

“No Mercy”? *Herem* in Deuteronomy and Joshua

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Abstract: Exploring what Deuteronomy teaches about *herem*, this article focuses on Nachmanides’ understanding of Deuteronomy 20, that even within the lands of Canaan Israel was instructed to offer terms of peace before waging war and practicing *herem*. The study addresses Deuteronomy 20’s relation to Deuteronomy 7, along with the practice of *herem* in the book of Joshua. I argue that YHWH’s attributes of mercy (Exodus 34) are a presumed context for *herem* and that divinely hardened heart(s) should be seen as a standard element of divine warrior ideology in the Bible.

Keywords: Nachmanides, *herem*, attributes of mercy, divine warrior, Deuteronomy, Joshua

The present study aims to determine what precisely Deuteronomy teaches about *herem*, and how this instruction fits with the practice of *herem* as found in the book of Joshua.¹ Instead of attempting to explain the nature of *herem* itself, my focus will be on understanding the application of a city’s “utter destruction,” however one defines the problematic term *herem*,² and this particularly in relation to Deut 20:16–18, with a cursory view to both Deuteronomy 7 and the book of Joshua. Toward this endeavor, we will explore three aspects of *herem*: (1) What Deuteronomy instructs concerning *herem* and the reflection of or compatibility with those instructions in the book of Joshua; (2) YHWH’s revealed mercy as a fundamental and assumed context for the *herem* principle. Then, based on these findings, (3) I will propose that a neglected feature of *herem* become an established element of divine war theology.

Herem in Deuteronomy (20:16–18) and Joshua

Although many interpreters begin with Deuteronomy 7 for discussions on *herem*, even considering it the defining text on the subject, I am prioritizing Deuteronomy 20, for reasons that will be discussed below. Our exploration of Deut 20:16–18 will be narrowed to what is perhaps the minority-view interpretation as represented by the Spanish Jewish exegete Rabbi Moses ben Nachman, Nachmanides, also called Ramban (1194–1270), and this in relation to the offer of peace instructed

¹ My objective, then, is neither to justify the ways of God, nor to make this divinely-ordained historical charge more palatable to modern sensibilities (however worthy those pursuits may be). For helpful explanations, see Versluis, *Command to Exterminate the Canaanites*; Longman’s chapter, “Divine Violence”; Trimm, *Destruction of the Canaanites*; Block, *Gospel According to Moses*, 252–54.

² Notable studies on *hērem* include Sherlock, “Meaning of *HRM*”; Lilley, “Understanding the *Herem*”; Nelson, “*Herem*”; Glick, “*Herem*”; Versluis, *Command to Exterminate the Canaanites*; Stern, *Biblical Herem*. The Mesha stele (9th century BCE) seems to support understanding *hērem* as “utter destruction,” within a religious context of devoting spoils (including human lives) to a god.

in Deut 20:10. Before Nachmanides, the French Jewish exegete Rabbi Shlomo Yitzchaki, famously known as Rashi (1040–1105), had put forth in his commentary that the peace Israel was instructed to offer applied only to cities that are very far off (referencing v. 15), an interpretation that remains the standard view, taken for example by Daniel Block in his recent three-volume commentary on Deuteronomy.³

Against Rashi, Nachmanides argues that the opening instruction to proclaim an offer of peace to a city in Deut 20:10 applies in all situations, including the conquest of the seven nations in the land of Canaan.⁴ If that is the case, how then does he explain the explicit distinction between the far off cities and those of “these peoples” in Canaan given in verses 15–16? Here, Nachmanides explains that this distinction relates *only* to the contingency of verse 12, the response prescribed for when a city does not make peace with Israel. Since the concern is to avoid assimilating to the people’s abominations and idolatry (v. 18), total destruction is only necessary for cities within the land of Canaan *if* they reject an offer of peace. Accepting terms of peace entailed subjection to Israel, including abrogation of idolatry. For this reading, Nachmanides marshals support from the ancient rabbis, from *Deuteronomy Rabbah* 5:13; Tanchuma *Shoftim* 18, and the Jerusalem Talmud *Shevi’it* 6:1, 16b. Indeed, Maimonides (Moses ben Maimon, known as Rambam, 1138–1204) had already offered a similar reading in his *Mishneh Torah*, *Hilkhot Malakhim* chapters 5 and 6. Following the Jerusalem Talmud, Maimonides suggested that, even before entering the land, Joshua sent three options by way of letters to the Canaanite nations: the first, allowing any to flee before the conquest; the second, allowing any to sue for peace; and the third, allowing for engagement in war.⁵

