" has created difficulties within scholarship (Anderson 1992, 94). A starting point for understanding and defining the curse in the Hebrew Bible

involves several considerations regarding the words being used: their literary and grammatical characteristics, and their propositional context (Anderson 2014, 31).

There are three primary terms used to define "curse" in the Hebrew Bible: ארר (67x), אלה (40x) and קלל (75x) (Brawer 1969, 450). However, there are additional terms that can also mean "curse," such as זעם ,קבב, נקב as well as חרם. Although understanding the semantics of the related words can prove challenging, recent research has to some extent "discerned more precise nuances in usage and root meaning" (Keim 1992, 14). It should be noted, however, that many curses are freely composed and do not use any of the words for "curse" (Anderson 1992, 93).

אלה

There are two forms of the verb אלה, one of which appears once in Joel 1:8 אֱלִי (biblical hapax legomenon) meaning 'to wail' (Aitken 2007, 45). The other verb form appears a total of six times; three times in the Qal (Judg 17:2 אָלִית; Hos 4:2 אָלֹה; Hos 10:4 אָלוֹת) and three times in the Hiphil (1 Sam 14:24 וַיֹּאֶל; 1 Kgs 8:31 = 2 Chr 6:22 לְהַאֲלֹתוֹ). (Anderson 1992, 102).

The basic meaning of the verb אלה in the Qal is 'to curse' or 'to swear an oath' (in the sense of forming a covenant) and in the Hiphil 'to make an agreement.'[26] Thus, אלה has three essential functions: it is the active penalty within an oath (Gen

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[26] In the instance of oaths, the אלה "is the curse that motivates and moves the oath" (Anderson 1992, 103). In other words, "either explicitly or implicitly, every oath (שבועה) or covenant (ברית) is a conditional self-curse" (Anderson 1992, 103). For instance, in Gen 24:37-41, Abraham made his servant swear (שבע) that he would not take a Canaanite wife for Isaac but one from his own household. If the servant was unsuccessful, he would then be released from the "oath's penalty" (אלה) (Anderson 1992, 103).

24) used in the second or third person in a conditional curse; it can be used to persuade someone to perform a desired action (1 Sam 14; Neh 10:29). It can be used to discover the guilt of an unknown or known offender. And the noun can be used metonymically to refer to persons or objects affected by the results of the curse (Anderson 1993, 104-5).

The noun אלה is used 37 times and the meaning of the noun is not well defined because of its "polysemic nature"; therefore it has a variety of meanings depending on its usage (Anderson 1992, 102). It is found throughout the period of ancient Hebrew in both covenantal and curse contexts. Some examples of the versatility of the noun אלה are as follows: it can be used in relation to the making of a covenant (Deut 29:11, 13 אלה is the direct object of כרת); in the swearing of an oath (Num 5:21 שבועה); and in the making of an agreement (Deut 29:11; Neh 10:30) (Aitken 2007, 58).

Further, the noun אלה may denote a treaty enacted between two people (Gen 26:28). But more frequently in the Hebrew Bible it is used to signify a covenant between God and his people (Deut 29:19, 20; 30:7; Isa 24:6; Jer 23:10; Zech 5:3). It may also denote an oath between two people (Gen 24:41; Lev 5:1; 1 Kgs 8:31), and it can denote the object of curse when used metonymically (Num 5:21; Jer 29:18; 42:18; 44:12) (Aitken 2007, 62).[27]

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[27] The difference between an oath and a curse is that one (the oath) cannot exist without a curse while the other (curse) can stand alone without an oath. An oath is a "petition to a deity or deities to potentially inflict harm on an oath taker, should the oath taker renege" (Kitz 2014, 37-38).

אֹרֵר

Scholars consider אֹרֵר to be one of the strongest terms for 'curse' in the Hebrew Bible because of its "severe means of separating the evil doer from the community" (Anderson 1992, 101). The verbal form of אֹרֵר occurs in the Qal, Hophal, Piel and Niphal and it occurs 68 times in the Hebrew Bible; 55 of those occurrences are in the Qal stem, and 40 of those occurrences are in the Qal passive participle. The verbal form also appears in the Niphal once in Mal 3:9, seven times in the Piel in Num 5 and in Gen 5:29, and possibly in the Hophal in Num 22:6 (7) (Aitken 2007, 66).[28] Further, אֹרֵר is an antonym of בָּרַךְ, appearing twelve times in opposition to בָּרַךְ (Gen 9:25; 12:3; 27: 29; Num 22:6, 12; 24:9; Deut 28:16-19; cf. vv. 3-6; Judg 5:23; Jer 17:5; cf. v. 7; 20:14; Mal 2:2; Prov 3:3) (Keller 1997, 180). The cognate מְאֵרָה occurs five times (Kelly 1997, 179).

The Qal passive, which forms the אָרוּר formula, is the most frequent form and "may stand with a simple predicate, pronominal, substantiation, or participle" (Arden 1992, 18). The construction of the formula may begin with a predicate, as in Gen 5:29: אֵרְרָהּ יְהוָה "the Lord has cursed" (NASB), or the Qal passive may be used with a participial, as in Gen 9:25: וַיֹּאמֶר אָרוּר כְּנָעַן עֶבֶד עֲבָדִים יִהְיֶה לְאֶחָיו "And he said, 'cursed is Canaan, a slave of slaves he will be to his brothers.'" It is then followed by either a personal pronoun, a specific person or group, an unidentified subject or even an object or animal (Keim 1992, 18).

[28] Aitken suggests that although the form יוּאַר is generally "translated as a Hophal," it may also be "translated as a Qal passive" (Aitken 2007, 65).

There are three instances of the Qal passive participle that "refers to a resultative state of being cursed" (Kitz 2014, 112). In 2 Kings 9:34 Jezebel is referred to as הָאֲרוּרָה (the cursed one); in Josh 9:23 the Gibeonites are declared as אֲרוּרִים because they deceived the Israelites into making a covenant with them without revealing their true identity; and Ps 119:21, where those who do not observe the commandments of God are אֲרוּרִים (Kitz 2014, 112). [29] Further, ארר only appears once as a quoted curse in 1 Sam 26:19, where David levies a curse against his possible enemies.

The stem of ארר is predominately found in the Pentateuch, appearing 42 times including in the archaic passages: Gen 49:7 (1x); Num 22-24 (7x); Joshua-Judges (6x); 1 Samuel (3x); and the early Biblical Hebrew poetical book of Jeremiah (6x); (Aitken 2007, 75). In other places the term appears less frequently, appearing once in each of the following books: 2 Kings, Job, and Psalms, and four times in Malachi ("these references refer back to Pentateuchal priestly blessing") (Aitken 2007, 75).

While some suggest that the basic meaning of ארר is "exclusion" or "ban," defining ארר within the context of a passage can give a better idea of its meaning. In some cases, ארר may refer to banishment (Gen 4:11 with מן), it may refer to the consequences of previous curse pronouncements (2 Kgs 9:34-37), or transgressions

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[29] Additionally, ארור appears 35 times as a part of quoted curses in the following verses: Gen 3:14, 4:11, 9:25,27:29, 49:7; Num 24:9; Deut 27:15-26 (12x), 28:16-19 (6x); Josh 6:26; Judg 21:18; 1 Sam 14:24, 28; Jer 11:3; 17:5; 20:14-15 (2x), 48:10 (2x); Mal 1:14 (Kitz 2014, 112).

(Gen 9:25), infertility (Gen 3:17; Num 5:18-27), enslavement (Jos 9:23), and loss of ethno-identity (Gen 49:7).

There is one certainty about the term: the one (person or object) that is ארור is "stricken by misfortune and [their] existence is disastrous and even the presence of such a person brings misfortune" (Keller 1997, 180).[30]

קללה / קלל

Of all the curse terms, קלל has the widest range of meanings (Anderson 1992, 108). It can be considered both the most comprehensive and the least precise (Keim 1992, 18). The verb קלל tends to demonstrate more flexibility than the noun קללה. In the Piel stem (and Pual) קלל can denote meanings ranging from imprecation, to belittling, demeaning and other abusive speech acts (Keim 1992, 18). The root of קלל appears in all Semitic languages with the basic meaning of "be small, light" (Scharbert 2004, 37). There are 128 occurrences of the root קלל in the Hebrew Bible: Qal 12, Niphal 11, Piel 40 (including 8 in 2 Samuel and 7 in Leviticus), Pual 3, Hiphil 13; and the noun קללה appears 33 times (including 11 times in Deuteronomy and 9 times in Jeremiah). Outside of the Hebrew Bible both the Piel form and the noun occur three times each in Sirach (Scharbert 2004, 38).

כבד has a basic meaning of "be weighty" (both physically and socially), "be important, be honored" and is used in opposition to קלל. Although קלל can serve as a "synonym" for ארר, זעם, אלה and קבב, it is "only the Piel, Pual, and the noun קללה which exhibit affinities with אלה, ארר, נקב, קבב and their derivatives with the

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meaning "curse" (verb and noun) (Anderson 1992, 110). For example, in Jer 42:18

and 44:12 "become a אלה and become a קללה stand side by side but not as complete

synonyms" (Scharbert 2004, 42).

Aitken notes that one of the distinctions between קלל and ארר is that the

latter can have God as the object, however, God can also be the object of קלל (Exod

22:27; Lev 24:11, 15; Isa 8:21) (Aitken 2007, 240).[31] An antonym to קלל is ברך and

these two words tend to parallel each other (Gen 12:3; Ps 37:22; 62:5; 109:28; Pr

30:11); it is also synonymous with the verb ארר (Aitken 2007, 238-239).

The solitary definition of the noun קללה is "curse," and it is often contrasted

with ברכה (Scharbert 1997, 41). For example, in Genesis 27 Jacob fears the curse that

his father may invoke if he finds out about his (Jacob's) deception. He may receive

the קללה and not the ברכה. In Deut 28:16-45 we also find this opposition of blessing

and cursing, the benefits and consequences. In a few places the meaning of קללה

appears to be obscure, such as in Ps 109:17: וַיֶּאֱהַב קְלָלָה וַתְּבוֹאֵהוּ וְלֹא־חָפֵץ בִּבְרָכָה וַתִּרְחַק

מִמֶּנּוּ "He also loved cursing, so it came to him; And he did not delight in blessing, so

it was far from him" (NASB).

 It is not clear how the curses of the enemy function. For example, "Does this

refer to curses upon the devout psalmist continually being uttered by the enemy,

which will instead come upon him and bring him calamity, or is the curse the

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[31] קלל may have been considered a "less offensive synonym" (Blank 1950, 12). However, God does
appear as the subject of ארר in several passages: Gen 3:14, 17; 5:29; Josh 6:26 (implied); 1 Sam 26:19;
(implied); 1 Kgs 16:34; and Jer 11:3 (Aitken 2007, 76). There may be other references as well.

calamity unleashed by the machinations of the enemy, surrounding him on all sides like a coat" (Scharbert 2004, 42)?

Also, the meaning of Prov 27:14 is unclear: מְבָרֵךְ רֵעֵהוּ בְּקוֹל גָּדוֹל בַּבֹּקֶר הַשְׁכֵּים קְלָלָה תֵּחָשֶׁב לוֹ "He who blesses his friend with a loud voice early in the morning, it will be reckoned a curse to him" (NASB). Perhaps, pronouncing the blessing with a loud voice early in the morning could mean that one should not "utter blessings with abandon" because "they may arouse suspicion and be mistaken for curses"; and in Deut 21:23 לֹא־תָלִין נִבְלָתוֹ עַל־הָעֵץ כִּי־קָבוֹר תִּקְבְּרֶנּוּ בַּיּוֹם הַהוּא כִּי־קִלְלַת אֱלֹהִים תָּלוּי "his body shall not remain all night on the tree, but you shall bury him the same day, for a hanged man is cursed by God." The meaning of being "cursed by God" is also disputed because the reason that this particular act causes one to be cursed is ambiguous (Scharbert 2004, 42).[32]

קבב, זעם ,חרם

The Hebrew root קבב is a secondary root of נקב. The root appears 14 times in the Hebrew Bible, and 10 of those times it occurs in the story of Balaam (Numbers 22-24). The other occurrences can be found twice in both Proverbs and Job (and also once in Sirach).[33]

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[32] Brichto finds the perplexities that commentators point out in Prov 27:14 to be unwarranted. He suggests that the meaning of the verse is "transparent." He submits that "One does not 'bless' one's neighbors (except in the original sense of 'hail,' or 'salute' Gen 47:7, 10) as a matter of normal social procedure, morning or evening, early or late—but one does greet him. To do so in a loud voice, at an unearthly hour, would be regarded as abuse קללה" (Brichto 1968, 191).

[33] In Job 3:8 it is unclear if the root is קבב or נקב.

There are some difficulties in defining קבב because of the rarity of its usage; however, the passages where the word is used provide some clues as to its possible meaning. In the Balaam story קבב alternates with ארר, and it also parallels זעם (Num 23:7-8). Further, it contrasts with ברך in the Balaam story and in Prov 11:26. In Prov 24:24, קבב is used together with זעם giving the sense of "reproach" rather than "curse in the usual sense" (Ringgren 2003, 481).

The meaning of זעם is similar to קבב in a context of execrations. In the Hebrew Bible the verb appears 13 times and the noun 22 times, and it is associated with both God and human beings. The verb occurs in the Qal and Niphal (Prov 25:23) in the Hebrew Bible and the Hiphil in Sirach 43:16. The most frequently used form of זעם is the Qal form.

Further, because of its polysemous usage, זעם is also used synonymously with other verbs, but it does not have "a precise synonymity" (Aitken 2007, 144). The meaning of זעם can be "to utter a curse" (Num 23:7, 8), "to speak evil of someone," "to denounce, revile," and, when used intransitively, "to be angry" (Aitken 2007, 144).

