Covenant Curses and the Writing of History

Deuteronomy 28, Leviticus 26, and the Long Afterlife of the Tokhecha

A study in composition, textual transmission, and reception history

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Abstract

The two great covenant-curse recitals of the Torah — Leviticus 26:14–46 and Deuteronomy 28:15–68, known in Jewish tradition as the tokhecha ("the rebuke") — have been read for well over two millennia as a script that history has repeatedly followed. This paper examines that claim on three separate levels, which are routinely and damagingly confused. The first is philological and compositional: what these texts are, when they were written, and what literary tradition they belong to. The second is historiographical: how biblical, Second Temple, rabbinic, patristic, and modern interpreters have themselves asserted that specific catastrophes fulfilled these curses. The third is critical: whether any of those assertions can bear historical weight, and what follows when they cannot.

The argument developed here is that the curse recitals are recognizable members of a well-attested ancient Near Eastern genre — the treaty or loyalty-oath imprecation, best represented by Esarhaddon's Succession Treaty (672 BCE) and the Aramaic Sefire inscriptions — and that they were shaped, in whole or in part, in the shadow of the very Assyrian and Babylonian catastrophes they are usually said to foretell. The astonishing "correspondence" between the curses and later Jewish suffering is therefore, in the strict sense, a correspondence between a genre and the recurring reality that generated the genre: siege, famine, deportation, and imperial conquest were the ordinary fate of small Levantine polities. What is genuinely historical, and genuinely remarkable, is not that the curses came true but that a defeated people converted the standard vocabulary of imperial humiliation into a theology of covenant, moral agency, and eventual return.

The paper concludes with a sustained treatment of the reception history's darkest turn: the Christian adversus Judaeos transformation of an internal Jewish confession ("because of our sins") into an external accusation ("because of your sins"), and the twentieth-century collapse of the punishment hermeneutic under the weight of the Shoah. The methodological verdict is unambiguous: reading later Jewish suffering as curse-fulfillment is not a historical operation but a theological one, it is unfalsifiable in principle, and its historical consequences have been lethal.

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1. Introduction: three questions that are usually asked as one

A reader who comes to Deuteronomy 28 for the first time and then reads a history of the Jewish people will very likely have the sensation of reading the same book twice. The chapter threatens siege so severe that parents will consume their own children (vv. 53–57); it threatens plague, blindness, madness, agricultural futility, military rout, deportation, dispersion "among all the peoples, from one end of the earth to the other" (v. 64), a life of dread with no assurance from one morning to the next (vv. 65–67), and a return to Egypt in ships to be sold as slaves with no buyer willing (v. 68). Anyone acquainted with 722, 586, 70, 135, 1096, 1290, 1391, 1492, 1648, 1881, or 1941 will find these lines uncomfortably familiar.

That sensation is the beginning of the inquiry, not the end of it. Three quite different questions hide inside the single word "fulfillment," and the entire history of this subject — including its most destructive chapters — turns on keeping them apart.

The philological question. What kind of text is Deuteronomy 28? When was it composed, in what literary tradition, and out of what raw material? A text that belongs to a known genre of imperial loyalty-oath imprecations, and that was demonstrably still being edited during or after the events it describes, is a different sort of object from a sealed prophecy opened after the fact.

The reception question. Who has claimed that these curses were enacted, when, and to what end? This is a strictly empirical, documentable question about interpreters, and the answer is extraordinarily rich: the Deuteronomistic Historian, Lamentations, Daniel, Nehemiah, the Qumran covenanters, Josephus, the rabbis of the Talmud, Melito and Eusebius and Chrysostom, Nahmanides, the Satmar Rebbe, and a great many others have all made exactly this claim, with very different aims and very different consequences.

The historiographical question. Can any of those claims be assessed as history? Here the answer is far more constrained, and the paper argues that the honest answer is no — not because the events did not happen, but because "fulfillment" is not a category that can be tested against evidence, and because every methodological control a historian would want (dating, falsifiability, base rates, comparison cases) points the other way.