Intriguingly, Nachmanides’ reading could be supported by the wider context, including the impending conquest. Chapter 20’s opening scenario (vv. 1–9), which begins with the casuistic *kî*, does not exclude the conquest of Canaan and, given some of the language used, may even have the conquest in mind. The new scenario, which begins with another casuistic *kî* in verse 10, gives no indication that the instructions to offer peace relate only to far off cities. Indeed, critical scholars widely assume that verse 15 is an insertion by a later editor retroactively restricting the preceding rules of engagement to foreign wars (vv. 10–14), an unexpected contradiction to the unconditional formulation of verse 10.⁶ Taking Nachmanides’ reading, verse 15 would be necessary to bracket off the scenario in verses 13–14—even though those instructions will be the norm after or apart from the conquest. Moreover, verse 16 lacks the casuistic opening (*kî*), used to signal the formal introduction of a new scenario, but begins just like verse 14, with *raq*, together indicating two sub-level situations or exceptions. Read this way, the *kî* of verse 10 sets up the topic: “When you draw near a city

³ See *The Torah: With Rashi’s Commentary*, 215–18; Block, *Hearing the Gospel*, 254–59; see also McConville, *Deuteronomy*, 315–21.

⁴ An English translation of this portion of his commentary may be found in Ramban (Nachmanides), *Commentary on the Torah: Deuteronomy*, 238–43.

⁵ See, further, the discussion in Shamah, *Recalling the Covenant*, 936–41; “Excursus 18” in Tigay, *The JPS Torah Commentary: Deuteronomy*, 470–72; Krygier, “Did God command the extermination of the Canaanites?”.

⁶ This language, for example, derives from comments on Deuteronomy 20 from Berlin and Brettler (eds.), *Jewish Study Bible*, 412.

to battle against it, then proclaim peace to it.”⁷ Next, the two “if” (*'im*) scenarios in verses 11 and 12 provide instruction for the alternate responses of a besieged city. Finally, on the scenario where Israel’s peace entreaty is rejected and every male is to be struck down with the sword (v. 12), two further exceptions or situations are noted by the use of *raq*: if the city is very far off, the women, little ones, cattle and spoils may be claimed by Israel (v. 14); but if the city is of the Canaanite nations in the land, *herem* must be applied (v. 16). In other words, once the scenario of verses 12–13 becomes the primary context, that is with Israel engaged in battle, then two paths are open: either spare the women, little ones, etc., for a faraway city (vv. 14–15), or perform *herem* for any of the seven nations of the land of Canaan (vv. 16–18).

Main Topic

20:10: When (*kî*) you draw near a city to do battle against it, you will proclaim peace to it.

City’s Two Responses

20:11: If (*'im*) the city accepts peace...the people will be forced laborers

20:12-13: If (*'im*) the city rejects peace...make war and put all males to the sword

Exceptional Scenarios

20:14-15: Only (*raq*) the women, little ones, livestock, etc., you will take as plunder. (This plundering you will only do for the far off cities, not those within Canaan.)

20:16-18: Only (*raq*) for the cities within Canaan, you will devote them to utter destruction.

The omission of *kî* as a formal introduction in verse 16, and the placement of the adversative *raq* in verses 14 and 16 could support Nachmanides’ reading. Indeed, as Jonathan Grossman observes, in the Torah a general heading uses the word *kî*, “when,” whereas the specific details that follow have *'im*, “if, either,” which forms a subcategory.⁸ The majority view’s logic, by contrast, may be outlined as in Figure 1. While the majority view *may* be the correct understanding, it nevertheless makes less sense of the text’s rhetorical features, requiring that verses 10 and 16 stand in parallel as Israel’s two military scenarios. Block, accordingly, refers to verse 15 as a “literary hinge” between verses 10–14 and 16–18.⁹ The best approach for the majority view is to see the entirety of Deuteronomy 20 as related to post-conquest wars, with verses 16–18 functioning as an exception-based interruption—with *herem* as a temporary exception. In Nachmanides’ view, however, the *kēn* of verse 15 functions to introduce a limitation of *herem* application (males only)—not as a hinge between who gets an offer of peace (vv. 10–14) and who does not (vv. 16–18).¹⁰

For further support, Nachmanides points to Deuteronomy 2, Moses’ practice with Sihon the Amorite, king of Heshbon, which forms something of a foretaste and paradigm for the conquest. YHWH had called Israel to go to battle with Sihon, promising to give him and his land to them (vv. 24–25), and Israel then performed *herem*, taking all the cities and utterly destroying men, women, and little

⁷ All translations are my own.