The last term to be discussed is חרם, which is not usually presented in studies on the curse and is to some extent "neglected in curse studies" (Anderson 1992, 114). חרם shares some "similarities in connotation to ארר" (Anderson 1992, 117). Both חרם and ארר "carry the meaning of exclusion or separation… and both terms are polemically directed against foreign neighbors such as Canaanites or Amalekites" (Anderson 1992, 117).

In relation to the curse, Lohfink notes that in the LXX, for חרם I (nominal

form) and חרם Hiphil and Hophal the chosen words for translation are

anáthēma/anáthema and *anathematízō*, and they appear about 35 times (Lohfink

1986, 182). He suggests that the "starting point was probably the meaning

anáthēma, 'votive offering place in the temple.'" Lohfink further suggests that "it

must remain an open question whether the earliest non-Jewish occurrence of the

Greek word group in the sense of 'curse'" (1st or 2nd century CE) provides evidence

for a corresponding meaning of the words even before the LXX" (Lohfink 1986, 182).

In Semitic languages, it appears that "more forms of the root חרם were used

in the biblical period than are found in the Bible." It is also possible that there were

"non-religious uses of the root" (Stern 1991, 16). For example, "the root of חרם

appears (or possibly appears) in oaths and vows in more than one language such as

Arabic, Palmyran, and Phoenician" (Stern 1991, 14). Further, Stern notes the "late

development" that חרם underwent in Syriac, and that the word has about "half a

dozen derivatives (accursed, execrable, savage, fierce, cruel, and harsh) that are not

found in the Bible" (Stern 1991, 15). Thus, this demonstrates that "the Biblical usage

having to do with 'consecration to destruction' was not widely shared by other

Semitic speakers (except Moabite and possibly Ugaritic)" (Stern 1991, 15-16).[34]

In the Hebrew Bible the verb form חרם appears 48 times in the Hiphil and 3

times in the Hophal. The Qal form of the verb does not occur. The noun (חרם I)

occurs 29 times and only appears in the singular.

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[34] For more on חרם see, Stern. 1991.

The basic meaning in the Hiphil relates to "consecrating something or someone" for destruction or preservation.[35] For example, this could relate an offering for the sanctuary, or in war to consecrate a city for destruction. In the Hophal the meaning is "be condemned to capital punishment" under certain conditions, such as apostasy (Ex 22:19(20)), or confiscation of property and banishment (Ezra 10:8) (Lohfink 1986, 187).

The meaning of the noun form of חרם I carries the same idea of consecration of an object or person as found in the Hiphil and the same sense of "contamination" as found in the Hophal.

Understanding the use and function of curse words within the Hebrew Bible can bring greater clarity when attempting to comprehend the vast topic of biblical imprecations. The etymology of these words still brings with them some ambiguities, such as the word קללה, the meaning of which can be obscure at times, and קבב, the meaning of which can also pose challenges because of its rare usage. Despite these challenges, the study of curse terminology remains a valuable asset for the study of the biblical curse.

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[35] "The causative stem (Aphel) was used as the equivalent to the Hiphil stem of חרם in Biblical Hebrew. In New Testament Syriac and later, the Aphel meant to excommunicate, to curse, ban. The Ethpeel stem was used to express the passive, to be excommunicated, anathematized. The Ettaphal was used similarly to the Ethpeel, with the added meaning of to be threatened with excommunication" (Stern 1991, 15).

3. The Oath, the Curse, and Their Functions

a. The Oath

Brichto outlines the oath as an "assertion or promise supported normally by a non-human agency (magical or divine) to provide the penalty or sanction against the party making the false accusation or failing to keep his word" (Brichto 1968, 153). Although not every oath may entail a curse, most oaths still carry some type of consequence if broken. It should also be noted that when 'oath' is mentioned in this study, it will be in the sense of an "oath-curse," and it will be referred to as such.[36]

There are two types of oaths: promissory and evidentiary. The promissory oath contains a promise of "loyalty and fidelity to what has been declared" (Kitz 2014, 39).[37] Most promissory oaths occur in legal and business contracts while the evidentiary (also referred to as assertive) oaths occur in lawsuits and disputes. The focus of the evidentiary oath is to verify that what is being said is "factual and true" (Kitz 2014, 39). Mercer also points out that an "oath, in its essence, is to call upon the deity to punish the perjurer, it is therefore a conditional malediction" (Mercer 1915, 283).

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[36] Mercer points out the close connection between oath and malediction, "The malediction is therefore closely related to the oath" (Mercer 1915, 282). Mercer further elaborates on this connection using Cuneiform literature as an example. He suggests that *mamîtu* (oath, malediction, ban) and *niš* (oath, malediction) demonstrates this close connection because of the interchangeability of the two terms (Mercer 1915, 284).

[37] Many promissory oaths have been found in cuneiform literature. These were "solemn declarations of an intention" to abide by the oath (Mercer 1915, 282).

The elements involved in an oath can be outlined in three steps: the first step involves "information regarding subject or object involved"; the second step involves "the conditions of when the curse will become active"; and the third step involves the "threats contained within the curse utterance" (Anderson 1993, 74). Consider the judicial ordeal of Numbers 5 which falls under the category of an oath-curse.[38]

A husband who suspects his wife has been unfaithful delivers her to a priest who then conducts a ritual that will, through a divine act, render a verdict of guilty or innocent.[39] Thus, the wife is brought before the priest: וְהֵבִ֤יא הָאִישׁ֙ אֶת־אִשְׁתּוֹ֙ אֶל־הַכֹּהֵ֔ן "then the man shall bring his wife to the priest" (Num 5:15) who will perform a ritual to discover the guilt or innocence of the woman.[40] The priest explains the conditions of the oath:

וְהִשְׁבִּ֨יעַ אֹתָ֜הּ הַכֹּהֵ֗ן וְאָמַ֤ר אֶל־הָֽאִשָּׁה֙ אִם־לֹ֨א שָׁכַ֥ב אִישׁ֮ אֹתָךְ֒ וְאִם־לֹ֤א שָׂטִית֙ טֻמְאָ֣ה תַּ֣חַת אִישֵׁ֑ךְ הִנָּקִ֕י מִמֵּ֛י הַמָּרִ֥ים הַֽמְאָרֲרִ֖ים הָאֵֽלֶּה׃

The priest shall have her take an oath and shall say to the woman, "If no man has lain with you and if you have not gone astray into uncleanness, being under the authority of your husband, you will be cleansed (shown innocent) by this water of bitterness that brings a curse; (Num 5:19 NASB).

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[38] The judicial ordeal was composed of a two-part process: "the act and incantation" (Milgrom 1990, 346). Further, "by accepting the terms of the curse the warned person calls upon himself the wrath of the gods" (Milgrom 1990, 346).

[39] Jeon adds that the Sotah ritual may be composed of two revisions, from two separate time periods. The first is the "water ordeal law stratum," which may have been composed by the "Priestly School" during the First Temple period (Num 5:16, 19, 27); the second stratum is the "ritual oath stratum" which according to Jeon was most likely "reworked and combined with a ritual oath law by the Holiness School in the Late Pre-exilic/Exilic Period" (Jeon 2007, 190; 207). Kensky, however, proposes that although there may have been a different literary prehistory, the text is now a "unified structure" and should be treated as a "coherent whole" (Frymer-Kensky 1984, 12).

[40] Kensky suggests that the husband may also have been obligated to bring his wife for the Sotah ritual since defilement of a wife was a central concern (Deut 24:14).

The priest further explains the condition that will come upon the woman if she indeed has gone astray:

וְהִשְׁבִּ֨יעַ הַכֹּהֵ֥ן אֶת־הָֽאִשָּׁה֮ בִּשְׁבֻעַ֣ת הָֽאָלָה֒ וְאָמַ֤ר הַכֹּהֵן֙ לָֽאִשָּׁ֔ה יִתֵּ֣ן יְהוָ֧ה אוֹתָ֛ךְ לְאָלָ֥ה וְלִשְׁבֻעָ֖ה בְּת֣וֹךְ עַמֵּ֑ךְ בְּתֵ֨ת יְהוָ֤ה אֶת־יְרֵכֵךְ֙ נֹפֶ֔לֶת וְאֶת־בִּטְנֵ֖ךְ צָבָֽה׃

> Let the priest make the woman take the oath of the curse and say to the woman the Lord make you a curse and an oath among your people, when the Lord makes your thigh fall away and your body swell. May this water that brings the curse pass into your bowels and make your womb swell and your thigh fall away (Num 5:21-22 NASB).[41]

> The woman then agrees to the entire ritual, which also includes the terms of the oath (an oath is not always dependent on the agreement of all parties as we will see later) and to the consequences (curse of the oath) should she be guilty: וְאָמְרָ֥ה הָאִשָּׁ֖ה אָמֵ֥ן ׀ אָמֵֽן "And the woman shall say, Amen, Amen" (Num 5:22).[42]

Thus, an oath is "a solemn and explicit petition to a deity or deities to potentially inflict harm on the oath taker" (Kitz 2014, 37).[43] As in the example in Numbers 5, we saw that the curse in an oath is set in advance, and if the oath taker fails to abide by the terms of the oath, the punishment set within the oath is executed.[44]

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[41] The results of the ritual indicate that if the woman is guilty, she may suffer from a "prolapsed uterus" leading to sexual dysfunction (by collapse of the genitalia), and infertility (Frymer-Kensky 1984, 20-21). If the woman is innocent then she will be "blessed with seed" (Milgrom 1990, 37).

[42] The ordeal essentially gave the woman a way to escape an "irate" husband and to prevent "lynching" (Milgrom 1990, 74). The husband delivers his wife over to the priest, who will perform the ritual that will decide her fate (Milgrom 1990, 37).

[43] The aim of a curse is to unravel and bring something that exists to nonexistence (תהו ובהו); the curse brings death, darkness and chaos.

[44] Some additional examples of the water ordeal appear in Middle Assyrian texts: "They will draw [water], drink and be pure" and from the letter of Mari, "the dirt and the jamb of the gate of Mari they took and dissolved in water, and then...drank" (Milgrom 1990, 346).

b. The Curse

Although most ancient Near Eastern oaths contain a curse to protect the oath, a curse can exist without an oath. According to Mercer, "a malediction is the praying down of evil upon a person…" (Mercer 1915, 282). In Numbers 22, for example, Balak sends for the aid of Balaam to curse Israel. But Balaam does not have to swear an oath; he simply attempts to curse Israel (Num 22:6). According to Aitken, in Num 22:6 the directive לְכָה נָּא "come, pray" indicates a presumption on the part of the speaker that the pronouncement may be effective without divine consent. However, it appears that Balaam's semi-independent curse was not able to reach its target because YHWH intervened (Aitken 2007, 19). Additionally, it appears that the curse would only succeed if YHWH allowed it (Deut 23:5 [6]).

Similar to the oath, the curse also has two forms: conditional and unconditional. Conditional curses are used as a protective measure, while unconditional curses are pronounced without provision. For example, in Gen 20:7 YHWH pronounces a conditional curse upon Abimelek on account of Sarah, Abraham's wife: וְאִם־אֵינְךָ מֵשִׁיב דַּע כִּי־מוֹת תָּמוּת אַתָּה וְכָל־אֲשֶׁר־לָךְ "if you do not return her, know that you shall surely die, you and all who are yours" (Gen 20:7b NASB). The conditional construction begins with אִם "if" and there follows the participle predicate אֵינְךָ מֵשִׁיב.

The presence of אִם signifies that Abimelek is not being asked to do something that is beyond his ability. He is perfectly capable of complying with the conditions set before him, in returning Sarah to her husband. The imperative דַּע commands attention to what is being spoken and the consequences should YHWH's

instructions be ignored. Death מוֹת תָּמוּת (you will surely die) will be the only

outcome. The presence of the "infinitive absolute followed by the imperfect

intensifies the verbal idea of 'death' to the greatest degree" (Kitz 2014, 81).

The second form, an unconditional curse, solicits the divine realm to harm a

target without provision (Kitz 2014, 79). In 2 Sam 3:28-29 David first distances

himself from any wrongdoing concerning Abner's death: נָקִי אָנֹכִי וּמַמְלַכְתִּי מֵעִם יְהוָה

עַד־עוֹלָם מִדְּמֵי אַבְנֵר בֶּן־נֵר "I and my kingdom are forever guiltless before the Lord for

the blood of Abner the son of Ner" (NASB). He then levies an unconditional curse

against Joab, who is responsible for the murder of Abner:

> יָחֻלוּ עַל־רֹאשׁ יוֹאָב וְאֶל כָּל־בֵּית אָבִיו וְאַל־יִכָּרֵת מִבֵּית יוֹאָב זָב וּמְצֹרָע וּמַחֲזִיק בַּפֶּלֶךְ וְנֹפֵל בַּחֶרֶב וַחֲסַר־לָחֶם:
>
> May it fall on the head of Joab and on all his father's house; and may there not fail from the house of Joab one who has a discharge, or who is a leper, or who takes hold of a staff, or who falls by the sword, or who lacks bread." (2 Sam 3:29 NASB)

Joab is first identified as the target of the malediction followed by five states

of cursedness that are intended to affect his generations forever. Unlike the

conditional curse pronounced by YHWH concerning Abimelek, in this instance no

provision has been made to escape the anathema.

One stimulus for cursing derives from matters being out of human control;

this creates a need for divine intervention. A malediction is a request that solicits

harm from a divine source toward a "person, place, or thing" (Kitz 2007, 616). It is

usually direct discourse spoken in the presence of and directed specifically at the

object. However, the object or person does not have to be present to be affected by

the profane speech (Anderson 1992, 95). Maledictions can refer to an act of divine misfortune, disaster or insolent speech against an individual or group (Anderson 2014, 27).

The malediction further functions as a source of divine judgement when the "speaker's request rests in the hands of heavenly counsel" (Kitz 2014, 68). When a curse is pronounced by a human being, it expresses a wish or a request rather than a command, however, curses pronounced by the Deity were instantaneous and did not require a waiting period.[45] No sensible human would dare command the Deity to bend to the desires of a mere mortal. Therefore, it should be noted that the person making the request does not necessarily have control over the outcome of the imprecation, but should the request be valid, the heavenly counsel will act. For a curse's operative power rests primarily in the divine realm "and is at best, predictive" (Kitz 2014, 64).