The distinction is not pedantic. When the second question is silently substituted for the third — when the fact that people have believed something is treated as evidence that it is so — the result is not a historical thesis but a theodicy, and, in the specific case of the Jewish people, a theodicy that has been used for sixteen centuries to explain to the victims of persecution why they deserved it. The methodological care urged in this paper is therefore not squeamishness. It is the minimum required for the subject to be studied at all.

2. The curse corpus in the Hebrew Bible

The covenant curse is not confined to two chapters. It is a structural feature of Israelite covenant literature and its prophetic offspring, and the full corpus must be in view before the two great recitals can be read properly.

2.1 Leviticus 26:14–46 — the Holiness recital

Leviticus 26 concludes the Holiness Code (Leviticus 17–26) and is structured with a formal elegance that Deuteronomy 28 lacks. After a short blessing section (vv. 3–13), the curse falls in five graded cycles, each introduced by a fresh conditional and each raising the penalty "seven times over" for continued refusal (vv. 18, 21, 24, 28). The sequence runs: wasting disease and defeat; drought under a sky of iron; wild beasts and depopulation; sword, plague, siege, and the cannibalism of sons and daughters (v. 29); and finally the destruction of sanctuaries, the desolation of the land, and exile among the nations, with the land at last enjoying the sabbath years Israel withheld from it (vv. 34–35, 43).

Two features distinguish this recital sharply from Deuteronomy 28, and they have been well described by scholars working within the documentary framework. First, the deity of Leviticus 26 acts in strikingly anthropomorphic terms — setting his face against Israel (v. 17), walking with them in hostility (v. 24), refusing to smell the pleasing aroma of their offerings (v. 31). Deuteronomy's God is characteristically more distant, working through natural and political instruments. Second, and more consequentially, Leviticus 26 ends not in horror but in a conditional restoration built on confession: if the exiles confess their iniquity and that of their ancestors, and their uncircumcised heart is humbled, God will remember the covenant with Jacob, Isaac, and Abraham, and remember the land (vv. 40–45). The curse in H is corrective and teleological. Its purpose is to produce repentance.

This is not a minor difference of tone. As Alex P. Jassen and others working on Second Temple reception have shown, it is precisely the Leviticus 26 model — chastisement with a purpose, culminating in confession and covenant memory — that Chronicles, Jubilees, the Words of the Luminaries, and the Damascus Document reach for when they interpret their own situation, rather than the more purely retributive Deuteronomic scheme.

2.2 Deuteronomy 27–28 (with 29–30) — the Deuteronomic recital

Deuteronomy's treatment is in three movements. Deuteronomy 27:11–26 stages a covenant ceremony at Shechem: six tribes on Mount Gerizim for the blessing, six on Mount Ebal for the curse, and a Levitical recitation of twelve dodecalogue curses, each answered by the people's "Amen." These twelve are notable for targeting concealed offences — the secret idol, the moved boundary marker, misleading the blind, perverting justice for the vulnerable, illicit sexual relations, bribery for bloodshed — that is, precisely the sins no human court could reach. The curse here functions as a self-imprecatory oath covering the enforcement gap.

Deuteronomy 28 then delivers the long recital: fourteen verses of blessing (vv. 1–14) against fifty-four of curse (vv. 15–68), an asymmetry that is itself an argument about the chapter's purpose and probable

setting. The curses fall into recognizable blocks: a general reversal of the blessings (vv. 15–19); disease, drought, and defeat (vv. 20–26); the "Egyptian" afflictions with boils, madness, and blindness (vv. 27–29); a dense cluster of futility curses in which every ordinary human expectation is announced and then cancelled — betrothal, house, vineyard, ox, donkey, sheep, sons, daughters (vv. 30–34); a second wave including the alien who rises above you and the reversal of head and tail (vv. 43–44); the siege sequence culminating in cannibalism (vv. 47–57); and finally a peroration on dispersion, terror, and the reversal of the Exodus itself (vv. 58–68).