⁸ Grossman, *The Sacrificial Service*, 73 n. 12.

⁹ See Block’s discussion and Figure 20.1, *Deuteronomy*, 2:254–55.

¹⁰ See, for example, Hirsch, *Hirsch Chumash: Sefer Devarim*, 464.

ones (vv. 31–34). The Transjordan would become the territory of Reuben, Gad, and part of Manasseh’s tribe; this, along with Sihon’s Amorite heritage, brought his land within the same context as the nations in Canaan. Nevertheless, we read in verse 26 that Moses had first sent messengers to Sihon with “words of peace” (*dibrê šālôm*). Why? Perhaps because that is the established practice of warfare against all cities, whether near or far. Rightly, Block observes that these “words of peace,” which merely requested permission for Israel to pass through the lands peaceably, are not the same matter as the proclamation of peace (*wěqārā’tā ... lěšālôm*) in Deut 20:10.¹¹ Nevertheless, it could be argued that the element of “words of peace” functions to establish the Transjordan conquests as paradigmatic for the steps to be followed in the conquest of Canaan—this may well be the point. Indeed, YHWH had commanded, “Rise up, journey, and cross over the river Arnon—Look! I have given Sihon king of Heshbon, the Amorite, into your hand, and his land. Begin to possess it, and contend against him in battle!” (Deut 2:24). Yet, Moses responds with: “Then I sent messengers out of the wilderness of Kedemoth to Sihon king of Heshbon with words of peace...” (2:26).¹²