Ironically, the curse can sometimes be "an indirect" blessing because it can bring divine vindication to the one who pronounces the imprecation (Kitz 616, 2007). The curse thus serves as a tool of "judicial litigation."

An example of this divine due process can be found in Gen 16:5 where Sarai confronts Abram concerning the insolent treatment that she has received from

Hagar: וַתֹּאמֶר שָׂרַי אֶל־אַבְרָם חֲמָסִי עָלֶיךָ אָנֹכִי נָתַתִּי שִׁפְחָתִי בְּחֵיקֶךָ וַתֵּרֶא כִּי הָרָתָה וָאֵקַל בְּעֵינֶיהָ

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[45] Kitz also notes that "cursing and swearing" are performative acts on the "initial level." When the oath is sworn, or a curse is pronounced a performative action takes place because it "binds a person or object to a specific malediction or maledictions" (Kitz 2014, 64). She further relates that optative mood acknowledges the role of the deity and that "only they (deities) can enact the harm in an anathema" (Kitz 2014, 64).

יִשְׁפֹּט יְהוָה בֵּינִי וּבֵינֶיךָ "And Sarai said to Abram, "May the wrong done me be upon you. I gave my maid into your arms, but when she saw that she had conceived, I was despised in her sight. May the Lord judge between you and me" (NASB).

She levels her complaint against both Abram and Hagar in the form of a curse in "a verbless clause: חֲמָסִי עָלֶיךָ (lit., I am wronged because of you) which is then coordinated by her concluding imprecation with an imperfect verb": יִשְׁפֹּט "May he judge" (Kitz 2014, 69).[46] She then leaves God as the ultimate judge in the situation (Kitz 2014, 69).[47]

Curses are generally final once they are spoken and retracting them is virtually impossible.[48] In the next section, we will discuss the role the divine realm plays in the oath when it has been violated.

c. Divine Agents

The discussion of divine entities is necessary because although it has been acknowledged that YHWH is involved in the malediction, the topic of how his judgment is executed tends to be ignored. To admit that YHWH may be involved in bringing calamity and disease to humanity is a difficult subject for some. Thus, to

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[46] See also, 1 Sam 24:13 [12]. David uses the same curse formula as Sarai but "with the expansion of וּנְקָמַנִי יְהוָה 'May YHWH avenge me'" (Kitz 2014, 69).

[47] Sarai's curse falls under the category of 'freely composed' curses which do not follow a specific pattern and typical curse terminology is usually absent (Anderson 1992, 119).

[48] According to Frankel and others, the curse can be countered with a blessing as in the case of Balaam (Frankel 1996, 32).

better understand these divine entities and their role as YHWH's agents, some biblical examples will be presented.

The case of Jotham and Abimelek in Judges 9 is an example of YHWH's agent being sent to stir up the enemies of Abimelech after he annihilates the house of Jerubbaal. Jotham, being the only survivor, levies a conditional curse represented by the protasis אִם (if) clause followed by the apodosis which expresses the malediction) upon Abimelech and the men of Shechem:

וְאִם־בֶּאֱמֶת וּבְתָמִים עֲשִׂיתֶם עִם־יְרֻבַּעַל וְעִם־בֵּיתוֹ הַיּוֹם הַזֶּה שִׂמְחוּ בַּאֲבִימֶלֶךְ וְיִשְׂמַח גַּם־הוּא בָּכֶם: וְאִם־אַיִן תֵּצֵא אֵשׁ מֵאֲבִימֶלֶךְ וְתֹאכַל אֶת־בַּעֲלֵי שְׁכֶם וְאֶת־בֵּית מִלּוֹא וְתֵצֵא אֵשׁ מִבַּעֲלֵי שְׁכֶם וּמִבֵּית מִלּוֹא וְתֹאכַל אֶת־אֲבִימֶלֶךְ:

If then you have dealt in truth and integrity with Jerubbaal and his house this day, rejoice in Abimelech, and let him also rejoice in you. But if not, let fire come out from Abimelech and consume the men of Shechem and Beth-millo; and let fire come out from the men of Shechem and from Beth-millo, and consume Abimelek (Judg 9:19-20 NASB).[49]

It is not Jotham's words alone that spark this "fire" but also God's divine agent: וַיִּשְׁלַח אֱלֹהִים רוּחַ רָעָה בֵּין אֲבִימֶלֶךְ וּבֵין בַּעֲלֵי שְׁכֶם "And God sent an evil spirit between Abimelech and the leaders of Shechem" (Judge 9:23 NASB). The רוּחַ רָעָה (evil spirit) "stirs up enmity between Abimelech and the lords of Shechem" (Kitz 2014, 158). It should also be noted that God "does not work directly" but sends his agent to fulfill Jotham's request.

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[49] A similar curse appears in the Code of Laws of *Ḫammurabi*, "If that man should not heed my words, which I have inscribed on my stele and should he scorn my curses, and not fear the curses of the gods, and overturn the judgements that I rendered, alter my words… (then) may *Anu,* the great god, father of the gods, who has announced my rein, deprive him of resplendent royalty, break his scepter and curse his situation in life" (Kitz 2014, 80).

Further, Jotham's imprecation is not immediately effective; it is three years later that the curse is activated, and YHWH sends his רוּחַ רָעָה - a "divinely activated אֵשׁ" (fire) (Kitz 2014, 158).[50] The רוּחַ רָעָה functions as a "semi-independent force" to avenge the injustice to Jotham's household (Goldingay 2006, 141). Thus, human agents are used at YHWH's behest and are usually stirred to action by a personified being (Deut 28:25) and Abimelech receives poetic justice; he is met with the evil that he meted out (Judg 9:22; 50-57). [51]

The רוּחַ רָעָה referred to in Judges 9 is also "featured as an agent in other narratives with the same focus," although the individual function and purpose of these agents (each type is defined by its purpose: to produce destruction ["evil"], deception, and lethargy etc.) may differ from what has taken place in Judges 9 (Sasson 2014, 39). What is common to these spirits is that they are divinely injected to cause harm. In the following passages other examples of "evil" spirits will be presented.

In 1 Kgs 22:22 (2 Chr 18:21) the רוּחַ is referred to as רוּחַ שֶׁקֶר (deceiving spirit): וַיֹּאמֶר אֵצֵא וְהָיִיתִי רוּחַ שֶׁקֶר בְּפִי כָּל־נְבִיאָיו "And he said, 'I will go out and be a deceiving spirit in the mouth of all his prophets.'" The deceiving spirit has provided the prophet with a deceitful message. In Isa 29:10 the spirit is referred to as רוּחַ תַּרְדֵּמָה

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[50] Kitz suggests that curses by human beings do not always have an instantaneous effect like those pronounced by the Deity. Thus, they lie dormant until the divine world "enlivens" them (Kitz 2014, 158-59). However, I would suggest that divine timing should be considered as well. God knows what the most opportune time would be to enliven the imprecation.

[51] As noted also by Greenberg, these "divine oath sanctions were personified almost as demons." In Deut 29:19 the curses of the covenant are said to "couch" [*sic*]; in Zech 5:2-4 the cursed scroll "will destroy perjurers"; and in Dan 9:11 the oath-curse will "pour down" upon "sinful Israel" (Greenberg 2007, 360).

("lethargic spirit") which will cause the prophets and seers to enter into a

supernatural stupor: כִּי־נָסַךְ עֲלֵיכֶם יְהוָה רוּחַ תַּרְדֵּמָה וַיְעַצֵּם אֶת־עֵינֵיכֶם אֶת־הַנְּבִיאִים וְאֶת־

רָאשֵׁיכֶם הַחֹזִים כִּסָּה "For the Lord has poured out upon you a spirit of deep sleep, and

has closed your eyes (the prophets), and covered your heads (the seers)." In Isa

19:14 the spirit is introduced as רוּחַ עִוְעִים. It is a spirit that warps the judgment of the

hearer: יְהוָה מָסַךְ בְּקִרְבָּהּ רוּחַ עִוְעִים "The Lord has mixed within her a spirit

of distortion." In 2 Kgs 19:7 the spirit may also be referred to as simply רוּחַ. In this

instance, its function is not defined by a term but by its action "he will hear a

rumor": הִנְנִי נֹתֵן בּוֹ רוּחַ וְשָׁמַע שְׁמוּעָה וְשָׁב לְאַרְצוֹ וְהִפַּלְתִּיו בַּחֶרֶב בְּאַרְצוֹ "Behold, I will put a

spirit in him so that he will hear a rumor and return to his own land. And I will make

him fall by the sword in his own land" (Sasson 2014, 39).

   Sasson notes that according to 1 Sam 16:15-16 such "humors came from

God" and may be "associated with the demonic world" (Sasson 2014, 39). Jeffers

also relates that the influence of "the old demonic powers" continually poses a

threat to the living world (Jeffers 1996, 249). Further, these entities have the ability

to disrupt the minds of their targets, forcing them to go against "their own

interests…They are there to overturn conditions, deflecting them from their normal

courses toward unexpected conclusions" (Sasson 2014, 39).

   These beings can also act semi-independently as is illustrated in Deut 28:22:

יַכְּכָה יְהוָה בַּשַּׁחֶפֶת וּבַקַּדַּחַת וּבַדַּלֶּקֶת וּבַחַרְחֻר וּבַחֶרֶב וּבַשִּׁדָּפוֹן וּבַיֵּרָקוֹן וּרְדָפוּךָ עַד אָבְדֶךָ

"The Lord will smite you with consumption and with fever and with inflammation

and with fiery heat and with the sword and with blight and with mildew, and they

will pursue you until you perish" (NASB) and Deut 28:45: וּבָאוּ עָלֶיךָ כָּל־הַקְּלָלוֹת הָאֵלֶּה

וּרְדָפוּ֙ךְ וְהִשִּׂיג֔וּךְ עַ֖ד הִשָּׁמְדָֽךְ "So all these curses shall come on you and pursue you and overtake you until you are destroyed" (NASB). In Deut 28:21 these beings are said to cling to the offender at YHWH's command: יַדְבֵּ֧ק יְהֹוָ֛ה בְּךָ֖ אֶת־הַדָּֽבֶר "The Lord will make the pestilence cling to you" (NASB).[52]

Even the anger of YHWH takes on its own identity as in the case of Miriam, when she is afflicted by צרעת after insulting YHWH's "divine sensibilities" by criticizing Moses as a leader because he had married a Cushite (non-Israelite) woman (Num 12:1-2) (Kitz 2014, 228).

וַיִּֽחַר אַ֧ף יְהֹוָ֛ה בָּ֖ם וַיֵּלַֽךְ׃ וְהֶעָנָ֗ן סָ֚ר מֵעַ֣ל הָאֹ֔הֶל וְהִנֵּ֥ה מִרְיָ֖ם מְצֹרַ֣עַת כַּשָּׁ֑לֶג וַיִּ֧פֶן אַהֲרֹ֛ן אֶל־מִרְיָ֖ם וְהִנֵּ֥ה מְצֹרָֽעַת׃

So the anger of the Lord burned against them and He departed. But when the cloud had withdrawn from over the tent, behold, Miriam was leprous, as white as snow. As Aaron turned toward Miriam, behold, she was leprous (Num 12:9-10 NASB).[53]

The anger of YHWH was stirred, his presence withdrew, and Miriam's affliction arose. Divine protection essentially vanished leaving Miriam exposed and vulnerable to צרעת. Next, Miriam is escorted outside the camp lest more wrath be unleashed, and the place becomes infested with צרעת or worse (Num 12:14; 2 Kgs 15:5; 2 Chron 26:21)![54] In short, "curses can become deities themselves appearing in

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[52] "These anathemas are able to 'come upon' (בא על), 'pursue' (רדף), 'overtake' (נשג, Hiphil), and 'destroy' (שמד, Hiphil)" (Kitz 2014, 187).

[53] See also Exod 4:6-8.

[54] A similar skin ailment to צרעת among Akkadian speakers is *saḫarsubbû* and the same textual "connection exists between curse, divine anger, a skin condition, and social exclusion" (Kitz 2007, 619). Further, "In a few *kudurru*-inscriptions the guilty is cursed with leprosy and sent outside the outer wall of the city to wander like a wild-ass (Fensham 1963, 163). The judgement of *Shamash* is similar with its idea of exclusion, in stating that 'darkness must cover the transgressors eyes and face'" (Fensham 1963, 160).

the form of disease, calamity, ailment, and misfortune" (Kitz 2014, 5). The absence

of the Deity demonstrates the danger an individual can face when divine support is

removed.[55]

Lastly, we have cases where animals are divinely activated to eradicate

offenders. In 2 Kgs 2:23-24 Elisha encounters some children who decide to mock

him:

וַיַּ֥עַל מִשָּׁ֖ם בֵּֽית־אֵ֑ל וְה֣וּא ׀ עֹלֶ֣ה בַדֶּ֗רֶךְ וּנְעָרִ֤ים קְטַנִּים֙ יָצְא֣וּ מִן־הָעִ֔יר וַיִּתְקַלְּסוּ־בוֹ֙ וַיֹּ֣אמְרוּ ל֔וֹ
עֲלֵ֥ה קֵרֵ֖חַ עֲלֵ֥ה קֵרֵֽחַ׃ וַיִּ֤פֶן אַֽחֲרָיו֙ וַיִּרְאֵ֔ם וַֽיְקַלְלֵ֖ם בְּשֵׁ֣ם יְהוָ֑ה וַתֵּצֶ֨אנָה שְׁתַּ֤יִם דֻּבִּים֙ מִן־הַיַּ֔עַר
וַתְּבַקַּ֣עְנָה מֵהֶ֔ם אַרְבָּעִ֥ים וּשְׁנֵ֖י יְלָדִֽים׃

Then he went up from there to Bethel; and as he was going up by the way,
young lads came out from the city and mocked him and said to him, "Go up,
you baldhead; go up, you baldhead!" When he looked behind him and saw
them, he cursed them in the name of the Lord. Then two female bears came
out of the woods and tore up forty-two lads of their number (2 Kgs 2:23-24
NASB).[56]

In this case, after Elisha calls upon YHWH, his request is almost

instantaneously fulfilled— unlike Jotham who waited three years to see vengeance

on his enemies.[57] The Elisha passage is difficult for most scholars to grapple with,

thus other scenarios have been suggested in order to explain such a horrific scene.