v. 15? Attack

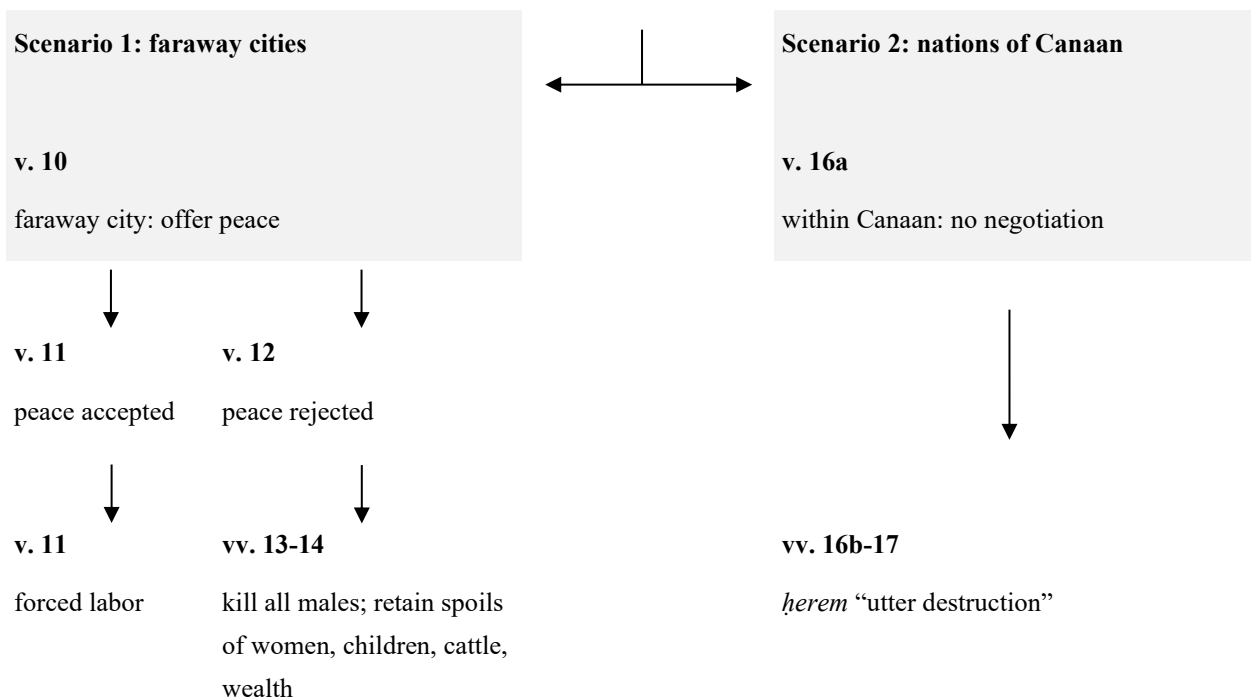


Figure 1: Majority view

Nachmanides also turns to the book of Joshua for a second line of support. Summarizing the conquest of Canaan in Josh 11:18–19, we read that Joshua made war for many days against all the kings, and then we are told that “there was not a city that made peace (*šālôm*) with the sons of Israel” except the Gibeonites (called “Hivites” here). Naturally, such an explanation could assume that

¹¹ Block, *Deuteronomy*, 2:255.

¹² The ancient rabbis placed strong emphasis on how Moses’ words of peace thereafter became standard (see *Numbers Rabbah* 19:33).

Joshua continued the practice of Moses, following the instructions of Deuteronomy 20, and that the many wars were the result of the kings' failure to accept peace terms with Israel. As Robert Polzin suggests, the Former Prophets function as the authoritative interpretation of Moses' words in Deuteronomy,¹³ and the book of Joshua's reading of Deuteronomy arguably conforms with Nachmanides' understanding. On the other hand, throughout Joshua 6–11, as Jeffrey H. Tigay observes, Joshua is never depicted as offering terms of surrender to the nations of Canaan.¹⁴

One last question remains: what about the Gibeonites' reading of Deuteronomy? Of the Gibeonites deception in Joshua 9, Nachmanides says they either did not know about the possibility of peace (that is, they acted prematurely, before Israel could proclaim an offer of peace), or they had already refused peace terms and then, in fear, changed their minds. To Israel's irritation, the deception apparently gave them more than the standard peace terms, including an actual "covenant," which had been forbidden (Deut 7:2) and which made Gibeonites confederates of Israel, beyond their servitude. In any case, as a general principle the authorial comment in Joshua 11 should weigh heavier for understanding the book of Joshua's interpretation of Deuteronomy, than the narrative action of the Gibeonites.

The Rashi versus Nachmanides conundrum may find a mitigating answer (if not resolution) by considering *herem* within the context of the YHWH's attributes of mercy, to which we now turn.

YHWH's attributes of mercy as fundamental context for *herem*

The proposed understanding of *herem* in Deuteronomy (and Joshua) obliges us to engage a necessary and related question: How does Nachmanides' reading of Deuteronomy 20 align with the divine *herem* command in Deut 7:1–5, which closes with "show them no mercy"?¹⁵ The question is all the more crucial given Block's assessment that Deuteronomy 7 holds interpretive sway over Deuteronomy 20, that the latter must be understood in light of the former, and not *vice versa*.¹⁶ Unfortunately, Nachmanides' commentary on Deuteronomy 7 only begins at verse 6. Perhaps one may attempt a defense of Nachmanides' view by suggesting that since Deuteronomy 20 is actually dedicated to instructions for Israel's warfare, whereas Deuteronomy 7's focus is on the holy status of Israel, set within the context of challenges to loving YHWH with all one's heart in the land (chs. 6–11)—in other words, this section is sermonic rhetoric rather than legislation, as Block acknowledges¹⁷—then one should weigh the detailed instructions of chapter 20 as authoritative over the general statements in chapter 7. As Gordon McConville observes, Israel's laws for warfare are found only

¹³ Polzin, *Moses and the Deuteronomist*, 30.

¹⁴ Tigay, *Deuteronomy*, 470.

¹⁵ Deut 7:2 actually reads "show them no favor," from *hanan*, the same word used in Josh 11:20, which is related to "peace" (*šālôm*) in the previous verse (Josh 11:19). YHWH's attributes of mercy include both mercy and favor or grace (Exod 34:6).

¹⁶ See Block, *Deuteronomy*, 1:253; 2:257.

¹⁷ Ibid., 1:253–54. Arnold, *Book of Deuteronomy*, 437–38, considers the *herem* language here a specimen of "stock phraseology and fixed idioms for military jargon, many of which are common in ancient Near Eastern parlance."

in Deuteronomy, and those in chapter 20 form the main set—the others are found in 21:10–14, 23:10–15 [9–14], and 24:5.¹⁸ Chapter 7 thus falls *outside* the scope of warfare instructions, and should not, therefore, determine the meaning of Deuteronomy 20. Beyond this consideration, however, we will also explore YHWH's attributes of mercy in Exodus 33–34 as a background and fundamental context for the *herem* statement of Deuteronomy 7.¹⁹

The book of Exodus is, first and foremost, a book of theology proper, where the self-revelation of YHWH God, the significance of his Name, is the main topic.²⁰ Beginning with Moses' burning bush encounter in chapter 3, and onward through the signs and wonders wrought in Egypt in chapters 7–12, and to the destruction of Pharaoh's chariot hosts in chapter 14, YHWH unveils himself to be Creator of the heavens and earth, King above all gods, and the glorious Redeemer of his people Israel. The Song by the shore of the sea closes the exodus out of Egypt, fittingly, with the Israelites singing, "Who among the gods is like you, O YHWH? Who is like you, majestic in holiness, awesome in praises, doing wonders?" and declaring his kingship: "YHWH will reign forever and ever" (Exod 15:1–21).

Still, the culmination of the divine Name theme in Exodus, and the fullest revelation of YHWH's glory in the Hebrew Scriptures, was yet to come. The greatest unveiling of the significance of the Name *Yod-He-Vav-He* occurred, marvelously, within the setting of one of Israel's most notorious failures, the worship of the golden calf (Exod 32). Having declared Israel to be "stiff-necked," a judicial verdict prohibiting covenant relationship, YHWH had distanced himself from the people. Moses, however, with herculean resolve, engaged with God, interceding continually for Israel's restoration to divine favor. His mediation pivots on the entreaty, "Show me, please, your glory!" (Exod 33:18). In essence, Moses pleads for YHWH to unveil more of what makes him who he is, to reveal his attributes and character and inclinations more fully, so that Moses may intercede more effectually on behalf of a wayward people. In response, YHWH says he will cause all his "goodness" to pass before Moses, and will proclaim his Name, YHWH (Exod 33:19). Hiding Moses in a cleft in the rock and covering his face, the YHWH proclaims:

YHWH, YHWH, God merciful and gracious, slow to anger, abundant in steadfast love and faithfulness, keeping steadfast love for thousands, forgiving iniquity and rebellion and sin, and by no means clearing the guilty, visiting the iniquity of fathers upon children and children's children, upon the third and fourth generation. (Exod 34:6b–7)

After hastening to prostrate himself earthward in worship, Moses immediately applies YHWH's attributes of mercy, calling upon him to embrace Israel in covenant once more, forgiving their iniquity and sin, "even though this is a stiff-necked people," and, wondrously, YHWH yields without a qualm, declaring, "Behold, I make a covenant" (34:8–10). Later, after the rebellion on the cusp of

¹⁸ McConville, *Deuteronomy*, 316.

¹⁹ In Jewish tradition, the attributes of YHWH in Exodus 34 are called "the thirteen attributes of mercy," since they were revealed in the context (and tenor) of God's forgiveness.

²⁰ See, for example, Surls, *Making Sense of the Divine Name*.

Canaan, with YHWH intending to destroy Israel completely, Moses pleads effectively for Israel's survival by invoking YHWH's attributes of mercy (Num 14:17–19).

While much more could be said about YHWH's self-revelation in Exodus 33–34, the main point is that the attributes of mercy are both the foundation and height of theology proper, reflecting who YHWH is, unchangingly, and therefore how he *will* act. Needless to say, this theology—and these attributes of mercy in particular—pervade the entire Hebrew Scriptures at the deepest level, as the most fundamental understanding of YHWH God.²¹ The book of Lamentations is exemplary on this point. When Judeans faced the unthinkable—the total devastation of Jerusalem and the destruction of YHWH's house, with thousands slain, and many others carted off in chains to Babylon—with irreparably shattered lives witnessing all that mattered to them rising up in columns of black smoke, under the judgment of God, where could Israelites find hope? At the theological heart and literary center of Lamentations, the unnamed poet declares: “This I recall to my heart, and therefore I have hope: by the steadfast love of YHWH, we are not consumed, for his mercies do not end—they are new every morning. How great is your faithfulness!” (3:21–23). He goes on, “For YHWH will not cast us off forever; for although he causes grief, he will show mercy according to the multitude of his steadfast love” (3:31–32). Time would fail to survey other scriptural passages in the Former Prophets, like 2 Samuel 24, or the Latter Prophets, like Micah 7, or in the Writings, like Psalms 86, 103, 136, or 145. In every section of Tanakh, YHWH's attributes of mercy are absolutely momentous, forming a source of hope and comfort for God's people amid life within a vale of tears. Moreover, and decisively relevant, it is especially and *nearly always* within contexts of God's wrath and fully justified judgment, that YHWH's attributes of mercy are prompted. At a fundamental level, then, the attributes of mercy are relevant within a divine warrior setting.