[55] The state of a human after being deserted by the Deity is similar to a city that falls under the curse
for its disobedience to God's covenant. In Isaiah 24 and Isaiah 32 the description of doom for cursed
cities consists of desolation (of both God and people), wild animals roaming the land, unclean entities
inhabiting the land (Isaiah 13) and "desertion and death" (Fensham 1963, 167). This is in "contrast to
the reviving activity of the Spirit of the Lord" that once dwelt in the land or the fellowship that was
enjoyed by the individual with God (Fensham 1963, 167).

[56] Regarding animals and animal metaphors see, Hillers 1964; Marcus 1995.

[57] It appears that the ridiculing of a "sacred person," a prophet such as Elisha, is met with the
"harshest of punishments" (Hobbs 1985, 24). Not only is the prophetic utterance harsh, it is also
immediate. The prophet enlists YHWH's aid in the imprecation. The punishment is noted as being
excessive by scholars, but other episodes similar to this one can also be found in 2 Sam 6:6-7; 1 Kgs

It appears that seemingly innocent "children" are attacked and killed by she-bears all for the simple "childish" act of teasing a "bald" prophet.[58] However, it is likely that the נְעָרִים (Job 29:8; Prov 1:4) were adolescents going around in a pack, being disrespectful, and they received an extreme response for dishonoring a prophet.

The range of interpretations regarding this passage includes suggestions that the punishment was well deserved, while others suggest that it is not an episode of "sin and punishment" but rather the "sacred and profane" (Marcus 1995, 51).[59] Marcus, however, has found the story to be more of a satire than an account of true events. He relates that it is possible that the story was written to mock the prophet Elisha (Marcus 1995, 45). Marcus outlines what he considers distortions such as the exaggerated punishment, the grotesque element of the children being mauled to death by the she-bears, and even the precise number of children given (forty-two) and the irony that Elisha goes from being a miraculous healer to being "vindictive and vengeful" (Marcus 1995, 54).

13:20-24; 20:35-36. Gray also notes that the boys that harassed Elisha more than likely knew he was a prophet and that they may have been the "progeny of prophets" themselves (Gray 1970, 480). Thus, they likely were no strangers to the consequences of those who ridiculed or spurned a prophet. For more on this see זקוביץ 1985.

[58] The term נְעָרִים קְטַנִּים has also been debated by scholars as to whether it is referring to very young children or youth (Marcus 1995, 49). Marcus views the term as describing "young, underage, children." However, other scholars submit that this phrase is also found in 1 Kgs 3:7 (נער קטן) to describe Solomon as he ascends the throne. Solomon, in this case, is not a young child. Marcus explains the usage away by suggesting that Solomon "may simply be using a conventional terminology of humility of prayer" or that he is "deliberately disparaging himself by saying he has none of the qualities for kingship" (Marcus 1995, 50).

[59] For more on the sacred and profane see Greenstein. 1989, esp. 61-62.

This chapter has attempted to explain the role of the curse, divine agents, and their connection to the imprecation in the Hebrew Bible. In summary, there are several important points that need to be remembered concerning the curse and its nature. First, the curse can be a juridical process that calls on the divine world to bring justice to a situation that is beyond human control, such as in the case of Numbers 5, the Sotah ritual. Milgrom submits that the woman's suffering, should she be guilty, comes from a divine source: "the imprecation derives its power not from the waters but from the Lord" (Milgrom 1990, 41). The person making the imprecation request does not necessarily have control over the results; but should the request be valid, the heavenly counsel will act. Thus, a curse's operative power rests primarily in the divine realm "and is at best, predictive" (Kitz 2014, 64).

Second, an oath-curse violation will bring the onset of divine retribution. Once divine support is removed, an "evil" entity, such as divinely empowered animals (2 Kgs 2:23-24) or spirits (Judges 9), will be dispatched against the offender.

Lastly, the transgressor is left to cope with the effects of the malediction. The consequences can range from a difficult life to complete removal from life. The effects of the anathema may also spread to future generations.

In the next section we will view cases that contain the elements of the curse and retribution that have been discussed in the previous chapters.

4. Case Studies

a. Introduction

As previously discussed, the theory of social convention states that in order for an oath-curse to be valid it must be done appropriately, i.e., by the right person(s), in the right place (meaning everyone involved in the oath-curse must be present), at the right time, saying all the correct things, which includes speaking the name of God in the oath-curse. If the proceedings do not take place in the right social context, the oath-curse and corresponding curse will be nullified, and neither God nor the community will recognize them as valid.

However, I am suggesting that there are cases in which the oath-curse is not operating within social convention, that is to say, these situations do not have the right person, in the right place, saying all the right things, and yet it appears that the curse is nonetheless effective. Further, since social convention does not appear to be operative in these circumstances, I contend that the divine realm is responsible for the activation of the imprecation and that these curses find their fulfillment through the use of various divine agents.

b. Case One

<u>A Taste of Near Death</u>

The first case to be examined is found in 1 Samuel 14 and involves the conditional (freely composed) curse that Saul pronounced on his troops — that if they eat any food before evening, they will be "cursed by YHWH" (Kitz 2014, 111). A conditional curse usually consists of two clauses: the protasis, which is normally introduced by the particle *if,* and the apodosis, which is "usually marked by the English adverb *then* which expresses the consequence of the oath-curse" (Kitz 2014, 79). The apodosis contains the curse, and the heavenly realm is only "solicited to do harm" if the terms of the oath-curse have been violated (Kitz 2014, 79). It should further be noted that conditional curses were not necessarily dependent on agreement from the subordinate party, therefore the presence of subordinates during pronouncement is not mandatory (Kitz 2007, 623).

The following passage outlines the conditions of Saul's oath-curse and the punishment that will follow if the terms are broken:

וְאִישׁ־יִשְׂרָאֵל נִגַּשׂ בַּיּוֹם הַהוּא וַיֹּאֶל שָׁאוּל אֶת־הָעָם לֵאמֹר אָרוּר הָאִישׁ אֲשֶׁר־יֹאכַל לֶחֶם עַד־
הָעֶרֶב וְנִקַּמְתִּי מֵאֹיְבַי וְלֹא טָעַם כָּל־הָעָם לָחֶם:

> Now the men of Israel were hard-pressed on that day, for Saul had put the people under oath, saying, "Cursed be the man who eats food before evening, and until I have avenged myself from my enemies, the people will taste no food." (1 Sam 14:24 NASB).

The oath-curse begins with the Qal passive participle אָרוּר, which in this "case refers to a potential state of cursedness" should the terms of the oath-curse be violated (Kitz 2014, 111-12).[60] Thus, if the soldiers eat any food, they will be cursed

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[60] The אָרוּר formula with הָאִישׁ also appears in Jos 6:26; Deut 27:15 and Jer 20:15 (Anderson 1992, 204).

by YHWH and will exist in a cursed state (Kitz 2014, 112). There are a few other verbs in the above verse that demand our attention. The verb וַיֹּאֶל is in the Hiphil, and it is derived from the verb אלה with the basic meaning of "curse" (Kitz 2014, 110).

Most scholars agree that Saul's oath-curse was nothing unusual either in the sense of making the pronouncement as an act of piety or as a "warrior's vow" which were common in the ancient Near East (Anderson 1992, 204).[61] However, controversy still surrounds Saul's motives for making the pronouncement. Some arguments suggest that Saul's actions portray him as one who would go to "extremes to manipulate Yahwistic religion in order to attain his own end" (Anderson 1992, 205). Others portray Saul's intentions as "good, indeed thoroughly pious, but being pursued in self-defeating ways" (Jobling 1976, 368).

In reference to Saul's fast, Keim notes that imposing such a fast could result from a concern that stopping and feeding the troops may take too long (Keim 1992, 76). Bar-Efrat comes to the same conclusion that the fast was imposed so that the people might pursue their enemies without stopping (Bar-Efrat 1996, 186). Additionally, Keim suggests that the reason was more likely "to influence Yahweh by a grandiose gesture of self-denial" (Keim 1992, 76). Smith also concurs that the fast

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[61] See also, vow of sexual abstinence 1 Sam 21:6; vow of sacrifice Judg 11:30-31; refraining from sleep Ps 132:3-4.

was imposed to please the Deity. Thus, Saul imposed a "taboo" because he desired a "continuance of favor" (Smith 1997, 114).[62]

The fear instilled in the men by the oath-curse was their greatest motivator in not violating Saul's command (Klein 1983, 138). It was as though the curse itself was something that could overtake them (Kitz, 2014, 112). Their foreboding is evident with their response to the honey they encountered: וַיָּבֹא הָעָם אֶל־הַיַּעַר וְהִנֵּה הֵלֶךְ דְּבָשׁ וְאֵין־מַשִּׂיג יָדוֹ אֶל־פִּיו כִּי־יָרֵא הָעָם אֶת־הַשְּׁבֻעָה "When the people entered the forest, behold, there was a flow of honey; but no man put his hand to his mouth, for the people feared the oath" (1 Sam 14:26 NASB). As tempting as it may have been, the men's adherence to the oath-curse was "stronger than physical desire" (Hertzberg 1964, 115).

However, a mishap occurs when Jonathan "inadvertently" violates the oath-curse:

וְיוֹנָתָן לֹא־שָׁמַע בְּהַשְׁבִּיעַ אָבִיו אֶת־הָעָם וַיִּשְׁלַח אֶת־קְצֵה הַמַּטֶּה אֲשֶׁר בְּיָדוֹ וַיִּטְבֹּל אוֹתָהּ בְּיַעְרַת הַדְּבָשׁ וַיָּשֶׁב יָדוֹ אֶל־פִּיו וַתָּאֹרְנָה עֵינָיו: וַיַּעַן אִישׁ מֵהָעָם וַיֹּאמֶר הַשְׁבֵּעַ הִשְׁבִּיעַ אָבִיךָ אֶת־הָעָם לֵאמֹר אָרוּר הָאִישׁ אֲשֶׁר־יֹאכַל לֶחֶם:

But Jonathan had not heard when his father put the people under oath; therefore, he put out the end of the staff that was in his hand and dipped it in the honeycomb, and put his hand to his mouth, and his eyes brightened. Then one of the people said, "Your father strictly put the people under oath, saying, 'Cursed be the man who eats food today'" (1 Sam 14:26 NASB).

[62] Smith further suggests that the "taboo" was meant to protect the booty since God had a "special claim" upon it; and that it would have been inappropriate for the troops to have touched it without first offering up the first fruit to YHWH (Smith 1997, 114).

Jonathan was not present when Saul pronounced the imprecation; however, the oath-curse was extended to כָּל הָעָם "all the people"; thus, everyone was responsible for adhering to the oath-curse (Bar-Efrat 1996, 186). Further, "a holy war taboo allows no infraction, and ignorance would not mitigate the gravity of the offense" (Jobling 1976, 375). Hence, the soldiers waste no time in warning Jonathan of his father's oath-curse by repeating the phrase from: הַשְׁבֵּעַ הִשְׁבִּיעַ "has truly imposed a conditional curse" (1 Sam 14:28) (Kitz 2014, 113). Jonathan responds to the accusation of violating the oath-curse by making it clear that "he thinks his father's prohibition is foolish" (1 Sam 14:29) (Keim 1976, 370).[63] He also tells his fellow soldiers how his eyes have "brightened" after tasting "a little honey" which appears as an inadvertent blessing (Anderson 1993, 206). However, Bar-Efrat notes the similarity in sound between וַתָּאֹרְנָה and אָרוּר, which phonetically draws our attention to Jonathan's predicament, i.e., a transformation "from a state of existence or being (הֱיוֹת) where his eyes were brightened, to a state of cursedness אָרוּר הָאִישׁ אֲשֶׁר־יֹאכַל 'cursed is the one who eats'" (Bar-Efrat 1996, 187).[64]

Later, Saul entreats the Lord by way of an oracle to find out if he might be successful in defeating his enemies: וַיִּשְׁאַל שָׁאוּל בֵּאלֹהִים הַאֵרֵד אַחֲרֵי פְלִשְׁתִּים הֲתִתְּנֵם בְּיַד יִשְׂרָאֵל וְלֹא עָנָהוּ בַּיּוֹם הַהוּא: "Saul inquired of God, 'Shall I go down after the Philistines? Will You give them into the hand of Israel?' But He did not answer him on that day"

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[63] Although we are told that Jonathan did not hear his father's oath-curse, Keim raises doubt that Jonathan was completely ignorant of the oath. He suggests that Jonathan was not only aware of the oath-curse but chose to "knowingly break" it (Keim 1992, 80).

[64] See also רָאוּ and אֹרוּ (1 Sam 14:29).

(1 Sam 14:37). The response of the oracle is "blocked because of Jonathan's offense" (Jobling 1976, 368).

The oracle operates on a 'yes' or 'no' basis and the adverse response is marked by "לא," which is normally the way negative answers are marked in Biblical Hebrew (Greenstein 1989, 53).[65] When the oracle did not respond, Saul realized that "some sin is inhering the people" (Keim 1992, 78). He then takes immediate action to discover the unknown transgressor (1 Sam 14:38). He orders his chief men to draw near and imposes the death penalty for the violator, "the life of the offender will not be spared" (Smith 1977, 21): כִּי חַי־יְהוָה הַמּוֹשִׁיעַ אֶת־יִשְׂרָאֵל כִּי אִם־יֶשְׁנוֹ בְּיוֹנָתָן בְּנִי כִּי מוֹת יָמוּת "For as the Lord lives who saves Israel, though it be in Jonathan my son, he shall surely die" (1 Sam 14: 39 NASB). The troops remained silent leaving Saul's command unchallenged: וְאֵין עֹנֵהוּ מִכָּל־הָעָם "But there was not a man among all the people who answered him" (1 Sam 14:39).