The function of YHWH's attributes of mercy in the logic of the book of Jonah is a case in point. Having been divinely summoned to go and cry out against Nineveh, Jonah tries to escape to Tarshish, fleeing from YHWH's presence (Jonah 1:1–3). He eventually obeys, proclaiming that Nineveh would be overthrown in forty days. But to his dismay, the Ninevites believe God and repent with fasting and sackcloth, merely on the chance that YHWH would relent from his fierce anger (Jonah 3:4–9). Although frustrated and enraged, Jonah is not surprised. In a speech that unravels the mystery of his previous erratic behavior, Jonah declares, “This is why I had fled to Tarshish, because I know you, that you are a gracious God and merciful, slow to anger, and great in steadfast love, relenting from destruction!” (4:2).

The contingent nature of prophecy is not my concern here (see Jeremiah 18); nor am I attempting to correlate the judgment proclaimed against the cities of Canaan with that of Nineveh, which in any case would surely count as a “far off” city. Rather, my point relates to the controlling theology of the book. At a deep, fundamental level, Jonah as a character in the story understands YHWH's unchangeable nature—not necessarily that he *must* show mercy, but that he *will* show mercy. My contention is that this central trait of YHWH's unchanging character—his merciful nature—must be

²¹ For example, the divine attributes of mercy arguably form the superstructure for the Book of the Twelve, quoted or alluded to in Joel 2:13; Jonah 3:10; Mic 7:18–20; Nah 1:2–3; Mal 1:9. See Wöhrle, “So Many Cross-References!”; Barker, “From Where Does My Hope Come From?”.

factored in, contextually, when examining *herem* in Scripture, and especially so in Deuteronomy 7. Arguably, mention of “favor” (*hānon*) as the last word in Deut 7:2 triggers the association with YHWH’s attributes revealed in Exodus 33–34. Indeed, in Deut 7:9–11, Moses evokes God’s self-revelation in Exodus 33–34 when he declares: “Know, therefore, that YHWH your God, he is God, the faithful God, who keeps covenant and steadfast love to a thousand generations for those who love him and keep his commands.” Clearly, then, *herem* language is used within the orbit of YHWH’s attributes of mercy. I would urge that YHWH’s merciful character is the worldview of every single text in the Hebrew Scriptures, without exception.

In his fine study on the theological function of Babylon in the book of Jeremiah, Walter Brueggemann makes a similar and relevant observation, namely, that the “intrusion of the rhetoric of mercy into the *Realpolitik* of Babylon derives from the uncompromising character of God.”²² He remarks how in Isa 47:5–7, Babylon is held accountable for not showing Judah “mercy” (*raḥmîm*) “as though Nebuchadnezzar (and Babylonian policy) was all along supposed to have known that mercy toward Jerusalem was in order and expected, even in light of God’s anger.”²³ Here, a fuller quote is worthwhile; Brueggemann writes:

“Mercy” readily intrudes into political talk where it is not expected. Mercy impinges upon the policies and destiny even of the empire. In conversation about God and empire, mercy operates as a nonnegotiable factor. Nebuchadnezzar should have known that YHWH is that kind of God. From the beginning, YHWH has been a God of mercy, and mercy is characteristically present where YHWH is present.²⁵

Also important, whereas earlier in Jeremiah Judah was divinely threatened with judgment by a nation (Babylon) that was cruel, having “no mercy” (*raḥam*, Jer 6:23), in a later oracle YHWH promises “mercy” (*raḥam*), even through the king of Babylon (Jer 42:11–12). One could further suggest that “no mercy (or favor)” was simply a common trope of warfare or, based on scriptural examples like 2 Chron 36:15, that “no mercy (or compassion, *hāmāl*)” assumes a context whereby previous warnings were ignored. Whatever the case, in Jeremiah as well as in Jonah, the point is that mercy is the bedrock character of God and so always a possible factor of influence, especially within the context of divine warfare and judgment.