Saul takes further measures by consulting the Urim and Thummin; next he arranges the troops to prepare them for the casting of lots.[66] It was necessary to divide the people into groups and to continue this process until the correct person was chosen by lot (Bar-Efrat 1996, 190). Saul offers up a prayer to YHWH before the

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[65] Further, in Biblical Hebrew there is no precise word for "yes," so "a positive answer is expressed through a reformulation of the interrogative sentence as a declarative one, with varying forms of deletion" (Greenstein 1989, 53). In other words, an "affirmative reply" can be given without using the word "yes" "As in: Didn't you see it? I saw." This type of deletion is found in Akkadian, Hebrew and even English (Greenstein 1989, 53).

[66] According to Smith, the Urim and Thummin were two objects used for casting lots. One giving an affirmative answer and another giving a negative one (Smith 1977, 122). Horowitz and Hurowitz also submits that the stones were of "alabaster and hematite which are bright and dark colors" (Horowitz and Hurowitz 1992, 107). See also 1 Sam 10:20 and Josh 7:16. Nevertheless, the "method of use" for the Urim and Thummin has been forgotten (Smith 1977, 122).

lots are cast: וַיֹּאמֶר שָׁאוּל אֶל־יְהוָה אֱלֹהֵי יִשְׂרָאֵל הָבָה תָמִים "Therefore, Saul said to

the Lord, the God of Israel, 'Give a perfect lot' (1 Sam 14:41 NASB).[67]

The Urim and Thummin were cast with Saul's men going free while he and

Jonathan were taken (by lot): וַיִּלָּכֵד יוֹנָתָן וְשָׁאוּל "And Jonathan and Saul were taken." It

should be noted that Jonathan is mentioned first as the pair are taken, which may

signify Jonathan's guilt concerning the broken oath-curse (Bar-Efrat 1996, 190). The

lots were cast a second time: וַיִּלָּכֵד יוֹנָתָן "And Jonathan was taken" (1 Sam 14:42

NASB).[68]

Saul confronts Jonathan: הַגִּידָה לִּי מֶה עָשִׂיתָה "Tell me what you have done."

Jonathan confesses his transgression וַיַּגֶּד־לוֹ יוֹנָתָן וַיֹּאמֶר טָעֹם טָעַמְתִּי בִּקְצֵה הַמַּטֶּה אֲשֶׁר־

בְּיָדִי מְעַט דְּבַשׁ: "And Jonathan told him, "I tasted a little honey with the tip of the staff

that was in my hand" (1 Sam 14:42-43 NASB).[69] Jonathan "freely" offers himself up

for death הִנְנִי אָמוּת "Here I am, I am ready to die" (1 Sam 14:43).[70]

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[67] There is a variant reading from the LXX for this verse: "Therefore Saul said, "O LORD God of Israel, why have you not answered your servant this day? If this guilt is in me or in Jonathan my son, O LORD, God of Israel, give Urim. But if this guilt is in your people Israel, give Thummim."

[68] "The casting of these lots is seen as a way that Yahweh himself discloses his verdict" (Klein 1983, 140).

[69] In 1 Kgs 8:31-32 "the idea is expressed that such an offender" of a violated oath-curse is "solely responsible for his own acts":

אֵת אֲשֶׁר יֶחֱטָא אִישׁ לְרֵעֵהוּ וְנָשָׁא־בוֹ אָלָה לְהַאֲלֹתוֹ וּבָא אָלָה לִפְנֵי מִזְבַּחֲךָ בַּבַּיִת הַזֶּה
וְאַתָּה תִּשְׁמַע הַשָּׁמַיִם וְעָשִׂיתָ וְשָׁפַטְתָּ אֶת־עֲבָדֶיךָ לְהַרְשִׁיעַ רָשָׁע לָתֵת דַּרְכּוֹ בְּרֹאשׁוֹ וּלְהַצְדִּיק צַדִּיק לָתֶת לוֹ כְּצִדְקָתוֹ:

If a man sins against his neighbor and is made to take an oath and comes and swears his oath before your altar in this house, then hear in heaven and act and judge your servants, condemning the guilty by bringing his conduct on his own head, and vindicating the righteous by rewarding him according to his righteousness.

[70] Rabbi Joseph Kara suggests that Jonathan's response, "here I am to die" may have been a rhetorical question, "am I to die?" "בשביל שטעמתי "מעט דבש" אמות?"

The troops, however, save Jonathan because of his great deeds and not "in

spite of the oath" (Keim 1992, 80):   וַיֹּ֨אמֶר הָעָ֤ם אֶל־שָׁאוּל֙ הֲיוֹנָתָ֣ן ׀ יָמ֔וּת אֲשֶׁ֥ר עָשָׂ֖ה הַיְשׁוּעָ֣ה

הַגְּדוֹלָ֤ה הַזֹּאת֙ בְּיִשְׂרָאֵ֔ל חָלִ֗ילָה "But the people said to Saul, "Must Jonathan die, who

brought about this great deliverance in Israel? Far from it!" (1 Sam 14:45) Bar-Efrat

notes that there were only two options for Jonathan: to be punished (להיענש) or to

make atonement (לכפר) (Bar-Efrat 1996, 191). Thus, the conditions of the oath-curse

were violated, and the "offended party" fully believed that he or she was a

participant with the heavenly realm in "executing the punishment of a violated oath

(curse)" (Kitz 2014, 38). The people ransom Jonathan: וַיִּפְדּ֧וּ הָעָ֛ם אֶת־יוֹנָתָ֖ן וְלֹא־מֵֽת "So

the people rescued (ransomed) Jonathan and he did not die" (NASB). The curse

"cannot work its way inexorably out" and must instead be "neutralized," therefore,

the people "undertake a ritual" to nullify the effects of the oath-curse (Keim 1992,

80). Most commentators maintain that some sort of substitute — human or animal

(Ex 13:13-15; 34:20), was used in place of taking Jonathan's life (Smith 1977, 123).[71]

Saul is not the only one who made a rash oath-curse that had devastating

consequences. In Judg 11:30-31 Jephthah also makes a fatal vow before he goes to

war:

וַיִּדַּ֨ר יִפְתָּ֥ח נֶ֛דֶר לַיהוָ֖ה וַיֹּאמַ֑ר אִם־נָת֨וֹן תִּתֵּ֤ן אֶת־בְּנֵ֤י עַמּוֹן֙ בְּיָדִֽי׃ וְהָיָ֣ה הַיּוֹצֵ֗א אֲשֶׁ֨ר יֵצֵ֜א מִדַּלְתֵ֤י בֵיתִי֙
לִקְרָאתִ֔י בְּשׁוּבִ֥י בְשָׁל֖וֹם מִבְּנֵ֣י עַמּ֑וֹן וְהָיָה֙ לַֽיהוָ֔ה וְהַעֲלִיתִ֖הוּ עוֹלָֽה׃

And Jephthah made a vow to the Lord and said, "If you will give the Ammonites into
my hand, then whatever comes out from the doors of my house to meet me when I
return in peace from the Ammonites shall be the Lord's, and I will offer it up for a
burnt offering." (NASB).

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[71] In other contexts, (וַיִּפְדּוּ) פָּדָה "often refers to the offering of some compensation, either through monetary payment, the giving of a sacrifice, or some other offertory (*sic!*) gesture" (Keim 1992,79).

Jephthah later returns from battle only to be met first by his daughter as she exits from the door of the house. His daughter is later "offered up."[72] Similar to Jonathan, Jephthah's daughter also appears to willingly submit herself to mandatory death sentence (Judg 11:35-36) (Klein 1983, 138).

Thus, Saul swore a rash oath-curse that almost claimed the life of his son and put his troops in cultic jeopardy (1 Sam 14: 33-35). In the next section a review of the arguments surrounding the validity of Saul's oath-curse will be presented.

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[72] The aftermath of Jephthah's vow and the fate of his daughter remains a divided topic. Was she literally sacrificed as an offering or did she simply live the life of a virgin until her death? There are two schools of thought concerning the fate of Jephthah's daughter: the first, sacrificialists, believe that "to bewail her virginity" is figurative and refers to her mourning her untimely death while non-sacrificialists maintain that this is the request she has made to be with her friends before her life of celibacy begins (Marcus 1986, 32).

The Argument

Examining Saul's oath-curse in the light of social convention theory rests on two primary arguments: Saul's demise as king (1 Sam 13;14; 1 Sam 15:26) disqualified him from pronouncing the oath-curse and Jonathan's absence during the pronouncement of the oath-curse excluded him from the effects of the malediction. As stated before, social convention theory holds that an appropriate person must be present, in the appropriate place, with all of the requisite participants present (Anderson1992, 78). Therefore, Anderson and others have argued that Saul's adjuration was not binding under these conditions, meaning they did not meet the tenets of social convention. (Anderson 1992, 204). Consequently, it has been suggested that the silence Saul received when he consulted the oracle (1 Sam 14:37) relates to his own wrongdoing and not to the broken oath-curse (Smith 1977, 120).

This argument presents several issues in its attempt to confine this case to the restrictions of social convention theory. As such, it ignores some important details which will be outlined in the following summary.

Concerning Saul's demise as king, it is clear that there were signs to indicate Saul was "on his way out"; he nevertheless was "still at the height of his royal power" (Keim 1992, 74). It is also apparent that the "sinful king retained his office for some time" (Klein 1983, 154). Kitz also notes that it was because of Saul's position as king that he could impose such an oath-curse on his troops (Kitz, 2014 113-14). Therefore, whoever violated the oath-curse would be responsible for the offense and bear the consequences (Anderson 1992, 213).

The men's response to the oath-curse should also be taken into consideration. Bar- Efrat notes that the men "did not taste even a tiny bit" of food (אפילו מעט לא אכל), which contrasts later with Jonathan's statement (1 Sam 14:29) that he only tasted "a tiny bit of honey" (מְעַט דְּבַשׁ). The soldiers followed Saul's adjuration religiously, which later backfired as the men became ravished with hunger and put themselves into cultic jeopardy by eating meat with the blood (1 Sam 14:32-35). The appropriateness of the oath-curse is further strengthened by the men's response to Jonathan's offense. They took immediate action on informing Jonathan of his father's curse, indicating that Jonathan was culpable (Kitz 2014, 113).

In addition to the claim that Saul was not the appropriate person to pronounce the adjuration, Anderson and others have argued that Jonathan's absence exempted him from the provisions of the curse (1 Sam 14:27), however, the malediction was extended to "all the people" (1 Sam 14:24). Therefore, Jonathan did not have to be present to hear the oath-curse; he was guilty by his association with Saul's army (1 Sam 14:24). Further, although Jonathan appeared to disapprove of his father's oath-curse (1 Sam 14:29), there is little indication that he felt he was exempt from it (Bar-Efrat 1996, 187). Keim even suggests that Jonathan may have been fully aware of his father's oath-curse (Keim 1992, 80). Lastly, "the wording of Jonathan's 'confession' suggests that he had at least been informed of his father's adjuration" which furthered his culpability; and once the offense became known to him, albeit inadvertent, he became liable, he is guilty (Keim 1992, 79).[73]

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[73] The oath-curse that YHWH swore to Abraham pertained to his seed and those who would come after him. Although not all were present for the hearing of the oath, and thus could not agree to it,

Additionally, Jonathan knew exactly the offense he had committed, and he did not hesitate to "confess" his guilt (1 Sam 14:43).

In the end, we are told "Jonathan did not die" (1 Sam 14:45), however, this does not appear to indicate that Jonathan was free from the effects of the malediction which did not magically disappear because of Jonathan's initial ignorance; but rather, because the people ransomed his life. Lastly, we can assume that if this proprietary exchange of a ransom had not taken place, Jonathan would have paid for his transgression with his own life.

In conclusion, whether an oath-curse is spoken in error, or not all participants are present, or the status of a person may appear questionable, most importantly, it must be remembered that the oath and the curses contained in them are not retractable. Thus, one cannot confine an oath-curse exclusively to social convention theory and suggest that the oath is nullified because it defies certain social functions, while simultaneously ignoring the fact that an active oath-curse is at play and that such an oath-curse must be fulfilled.

In the next section, the case of Jacob's rash oath-curse consigning to death the thief of Laban's teraphim will be examined.

once they learned of it, they would then become culpable similar to Jonathan (Gen 17:1-10). And for those who disobeyed and did not adhere to the oath-curse, the provisions outlined in the oath-curse would take effect. In this we can see to some extent the power of authoritative speakers in some circumstances and the far-reaching effects of the malediction.

c. Case Two

<u>Speaking Evil</u>

The next case study to be examined is that of Jacob's oath-curse condemning

the thief of Laban's teraphim to death. The saga begins on the backdrop of Jacob

leaving his father-in-law to return to his homeland after receiving a command from

God in a dream (Gen 31:13). This return also coincides with Jacob's previous vow to

YHWH (Gen 28:20-21):

וַיִּדַּ֥ר יַעֲקֹ֖ב נֶ֣דֶר לֵאמֹ֑ר אִם־יִהְיֶ֨ה אֱלֹהִ֜ים עִמָּדִ֗י וּשְׁמָרַ֙נִי֙ בַּדֶּ֤רֶךְ הַזֶּה֙ אֲשֶׁ֣ר אָנֹכִ֣י הוֹלֵ֔ךְ וְנָֽתַן־לִ֥י
לֶ֛חֶם לֶאֱכֹ֖ל וּבֶ֥גֶד לִלְבֹּֽשׁ׃ וְשַׁבְתִּ֥י בְשָׁל֖וֹם אֶל־בֵּ֣ית אָבִ֑י וְהָיָ֧ה יְהוָ֛ה לִ֖י לֵאלֹהִֽים׃ וְהָאֶ֣בֶן הַזֹּ֗את
אֲשֶׁר־שַׂ֙מְתִּי֙ מַצֵּבָ֔ה יִהְיֶ֖ה בֵּ֣ית אֱלֹהִ֑ים וְכֹל֙ אֲשֶׁ֣ר תִּתֶּן־לִ֔י עַשֵּׂ֖ר אֲעַשְּׂרֶ֥נּוּ לָֽךְ׃

> Then Jacob made a vow, saying, "If God will be with me and will keep
> me on this journey that I take, and will give me food to eat and
> garments to wear, and I return to my father's house in safety, then
> the Lord will be my God. This stone, which I have set up as a
> pillar, will be God's house, and of all that You give me I will surely give
> a tenth to You" (NASB).

The explicit statement וַיִּדַּ֥ר יַעֲקֹ֖ב נֶ֣דֶר "Jacob vowed a vow" is followed by the

conditional אִם "if" particle, indicating the terms of the agreement. The imperfect

verb יהיה is followed by a string of converted perfect verbs that indicate the

"conditional element" of the vow (וְשַׁבְתִּי, וְנָתַן, וּשְׁמָרַנִי) (Kitz 2014, 37). Further, the

question of whether God will make good on his end of the bargain concerning

Jacob's vow has been addressed: וַיֹּ֤אמֶר יְהוָה֙ אֶֽל־יַעֲקֹ֔ב שׁ֛וּב אֶל־אֶ֥רֶץ אֲבוֹתֶ֖יךָ וּלְמוֹלַדְתֶּ֑ךָ וְאֶֽהְיֶ֖ה

עִמָּֽךְ "Then the Lord said to Jacob, 'Return to the land of your fathers and to your

relatives, and I will be with you'" (Gen 31:3 NASB) (Kitz, 2014, 37). Now it is Jacob

who must honor the terms of his vow.

YHWH's intervention is to ensure that Jacob has a secure journey on his return to the land of his forefathers.[74] YHWH is actively involved in Jacob's life; thus, one may assume that YHWH is also aware of Jacob's later, ill-spoken oath-curse even though the name of God is not mentioned in it.[75] Hillers also notes that although "a single biblical curse may lack an indication of who or what is going to inflict the evil (of a malediction) the setting often implies that YHWH will bring the curse to pass" i.e., the "literary and religious context" need to be taken into account (Hillers 1964, 28). Further, we can ascertain that God takes vows and oaths seriously whether intentional or unintentional. If an unintentional oath-curse is uttered in haste, the fault lies with the one swearing the oath-curse, and that person must bear the consequences of the inadvertent speech; or worse, another's life may be affected— even future generations may suffer the effects of an imprecation.

Thus, after consulting with his wives, Jacob begins his stealthy departure from Laban's to the land of his birth: וַיִּגְנֹב יַעֲקֹב... בְּלִי הִגִּיד לֹו כִּי בֹרֵחַ הֽוּא "And Jacob stole away secretly…He did not tell him (Laban) that he intended to flee" (Laban was off on his…sheep shearing trip) (Gen 31:19; 20) (Klitsner 2006, 99). Jacob again flees in the night from Laban his father-in-law, as he did after his deception of his own father: וְקוּם בְּרַח־לְךָ אֶל־לָבָן "And arise and you will flee to Laban" (Gen 27:43) (Wildavsky 1993, 107). And to complicate matters further, Rachel "secretly" steals her father's teraphim: וַתִּגְנֹב רָחֵל אֶת־הַתְּרָפִים אֲשֶׁר לְאָבִיהָ And Rachel stole the teraphim

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[74] God protected Jacob outside of his homeland so there is no doubt that the conditions of the vow will be met. Jacob need only keep his end of the deal (Kitz 2014, 37)!

[75] "Every curse, either implicitly or explicitly, importunes the deities (deity) for judgement in a perceived unjust situation" (Kitz 2007, 618).

of her father (Gen 31:19). The use of "גָּנַב" to describe Rachel's theft "clarifies that it is a 'theft by stealth'" (Hamilton 1995, 292).

Jacob has momentarily escaped from his father-in-law, but Laban is in hot pursuit of Jacob because he has run off with his daughters and possibly his household gods. YHWH's divine intervention continues in Jacob's life as he visits Laban in a dream, which has an oath-like quality. When Laban has a dream in which God addresses him, "he is as bound to follow the dream's message as if he had sworn an oath" (Hepner 2002, 132). YHWH lays out the terms of the "oath": וַיֹּאמֶר לֹו הִשָּׁמֶר לְךָ פֶּן־תְּדַבֵּר עִם־יַעֲקֹב מִטּוֹב עַד־רָע "and he said to him, 'Be careful not to say anything to Jacob, either good or evil'" (Gen 31:24 NASB).[76] Von Rad explains that not to "speak good or evil is the equivalent to (saying) nothing" (Von Rad 1961, 303).[77] Both von Rad and Hamilton concur that Laban was not expected to withhold his grievances. He was not forbidden to speak, but rather, even in the face of a "legitimate legal grievance," he was to refrain from taking action (Hamilton 1995, 298). Additionally, Laban's encounter with YHWH seems to have prevented a disastrous outcome for Jacob.[78] Wenham also submits that it is God's intervention that prompts Laban's "leniency later on"; and that Jacob's "earlier refrain that God has always protected him" plays into Laban's dream (Wenham 1994, 274).

[76] Jacob's escape from Laban is not the only divine intervention he receives as he makes his way back home to the land of his fathers. In Genesis 33 Jacob meets his brother Esau, who also spares his life.

[77] For more on speaking good and evil see von Rad 1972, esp. p. 86. See also Clark 1969, esp.p. 269.

[78] See Gen. 20:3

When Laban finally overtakes Jacob, he enumerates all of his complaints and accusations against him, which, ironically involve quite a number of accusations of theft.[79] The narrative begins by telling us: וַיִּגְנֹב יַעֲקֹב אֶת־לֵב לָבָן "And Jacob stole the heart of Laban" (Gen 31:20).This is then followed by Laban's own accusations (Gen 31:26, 27): וַיֹּאמֶר לָבָן לְיַעֲקֹב מֶה עָשִׂיתָ וַתִּגְנֹב אֶת־לְבָבִי "And Laban said to Jacob, 'what have you done that you have stolen my heart…?' לָמָּה נַחְבֵּאתָ לִבְרֹחַ וַתִּגְנֹב אֹתִי "Why have you fled secretly, stealing my…" Jacob's response to Laban also includes a reference to theft by using the word גָּזַל — פֶּן־תִּגְזֹל "lest you steal…" (Gen 31:31) (Klitsner 2006, 100).[80] In Gen 31:30, Laban arrives at his most pressing concern yet, his teraphim: לָמָּה גָנַבְתָּ אֶת־אֱלֹהָי "why did you steal my gods"?

The teraphim in the Jacob-Laban narrative indicate family gods/idols. The word teraphim is not found outside of the Hebrew Bible, and it appears about 15 times — "the form is always in the plural even when referring to a singular object" (van der Toorn 2006, 781).[81] It appears that Laban's teraphim "were quite small" (they could also be larger — 1 Samuel 19) since Rachel was able to hide them in a saddle (van der Toorn 2006, 782). The teraphim appear to have had many functions, as healers, household gods, guarantor of property rights, and they may have been

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[79] Laban's opening line to Jacob, before he accuses him of "stealing his heart," is ironically the same words Jacob spoke regarding his wedding night deception, וַיֹּאמֶר לָבָן לְיַעֲקֹב מֶה עָשִׂיתָ "and Laban said to Jacob, 'What have you done?'" (Gen 29:25; cf. 3:13; 4:10; 12:18; 20:9; 26:10) (Hamilton 1995, 275).

[80] The meaning of גָּזַל here is somewhat ambiguous. The simplest explanation, according to Hamilton, is "Laban, as the family head, could simply exercise his power and commit גָּזַל," therefore Jacob uses this reference when speaking to Laban (Hamilton 1995, 292).

[81] Gen 31:19,34,35; Jdg 17:5; 18:14, 17,18, 20; 1 Sam 15:23; 19:13, 16; 2 Kgs 23:24; Ezk 21:21; Hos 3:4; Zech 10:2.

"associated with divination." Both Jacob and Laban referred to the idols as "his

(Laban's) gods" (van der Toorn 2006, 787).[82]

Therefore, it is understandable why Laban's intensity regarding his teraphim

outweighs his first accusation against Jacob regarding his daughters. The idols

appear to hold significant value for the owner. Hamilton notes the "brevity" of

Laban's inquiry about his teraphim in comparison to his longer speech concerning his

daughters, but he notes that this (the theft of the teraphim) is most likely the more

serious of the two offenses (Hamilton 1995, 301).

Further, with all of the allegations of thievery one can understand Jacob's

overheated response as well. Thus, Jacob pronounces a death sentence, for the one

who stole Laban's teraphim in the form of a freely composed curse: עִ֚ם אֲשֶׁ֣ר תִּמְצָ֣א

אֶת־אֱלֹהֶ֔יךָ לֹ֖א יִֽחְיֶ֑ה "The one with whom you find your gods shall not live" (Gen

31:32).[83] The freely composed pattern for curses is generally "if PN has done x then

may he…" (Anderson 1992, 120). In this instance, the curse appears in a "conditional

construction," i.e., the one who stole the gods, with the "accompanying action" of

"death" for the thief (Anderson 1992, 119).[84]

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[82] There is some debate about the etymology of teraphim. Some scholars understand the form *taqtāl* or *taqtîl* from *rp'* "heal;"; others suggest that teraphim derives from the root *rpy* "sink back, rest, be powerless, grow weaker," the translation being "inert things, idols"; other explanations include teraphim deriving from *pᵉṭārîm* "dream interpreters" "changed by metathesis at a later date to make the referent an object of ridicule"; others associate teraphim with the Ugaritic *trp* "grow weaker"/ "post biblical *trp* with abominations" (Van der Toorn 2006, 778). Thus, the derivation of teraphim cannot yet be determined.

[83] The preposition עם preceding אֲשֶׁר deviates from normal word order (GKC 2006, 138f).

[84] This form of malediction is also found in other ANE manuscripts. Hillers refers to these as "the simple malediction" where the "oath breaker is threatened with an evil fate, but no god is invoked, such as, in *Esar* 485: ["May] your days be dark, your years be dim" and Baal rev. iv 19: "May a foreign enemy divide your spoil" (Hillers 1964, 26).

Klitsner points out, that there may have been more driving Jacob's fiery comeback, for it was the "very suspicion of theft… that drove his tragic slip of the tongue that literally reads, "[one who steals] cannot [or shall not] live" (Klitsner 2006, 115).[85] No doubt the topic touched a sore spot of Jacob's own guilt for his earlier deceptions.

Jacob is sure of his innocence but neglects to consider the rest of his family in the heated moment, hence inadvertently putting the thief (his beloved Rachel) in grave danger, for Jacob, וְלֹא־יָדַע יַעֲקֹב כִּי רָחֵל גְּנָבָתַם "did not know that Rachel had stolen them" (Gen 31:32 NASB).[86] We again arrive at an accusation of thieving: רָחֵל גְּנָבָתַם "Rachel stole them," but this time it is tragically true. Ironically, Jacob does the very thing that Laban was warned not to do — "speak either good or bad."[87]

Next, Laban makes his חִפֵּשׂ "search" as he storms about the camp, looking for the teraphim: וַיָּבֹא לָבָן בְּאֹהֶל יַעֲקֹב… לֵאָה… שְׁתֵּי הָאֲמָהֹת "And Laban came to Jacob's tent…Leah…the two handmaidens. Lastly, he arrives at Rachel's tent (v. 34), וַיְמַשֵּׁשׁ "and he groped" and fumbled around her pillows with his "intrusive and suspicious search." The usage of the verb מַשֵּׁשׁ, in v. 34 is similar to its use when Isaac examined

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[85] "The Hebrew לא יהיה can mean "shall not," "will not," or "cannot live" (Klitsner 2006, 115).

[86] Zakovitch (זקוביץ) sees Jacob's oath-curse as a type of foreshadowing of Rachel's death: "The mother will die for her sin: Jacob prophesied, though he knew not of what," … 'with whom you find the gods shall not remain alive' (Zakovitch [זקוביץ] 1993, 142). He submits that within the story there is a "hint" of what will come. For more on this see זקוביץ 1985.

[87] Hepner suggests that Jacob subconsciously directed Laban to Rachel, that there is a word play linking הכיר and כר together linking Rachel and the pillow to Laban possible הכיר of his gods (Hepner, 2010, 438). See also ציפור 2005.

Jacob, וַיְמֻשֵּׁהוּ "and he felt him" in order to discover if he was in fact Esau (Gen 27:22).[88] The word is also used to describe Jacob's fear of his deception being discovered: אוּלַי יְמֻשֵּׁנִי אָבִי "maybe my father will grope me…" (Gen 27:12).[89]

In the narrative, Laban is unwittingly made out to be the fool because of his own ignorance of his daughter's deception (Klitsner 2006, 114).[90] However, he is not the only one who is seemingly mocked, as "suspense turns into malicious pleasure at the deadly fun made of the teraphim," his sacred idols have become dishonored (Wenham 1994, 276). Their "defilement" is caused by a "life-leak" from a woman's "menstrual flow" (Greenstein 1984, 95).[91] This means that the *teraphim* are "as unclean as can be, in this new position they come near functioning as…sanitary towels" (Wenham 1994, 276). A further irony is that Laban's gods have been "god-kidnapped" and the "destiny of the gods is at the beck and whim of mere mortals" (Hamilton 1995, 292).

Laban's "frantic and embarrassing" pursuit yields no results, and the teraphim are not found (Hamilton 1995, 305). Ironically, Jacob is seemingly "vindicated" and "steals the blessing a second time via a trick of Jacoba's (*sic*!) that renders Laban's search vain and retains his most precious asset," Rachel (Wenham

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[88] Jacob is being punished through Rachel's death for his deception of his father, as the cycle of death or near-death of loved ones appears to haunt Jacob most his life. Jacob's fear of his deception being discovered was not unfounded. Thus, he flees his homeland and never sees his mother alive again, Rachel dies on the way back to his homeland, Joseph suffered a near-death, and Benjamin also came close to death.