A neglected feature of *herem* and divine warrior theology

If YHWH’s mercy resulted in sparing Nineveh, why did the cities of Canaan not receive mercy? The simple and biblical answer is: they did not plead for mercy. The complex (though no less biblical) answer is that YHWH, in his sovereign judicial role as divine warrior, strengthened the hearts of the kings, already resolved to battle against Israel, so that their cities would be utterly destroyed. Previously, we considered Josh 11:18–19, that of all the kingdoms of Canaan, only the Gibeonites had made peace with Israel, avoiding battle with Joshua. In the next verse, however, the author of-

²² Brueggemann, “At the Mercy of Babylon”, 119.

²³ Ibid., 123.

²⁵ Ibid., 123.

fers an explanation for the exceptional nature of the Gibeonites amidst Joshua's war against "all those kings," namely, "For it was of YHWH to strengthen (*hazaq*) their hearts to encounter Israel in battle in order to destroy them utterly (*herem*), lest they entreat favor...." (v. 20). In Nachmanides' view, both "show them no favor (*hānon*)" (Deut 7:2) and "lest they entreat favor" (Josh 11:20) are contingent on their refusal of Israel's peace terms. Rightly, Versluis understands the hardened heart motif as ensuring that enemies waged war against Israel: "In Josh. 11:19-20, it is suggested that the *hostile attitude* of the Canaanites, which is attributed to YHWH's hardening of their hearts, was *necessary in order to make Israel destroy them*."²⁶ As with Deuteronomy 7, Joshua 11 presumes YHWH's character of mercy as a fundamental reality and context, calling for an explanation. Actually, verse 20 turns the previous verses on their head; in light of YHWH's mercy, it is all the kings who battled against Israel to their own destruction that are exceptional, requiring an explanation.

Finally, I propose that YHWH's judicial strengthening of his enemies' hearts ought to be considered a standard element, not only of *herem* discussions, but of divine warrior theology. Taking Gerhard von Rad's study, *Holy War in Ancient Israel* as exemplary, he defines elements of divine warfare in Israel as beginning with the mustering of Israelites for holy war through a trumpet blast and concluding with the dismissal "Return to your tents, O Israel," after *herem* has been performed.²⁷ Throughout his study, von Rad never examines the hardened heart motif. Surprisingly, this omission also characterizes all the seminal studies on divine warfare: those of Frank Moore Cross, Jr., Rudolph Smend, Patrick Miller Jr., Peter Craigie, Millard Lind, Tremper Longman III and Daniel Reid, and Gregory Boyd.²⁸ In her *War in the Hebrew Bible*, Susan Niditch makes only a passing albeit important reference to Josh 11:20, asserting the "strong assumption that God controls the disposition of war and whether or not the ban will be imposed."²⁹ Charlie Trimm's published doctoral dissertation, "*YHWH Fights for Them!*" *The Divine Warrior in the Exodus Narrative*, begins to fill this scholarly gap, with a chapter arguing that the hardening of Pharaoh's heart is part of the divine warrior motif.³⁰

Upon their deliverance at the sea, with the Egyptian hosts vanquished on the shore, Israelites first sang, "YHWH is a man of war!" (Exod 15:3). If it is the case that "the exodus rather than the conquest or judges," as Millard Lind writes, "provides the fundamental paradigm of holy war in the Old Testament,"³¹ then YHWH's strengthening (or hardening) of Pharaoh's heart should also be seen as a fundamental element of divine warfare. In fact, the case may be made more strongly. When we turn to Moses' battle against Sihon king of Heshbon, a foretaste of the conquest where Israel leaves

²⁶ Versluis, *Deuteronomy* 7, 254 (emphasis added); see also 227.

²⁷ Von Rad, *Holy War in Ancient Israel*, 41–51.