[89] "Every other appearance of the word משש in the Bible, including the appearance in the deception scene, are cases of blind people "groping" or of a seeing person feeling his way in the darkness. Only in the case of Laban has the word been chosen to describe the groping of a seeing person in the daytime" (Klitsner 2006, 114).

[90] For more on deceptive women see Fuchs 1988, esp. p. 81; Prouser 1994.

[91] Regarding purity, see, Greenstein 1984, esp. p. 95; Milgrom 1993.

1994, 276). Daube suggests that the curse "consigning to death" the one who stole the gods could not "produce any ill-effects" because the gods were not found (Daube 1996, 193). However, he does admit that Jacob "surrendered the person convicted not to Laban, but to divine vengeance." He further states that, "had he (Jacob) intended only to allow Laban to kill the person convicted, a phrase like מות יוּמָת, 'he shall surely die,' or יוּמַת, 'he shall be killed,' would be more natural…" (Daube 1996, 207).

The one with the gods will bear the consequences of the oath-curse. Greenberg notes that "punishment for false oaths" lay in the "hands of God" whose name has been desecrated and that one who swears falsely (or hastily) will be "divinely sanctioned" (Greenberg 2007, 360).

Thus, Jacob made a careless oath-curse without fully contemplating the consequences, and he ordained the death penalty for the thief. In this situation Jacob cannot feign ignorance because he already knows that YHWH will act upon that which is vowed (Gen 28:20-21; 31:3). We can assume that Jacob understands the severity of the consequences of oaths as he is no stranger to the process. Jacob demonstrates his knowledge regarding oaths and their consequences with his encounter with Esau as he cunningly deceived him out of his birthright by making him swear an oath (Gen 25:29-34) (Daube 1996, 196-97).

The Reckoning

In Gen 35:18 we return to Rachel as she is about to give birth to her last son. The circumstances surrounding the birth caused her much anguish which is revealed

in the name of her son, בֶּן-אוֹנִי.[92] Scholars have difficulty agreeing on the exact

meaning of "בֶּן-אוֹנִי." Some suggest that "בֶּן-אוֹנִי" refers to "son of my misfortune"

while others suggest "son of my sin or wickedness" (Hamilton 1995, 384). It could be

that both meanings are applicable and that the name is polysemous.

Additionally, "the element אוֹנִי may also signify "my vigor…" the context

supports in a symbolic manner (traditionally) "misfortune and suffering" (Speiser

1964, 274). At best, the term is ambiguous although אָוֶן (אוֹנִי) does mean suffering

especially when in conjunction with עָמַל (Ps 90:10).[93]

Zakovitch submits that the book of Genesis "makes it doubly clear," (because

of Rachel's אָוֶן כפול "double sin") that Rachel deserved punishment for her crime of

theft; the consequences are even extended to her sons by way of Joseph's "stolen"

goblet, for which Benjamin was accused (Zakovitch 1993, 142).[94] Further, Kitz notes

there are three "grades of punishment" that the imprecation manifests itself

through: the first is an extremely difficult life, the second is early death (which

Rachel experiences), and the third is extinction (Kitz 2007, 620).

Two other possible indications of Rachel's guilt are that she did not make it to

Jacob's destination but rather, she died while they were still a "good distance away"

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[92] Mann plays on the name בֶּן-אוֹנִי when outlining the brother's anguish that the cup had been found in Benjamin's sack, "Benoni!" They cried…" (Mann 1948, 1107).

[93] Gesenius also states that אָוֶן can refer to adverse circumstances, calamities, and most of all sorrow (See also 1 Sam 15:23 and Zech 10:2) (Gesenius 1979, 21).

[94] Mann makes this point in his novel, "Then they fell on Benjamin with loud railing and reviling and called him a thief and the son of a thief, reminding him how his mother had stolen her father's teraphim. "It is inherited, he has it in his blood" (Mann 1948, 1107).

(Gen 35:16) (Hamilton 1995, 387). She did not enter the land that Jacob was

promised and that her sons would inherit (Zakovitch 1993, 142).[95] Additionally,

unlike the other matriarchs, including Leah, Rachel was not buried in the family plot,

which may further signify her excommunication (Gen 49:31).

Later, Jacob changes the name of his son to a more positive one — בִּנְיָמִין,

meaning "son of the right-hand (south)" (Hamilton 1995, 385). Some writers have

suggested that the meaning of יָמִין means "oath" ("son of my oath") and that this

name change "draws attention to the earlier oath he made" similar to the way

Rachel naming her son בֶּן-אוֹנִי draws attention to her crime of stealing her father's

teraphim and then "lying about them" (Hamilton 1995, 385). Cohen submits that

Jacob did not want the responsibility of the oath-curse to reside with Rachel, so he

took the responsibility upon himself by changing the name of his son to בִּנְיָמִין (Cohen

1978, 241). Despite the disagreements regarding the name, "son of my right hand"

is more likely, especially considering the southernmost location of Benjamin among

the northern tribes.

Later in the narrative, Jacob appears to confess his guilt concerning Rachel's

death to Joseph at the end of his life: מֵתָה֩ עָלַ֨י רָחֵ֜ל "Rachel died, on account of me"

(Gen 48:7 NASB). This can also mean "she died on me" while I was expecting her to

live. Hepner suggests that עָלַי refers to Jacob taking further responsibility for his

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[95] There appears to be a "correlation among the notions of curse, uncleanness, and
excommunication" (Kitz 2007, 620). Psalm 27:22 also appears to confirm this notion, "For those
blessed by Yahweh shall inherit the land, but those cursed by him shall be cut off" (Kitz 2007, 620).
See also the following verses: Exod 31:14; Lev 7:20-21, 25, 27;17:4, 9, 14; 18:29; 19:8 20:17, 18; 22:3;
23:29; Num 9:13; 15:30; 19:13, 20.

oath-curse just as he did with the name change of his son (Hepner 2002, 141).[96] He further adds that the usage of עָלַי in this passage is similar to its usage in Gen 27:13, where Rebekah expressed her willingness to take full responsibility for Jacob's curse should Isaac find out about the deception, וַתֹּאמֶר לוֹ אִמּוֹ עָלַי קִלְלָתְךָ בְּנִי "His mother said to him, "My son, let the curse fall on me." However, Jacob bore the consequences for his own wrongdoing. Other scholars have suggested that עָלַי speaks of all the "sorrow" that has come upon Jacob because of Rachel's death. And while we certainly should not dismiss the idea that Jacob may have spoken of his personal grief when addressing Joseph, it would be neglectful not to address this also as a connection to or acknowledgement of the oath. Lastly, Deut 24:16 reminds us that each person will bear the responsibility for their own offenses: לֹא־יוּמְתוּ אָבוֹת עַל־בָּנִים וּבָנִים לֹא־יוּמְתוּ עַל־אָבוֹת אִישׁ בְּחֶטְאוֹ יוּמָתוּ "Fathers will not be put to death on account of their sons and sons will not be put to death on account of the fathers; each one shall be put to death for his own sin."

Consequently, the finality of an oath-curse must be stressed, and in Num 30:2 [3] outlines the seriousness of both vows and oaths:אִישׁ כִּי־יִדֹּר נֶדֶר לַיהוָה אוֹ־הִשָּׁבַע שְׁבֻעָה לֶאְסֹר אִסָּר עַל־נַפְשׁוֹ לֹא יַחֵל דְּבָרוֹ כְּכָל־הַיֹּצֵא מִפִּיו יַעֲשֶׂה "If a man vows a vow to the Lord or swears an oath to bind himself by a pledge, he shall not break his word. He shall do according to all that proceeds out of his mouth" (NASB). Thus, "both

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[96] Alshich (Alshekh) also views Jacob's hint to Joseph as a confession of guilt for his careless utterance: מתה עלי רחל...רמז לו כי רחל מתה עלי. He further states that it is because of the curse contained in the oath that Rachel died, "על קללות" (Tuchman and Rapoport 2004, 335).
For more on this see אלשיך 1999.

vows and oaths bind an individual to a specific action and, no human being is allowed to renege on the terms of either type of agreement with God" (Kitz 2014, 35).[97] Thus, the improbability of retracting an oath-curse must be stressed again. Lastly, Jacob "surrendered the person convicted, not to Laban, but to divine vengeance" (Daube 1969, 207). Daube further explains, "Jacob not only invited retribution should the idols be found but also indicated the exact limitation of the retribution," death (Daube 1969, 212). Thus, the "evil consequences of oath-curses will fall on individuals if they are indeed guilty" (Anderson 2014, 35).

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[97] In Genesis 31, YHWH speaks to Jacob in a dream, reminding him of his previous vow which he appears to have neglected because of his fear of returning to the land of his birth where he would inevitably encounter his brother Esau. He was bound by his vow and he had an obligation to fulfill it.

<u>The Argument</u>

Again, speech act theory would render this oath-curse invalid for two main reasons: the speaker is not sanctioned by the community to pronounce an imprecation, and the accused was not present to hear and agree to the terms of the oath-curse. Thus, Jacob's oath violates virtually all of the protocols of social convention and illocutionary utterances. Jacob is the inappropriate person in the wrong place, at the wrong time, and fleeing from his father-in-law in a deceptive manner (Gen 31:20).[98] Jacob is not the only one to blame, as Rachel is also guilty of lying, stealing, and dishonoring her father, thus violating two tenets of the Holiness Code (Lev 19:31-32) simultaneously (Hepner 2002, 137-39).[99] Jacobs further notes that Rachel also committed this act of stealing behind Jacob's back, furthering her deception (Jacobs 2005, 171).

Bearing this in mind, we are left with the question of where the power of the imprecation comes from in this situation. This is where removal from divine presence and/or the activation of divine entities may explain the power of the malediction. Thus, if an oath-curse has been violated, the offender is left without divine support and the curse's provision is then released, which for Rachel meant separation from life.

[98] For more on deception in the Jacob/Laban narrative see Noegel 2000.

[99] See also Wenham 1994, especially p. 268.

Therefore, Rachel's sinful acts may have removed her from the favor of YHWH and put her in the place of divine judgment. This removal exposed her and provided an opportunity for the malediction to activate. Saul experienced a similar situation, where his sinful behavior removed him from the presence of God. He was then vulnerable to an evil spirit "replacing the spirit from YHWH that formerly came on him" (1 Sam 16:14; cf. 23; 18:10) (Goldingay 2006, 140). Consequently, being outside the presence of God, the unprotected person is left vulnerable to demonic entities that can present themselves as disease, death, misfortune, and the like. These beings pervert the normal order of things, manipulating their outcomes to a sinister end. Hence, Rachel's secret deed of theft by stealth resulted in her untimely death.

Further, Jacobs addresses how Jacob received "measure for measure" all of his life because of his deceitful behavior regarding his father and stealing the blessing from Esau (Jacobs 2005, 171). Jacobs lists the five major episodes of Jacob's life in which this "measure for measure" recompense takes place: Jacob's fatal condemnation that cost Rachel her life; the switch of Rachel for Leah; Rachel's theft of the teraphim; the kidnapping of Dina; and the selling of Joseph into slavery (Jacobs 2005, 171). Jacobs also notes that the use of the root רמי to refer to deception occurs only three times in the entire Torah and all three uses appear in the Jacob narrative: the deception of Isaac by Jacob בָּא אָחִיךָ בְּמִרְמָה "Your brother came in deception…" (Gen 27:35); the deception of Laban regarding Rachel and Leah וְלָמָּה רִמִּיתָנִי "And why have you deceived me?" (Gen 29:25); and the deception regarding Dina and the men of Shechem וַיַּעֲנוּ בְנֵי־יַעֲקֹב אֶת־שְׁכֶם וְאֶת־חֲמוֹר אָבִיו בְּמִרְמָה

"And the sons of Jacob answered Shechem and his father Chamor in deception…" (Gen 34:13) (Jacobs 2005, 171).[100]

Thus, "shadows…and repetition of theft that consequently led to a cycle of suspicion, hatred, and fleeing from family" follow Jacob most of his life (Klitsner 2006, 115).

In summary, from this case we can discern that not all oath-curses are subject to the approval of a community, all parties do not have to be present, and the name of God does not have to appear in the oath-curse for the guilty person to be affected by the imprecation. Similarly, as in the previous case, if social convention theory is used exclusively, one of the most crucial elements is excluded which is the intractability of the malediction and the necessity of the curse's fulfillment according to the provision of the oath. Further, one must recognize that this story of Rachel and Jacob is part of a larger picture, which suggests that divine recompense does come to the one who chooses to lie, deceive, steal, speak hastily, and dishonor mother or father.

In the next example the "cycle" of murder and deception continues into the lives of Jacob's sons.

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[100] There were many ramifications that affected Jacob because of his deceitful behavior in deceiving his father in order to steal the blessing. He spent many years, in an exile of sorts from his homeland and would never see his mother again. In another ironic twist, Isaac's blessing of provision for Jacob in Gen 27:28 and Jacob's own request for provision in Gen 28:2 appears to go unheeded. He used clothing and bread to deceive his father and now he himself lacks them. Additionally, Jacob's troubles also included his constant issues with flocks, both human (his family) and animal, that plagued him most of his life. It is yet another "measure for measure" punishment (Jacobs [יעקובס] 2005, 170).

A Double Portion

The episode presented here demonstrates the possible far-reaching ramifications of the malediction on the innocent. This case is connected intimately with the previous example of Jacob and Rachel because it involves their sons, Joseph and Benjamin, and more specifically, because of the "doubling" that takes place within the two stories. For example, one of Jacob's sons is facing a crime of "theft" similar to the crime of his mother, Rachel, followed by another inadvertent death penalty oath being pronounced. Both narratives share a "three plot structure": they begin with "deception of the father," involve "treachery between brothers," and lead to "threats of killing the younger brother" (Gen 27:41-42; 37:20) (Wildavsky 1993, 107).

The story begins in Gen 44:1, where a plan is set by Joseph to plant his divining cup into the sack of his younger brother, Benjamin: וְאֶת־גְּבִיעִׁי גְּבִיעַ הַכֶּסֶף תָּשִׂים֙ בְּפִי֙ אַמְתַּחַת הַקָּטֹן "Put my cup, the silver cup, in the mouth of the sack of the youngest" (Gen 44:2). Joseph feigns theft of his object of divination, purposely making Benjamin a thief, unlike his mother, who was the actual perpetrator, in the theft of her father's teraphim (Wildavsky 1993, 107).[101] Next, the steward is instructed to pursue the men: קוּם רְדֹף אַחֲרֵי הָאֲנָשִׁים "Up, follow the men" (Gen 44:5), which echoes or doubles Laban's "hot pursuit" of Jacob (Gen 31:23).

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[101] "The form of divination used for the divining goblet is referred to as *oleomancy* (pouring oil into water) or *hydromancy* (pouring water into oil), or the more general term *lecanomancy* (observing the actions of liquids in some kind of a container). When water and oil are mixed, configurations form which are then studied, and interpreted by the diviner" (Hamilton 1995, 55).

In both narratives the "thief is pursued very soon after the crime has been committed and both thefts include holy objects" (Hamilton 1995, 562). In both episodes the life of the thief is endangered, "Benjamin because he was falsely accused and Rachel because she was guilty and denied it" (Wildavsky 1993, 107). Additionally, in an ironic twist, the youngest is usually the perpetrator of the crime: Jacob, the youngest son, steals the blessing; Rachel, the youngest daughter, steals the teraphim; and Benjamin, the youngest son of both Rachel and Jacob, is accused of "theft." The youngest "steals" the show and is inadvertently followed by tragic circumstances of deception, attempted murder, death, and misfortune.

Later, Joseph's steward catches up to the brothers and accuses them of repaying evil for good — for someone in the caravan may have stolen Joseph's goblet: לָמָה שִׁלַּמְתֶּם רָעָה תַּחַת טוֹבָה "Why have you repaid evil for good" (Gen 44:4 NASB). Here, the reader may be reminded of Laban's dream encounter which contained the same two words טוב and רָע but in reverse order מִטּוֹב עַד רָע, "good or evil" (Gen 31:24 NASB). The brothers make their plea of innocence echoing another familiar phrase: וְאֵיךְ נִגְנֹב "how could we steal…?" Laban asks Jacob with לָמָה גָנַבְתָּ "why did you steal…" (Gen 31:30). The brothers proceed to pronounce a death sentence for the thief and enslavement for the rest of the group: אֲשֶׁר יִמָּצֵא אִתּוֹ מֵעֲבָדֶיךָ וָמֵת "With whomever of your servants it is found, let him die" (Gen 44:9 NASB). Hence, the brothers replied in the same vein as their father, Jacob. Concerning the grammatical structure of the oath-curse, we have another freely composed oath-curse that is quite similar to the one that Jacob swore. With the exception that the preposition עִם is not used here as in Gen 31:32. Additionally, they

also offered themselves as slaves in addition to the execution of the perpetrator: ־וְגַם אֲנַ֫חְנוּ נִֽהְיֶ֥ה לַאדֹנִ֖י לַעֲבָדִ֑ים "And we will be your slaves" (Gen 44:9 NASB) (Wildavsky 1993, 108). After confirming the oath, the steward made one adjustment and simply pronounced that the one with whom the cup is found will be a slave: יִהְיֶה לִּי עָ֑בֶד "he shall be my slave" and וְאַתֶּם תִּהְי֥וּ נְקִיִּֽם "the rest shall be free" (Gen 44:10 NASB).[102] Notably, the order of punishment and severity is similar to the brothers' plot against Joseph, an execution plot that was intervened upon, and instead, Joseph was sold and became an Egyptian slave (Gen 37:18-21; 27-28).

Next, the steward begins to חַפֵּשׂ "search" (the same term is used in Gen 31:35).[103] Further, in both cases (Gen 31:33) the search begins with the oldest— וַֽיְחַפֵּ֛שׂ בַּגָּד֥וֹל "And he searched the oldest"— and ends with the youngest— וּבַקָּטֹ֣ן כִּלָּ֑ה "And the youngest last" who was in possession of the goblet: וַיִּמָּצֵ֣א הַגָּבִ֔יעַ בְּאַמְתַּ֖חַת בִּנְיָמִֽן "and the cup was found in Benjamin's sack" (Gen 44:12 NASB) (Hamilton 1995, 564).

Additionally, Zakovitch addresses another relationship aspect that the two stories share; he suggests that Rachel's crime of theft, where the teraphim were never found, and the "theft" of Joseph's cup, which was found in her youngest son's

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[102] Measure-for-measure retribution continues to plague Jacob's family, this time his sons are the recipients. Judah later offers himself up to be a slave "completing the divinely orchestrated" retribution for his crime of "suggesting that Yosef be sold as a slave" (Abarbanel 2017, 172). Further, Simeon's incarceration is just recompense for Joseph's imprisonment. Moreover, the accusation of the brothers' being spies is what they accused Joseph of when he found his brothers in the fields (Gen 37:19) (Abarbanel 2017, 172).

[103] Mann also makes the connection between the Jacob / Laban narrative and Joseph's brother, "Laban!" They cried with laughter, "Laban, searching on the Mount of Gilead…! Let him sweat and swear!" (Mann 1948, 1107).

bag, "makes it doubly clear that Benjamin pays for his mother's sin"— echoing Jer

31:29: אָבוֹת אָכְלוּ בֹסֶר וְשִׁנֵּי בָנִים תִּקְהֶינָה "The fathers have eaten sour grapes, and the

son's teeth are set on edge" (Zakovitch 1993, 142). A double penalty is paid for

Rachel's double crime of theft and lying, i.e., Rachel's early death and Benjamin's

near death (Zakovitch 1993, 142).[104]

In conclusion, although Rachel paid for her transgression with her life, the

repercussions of her actions appear to have extended into the lives of her sons.

Rachel's hidden theft becomes exposed by way of Joseph's goblet and her innocent

son comes to near death because of his mother's crimes. Benjamin, however, was

not guilty of stealing, and was cleared of the effects of the malediction.[105] As stated

previously, sometimes the innocent suffer for the transgressions committed by the

guilty. In the next section a summary of arguments discussed in the previous

chapters will be presented.

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[104] Rachel is not the only biblical female character to die in childbirth after the theft of a "religious" object. Eli's daughter in-law also suffered the same fate after the theft of a sacred object, the ark of God (Zakovitch 1993, 142). She similarly gave her son a name with a negative connotation אִי־כָבוֹד. Campbell submits that the name literally means "the glory has gone into exile." (Campbell 2003, 69). It is more likely however, that אִי־כָבוֹד means "where is the glory" (Burnett 2005, 225).

[105] For a different view regarding the oath-curses, see, Hepner, 2010. esp. p. 445.

5. Summary and Conclusion

The proponents of social convention argue that a curse is operative only when certain social protocols are followed; and if they are not met, then the curse becomes void. Consequently, in order for the curse to be operative, those who pronounce the oath-curse must follow certain conventions: the right person must be present— for example a king or priest who has been sanctioned by the community, the name of God must appear in the oath-curse, and all those involved in the oath must be present. If one of these conditions is not met, then the oath-curse is said to be void.

My conclusion, however, is that curses are not necessarily dependent on so-cial conventions for the imprecation to be operative. It is necessary, then, to under-stand the activation process that takes place within the divine world when an oath-curse has been broken. Hence, I have outlined the outcome that appears to affect the transgressor.

First, breaking an oath-curse causes a withdrawal of divine presence because "violations of God's code (Lev 19:12; Num 30:2[3]), be they deliberate or accidental, push God away" (Greenstein 1984, 95). The absence of God's presence creates a hostile environment for the offender. Second, the exposed person is then vulnerable to attacks from sinister agents that are sent by YHWH and are possibly associated with the demonic realm. These entities overturn the normal course of events, and they bring disruption by forcing unnatural consequences to arise (1 Kgs 22:22; Isa 29:10; 1 Sam 16-15-16; Deut 28:22; 45) (Sasson 2014, 39). These beings are also given power by God to influence both humans and animals.

The idea that the deity oversees these malevolent forces and that they are dispatched under the command of the deity is not new to the Ancient Near East. From treaty curses to curses pronounced by professionals and laymen, it was expected that this appeal to the gods would be received, and the punishment would be meted out to the offender by a heavenly verdict, i.e., the hostile agent would then be unleashed by the deity.

It doesn't appear that a person's status prevented him from pronouncing an active imprecation; however, the status of a person could be influential in convincing others to adhere to one. Curses were often imprecatory prayers or profane wishes and their activation rested in the hands of the deity.

This study has provided examples showing the connection between the curse and the heavenly realm from the biblical text and from other ancient Near Eastern sources. It has also been reiterated that curses are generally final once pronounced, leaving no escape for the offender. In the case of Saul's hasty oath-curse, for example, Jonathan was ransomed to prevent his death and a substitute was used in his place to satisfy the provision of the oath-curse. In the case of Jacob's curse, the operative force in the curse was death. Thus, Rachel died while they were far from their destination.

Thus, for all the difficulties and traumatic events that can occur by pronouncing oath-curses, it becomes clear why some, such as the writer of Ecclesiastes, are reluctant to take oaths and even vows. Eccl 8:2-3a admonishes those taking oaths: אֲנִי֙ פִּי־מֶ֣לֶךְ שְׁמ֔וֹר וְעַ֕ל דִּבְרַ֖ת שְׁבוּעַ֥ת אֱלֹהִֽים אַל־תִּבָּהֵ֤ל מִפָּנָיו֙ תֵּלֵ֔ךְ ",I say, 'Keep the command of the king because of the oath before God. Do not be in a

hurry to leave him.'" Another stern warning concerning oath-curses also appears in

Eccl 5:1-6 (Greenberg 2007, 360). Further Ben Sira 23:9 says, "Do not accustom your

mouth to oaths, nor habitually utter the name of the Holy One," and Philo of

Alexandria adds, "To not swear at all is the best course and most profitable to life"

(Philo 1998, 84:49).[106]

The consequences of speaking a rash oath-curse can be devastating, and the

ramifications may extend to future generations. Thus, it is best to refrain from

speaking oaths altogether.

[106] The Apostolic Writings also warn of making oaths, e.g., Matt 5:33-37 (cf. James 5:12): "Again you
have heard that it was said to those of old, You shall not swear falsely (Lev 19:12), but shall perform
to the Lord what you have sworn (Num 30:2; Deut 23:21, 23). But I say to you, Do not take an oath at
all, either by heaven, for it is the throne of God, or by the earth, for it is his footstool (Isa 66:1), or by
Jerusalem (Ps 48:2), for it is the city of the great King. And do not take an oath by your head, for you
cannot make one hair white or black. Let what you say be simply 'Yes' or 'No'; anything more than
this comes from evil (Prov 10:19 NASB)." See also Philo Decal. (1998, 92:53).

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תקציר

כפי שמעידים מקורות רבים מהמזרח הקדום, לרבות התנ"ך, השתמשו בני אדם בהטלת קללות, וכל בן אדם היה מסוגל לעשות כן. הקללה מגייסת את ההוויה העל-טבעית על מנת לגרום נזק לבן אדם שמציק או לאויב. אף שהקללה תלויה לביצועה בהוויה העל-טבעית או השמיימית, הוצע במחקרים האחרונים שהצלחת הקללה נתונה להבנה בעזרת תורת מעשה הדיבור (speech act theory). לפי התיאוריה הזאת, הצלחת הקללה נובעת מהנסיבות החברתיות שבה נאמרה. הקללה תמומש אם היא נאמרת על ידי בן אדם שמוסמך לכך על ידי קהילתו; אם כל בני האדם שהקללה נוגעת בהם נמצאים בעת אמירת הקללה; ואם נזכר שם האלוהות המבצעת את הקללה. אם אחת מהנסיבות הללו חסרה, הקללה לא תוכל להתבצע.

מגמת המחקר הזה היא לערער את השיטה הזאת להבנת הקללה במקרא. נדונים בהרחבה שני מקרי בוחן: קללת שאול על כל מי בחילו שייפר את הוראת הצום שהטיל עליהם בכדי לנצח בקרב (שמואל א י"ד); וקללת יעקב על כל מי שגנב את התרפים של לבן (בראשית ל"א). במהלך הדיונים מושם הדגש על: מאפייני הקללה, דרכי הביצוע של הקללה, תפקידם של האל ושליחיו במימוש הקללה. נמצאנו למדים שאפילו יש תפקיד כלשהו לנסיבות המצוינות על ידי תורת מעשה הדיבור, אין מימוש הקללה תלויה דווקא בהן. במקרה של קללת שאול, אין זה ברור שהיה שאול מוסמך להטיל את הקללה ושהיה בנו יהונתן, שנפל קורבן לקללה, נוכח כשנאמרה. מימוש הקללה תלויה רבות בכך שאין לחזור בה לאחר שהוצאה לפועל. אותם שני החסרונות שמצאנו בקללת שאול מצויים במקרה של קללת יעקב, שפגעה ברחל; ושוב, מימוש הקללה תלויה בכך שלאחר שיצאה מפי יעקב, לא היה אפשר לבטלה.

עבודה זו נעשתה בהדרכתו של פרופ אד גרינשטיין

מן המחלקה לתנ"ך ע"ש זלמן שמיר

של אוניברסיטת בר-אילן

אוניברסיטת בר-אילן

התרת רסן הרוע: עיון בקללה במקרא

שמיר ברנט

עבודה זו מוגשת כחלק מהדרישות לשם קבלת תואר מוסמך
במחלקה לתנ"ך ע"ש זלמן שמיר, אוניברסיטת בר-אילן