²⁸ Cross, Jr., "The Divine Warrior in Israel's Early Cult"; Smend, *Yahweh War & Tribal Confederation*; Miller, Jr., *The Divine Warrior in Early Israel*; Craigie, *The Problem of War*; Lind, *Yahweh is a Warrior*; Longman and Reid, *God is a Warrior*; Boyd, *God at War*. The hardened heart motif is also not discussed in a recent doctoral dissertation by Price, "The Warrior's Day".

²⁹ Niditch, *War in the Hebrew Bible*, 65–66.

³⁰ Trimm, "*YHWH Fights for Them!*", 201–22.

³¹ Lind, *Yahweh is a Warrior*, 47.

no survivors (Deut 2:34), here, too, we find God's hardening the king's heart as a basic element of Israel's *herem* warfare:

But Sihon king of Heshbon was not willing to let us pass by him, for YHWH your God had hardened (*qāšā*) his spirit and had strengthened (*āmēṣ*) his heart, in order to give him into your hand, as it is this day. (Deut 2:30)

Turning to the conquest itself, we have already examined Josh 11:20, which communicates that *every* king in the land that battled against Israel, to the utter destruction of their cities, did so because YHWH had hardened their hearts.³² The devastation of Pharaoh's hosts in the exodus redemption, the destruction of Sihon and capture of the Transjordan, and the conquest of Canaan—each of these specimens of YHWH's warfare involved divine hardening of the enemy's resolve to battle against Israel, for the sake of a *herem* result.³³

Here then, in light of YHWH's attributes of mercy, Rashi's view and Nachmanides' come full circle and connect: whether or not Israel offered peace terms to the seven nations in the land of Canaan, still any king who would have sought to make peace with Israel, would have received mercy. This happens to be the view of Rabbi Samuel ben Meir, Rashbam (Troyes, 12th century), the grandson of Rashi. He agreed with Rashi that no peace treaty should be offered the seven nations within the land of Canaan; however, he also understood that if any of the seven nations sued for peace, then Israel was not required to perform *herem*.³⁴ Rather, in imitation of YHWH their King, Israel was to show mercy to any who asked for it. YHWH's judicial hardening of hearts was precisely so that the cities "should receive no favor," inasmuch as the divinely strengthened resolve to do battle against his people would keep those kings from entreating Israel for mercy.

Conclusion

What is gained by including the hardened heart motif as an element of divine warfare, integral to the practice of *herem*, and this within the context of YHWH's attributes of mercy? Surely, YHWH's judicial role as divine warrior, controlling the disposition of war and the imposition of the ban, does not resolve the ethical tensions felt by many contemporary readers. Some will even find this decidedly "Calvinistic" deity more disagreeable. Yet establishing YHWH's hardening of an enemy's heart as a basic element of divine warfare, and as an essential *prerequisite* to the practice of *herem*, I propose, does indeed contribute to our understanding of *herem* significantly.

YHWH will show mercy to any and all who seek refuge in him. Even without examining the divine attributes of mercy, Robert Hubbard, Jr. similarly concludes his study on the stone motif in Joshua by proposing "the book's own awareness of divine mercy toward Israel—and Gibeon, too—mercy

³² See also Firth, *Joshua*, 227–29.

³³ Although we cannot explore the arguments here, it may well be that only kings with their armies, along with fortified cities, were subject to *herem* (see Hess, "The Jericho and Ai of the Book of Joshua"), a point that resonates with the destruction of Pharaoh's hosts at the sea (Exodus 14–15).

³⁴ See Lockshin, *Rashbam's Commentary on Deuteronomy*, 120–21.

presumably in harmony with the book's other allegedly contradictory claims."³⁵ The statements in Josh 11:20 and Deut 2:30, concerning YHWH's hardening the hearts of kings, offers a glimpse behind the heavenly curtain, a glimpse into the inscrutable ways of the Judge of all the earth, who is righteous and just, and does good to all. Indeed, to quote Walter Brueggemann once more, "God's sovereignty concerns matters of mercy and no mercy"³⁶—and thankfully so, since he is fundamentally the God of mercy. But from an earthly and limited, human perspective, the divinely hardened heart motif enables us to understand the *modus operandi* of Israel's *herem* practice in the conquest as: "show them no mercy"—unless they ask for it.

³⁵ Hubbard, "What Do These stones Mean?", 23.

³⁶ Brueggemann, "At the Mercy of Babylon", 122.

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