Deuteronomy 29–30 then supplies what chapter 28 withheld: an explicit application to exile (29:21–28) and a promise of return conditioned on repentance (30:1–10). The narrative logic is complete only across all four chapters, which is one reason source-critical analysis has always suspected that 28 grew by accretion.

2.3 Prophetic deployment

The prophetic corpus does not merely echo the curse lists; it deploys them as the substance of an indictment. Amos 4:6–12 is the clearest case: a litany of famine, drought, blight, locusts, plague "in the manner of Egypt," and overthrow "as when God overthrew Sodom," each followed by the refrain that Israel still did not return — a rhetorical structure that presupposes something very like the graded cycles of Leviticus 26. Hosea 2, 4, and 9 work the futility curses. Jeremiah 19:9 states the siege-cannibalism curse as an oracle in the mouth of YHWH. Ezekiel 4–7 constructs an entire performance-prophecy around famine rations, defilement, and the sword, and Ezekiel 5:10 restates the cannibalism motif with the added horror of reciprocity between generations. Delbert Hillers' classic study established the general point in 1964: the prophets drew on a shared stock of treaty-curse language, which is why the same images recur across authors who share little else.

2.4 Derivative and reflective texts

A fourth stratum consists of texts that look back on the curses as a template for interpreting an event already suffered. Solomon's dedicatory prayer in 1 Kings 8:33–53 anticipates defeat, drought, famine, plague, and captivity, and asks in advance that repentance in the land of the captors be heard — a prayer that reads unmistakably as written from within or after the exile. Daniel 9:11 names the covenant curse explicitly: the curse and the oath written in the Torah of Moses have been poured out, because Israel sinned. Nehemiah 9 and Ezra 9 belong to the same penitential-prayer tradition, studied at length by Rodney Werline, Mark Boda, and Daniel Falk. Second Chronicles 36:21 makes the sabbath-rest rationale of Leviticus 26:34–35 the explicit key to the seventy years. Lamentations, discussed below, is the most searing of these reflections, and the most theologically unstable.

3. The ancient Near Eastern context: the curse as a genre

The single most important fact about Deuteronomy 28, for any historical assessment, is that it is not sui generis. It belongs to a documented, datable, widely diffused ancient Near Eastern genre, and the details of that relationship have been among the most intensely debated questions in Pentateuchal scholarship for the last half-century.

3.1 Esarhaddon's Succession Treaty and the Tell Tayinat discovery

In 1955 Donald Wiseman excavated at Nimrud a set of tablets recording the loyalty oath imposed by Esarhaddon in 672 BCE on vassals and officials throughout the Assyrian empire, binding them to support his son Ashurbanipal. The text — variously called the Vassal Treaties of Esarhaddon (VTE) or, more accurately, Esarhaddon's Succession Treaty (EST) — concludes with a curse section of unprecedented length. Section 56 in particular contains a sequence of imprecations invoking the great gods of heaven and earth whose order of topics tracks Deuteronomy 28:20–44 with disquieting closeness.

Hans Ulrich Steymans argued in a 1995 Fribourg dissertation that this correspondence is not typological but genetic: Deuteronomy 28:20–44 borrows directly from EST §56. The 2009 discovery at Tell Tayinat in southeastern Turkey of a further copy of the treaty — set up, it appears, in a temple in a western vassal territory — substantially strengthened the plausibility of the mechanism. Steymans has argued that the Tayinat find confirms that EST tablets were imposed on western vassals and displayed in temples, and he infers that a copy was given to Manasseh of Judah in 672 BCE and set up in the Jerusalem temple, which would place the composition of these verses between 672 and 622 BCE. Eckart Otto, building on Steymans and on Paul-Eugène Dion, made this the foundation of a large thesis: that seventh-century Judahite scribes appropriated EST subversively, substituting YHWH for Ashur as the object of exclusive loyalty, and that this act of scribal defiance constitutes the origin of Deuteronomy itself.

3.2 Sefire, Hammurabi, Tell Fekheriye, and the wider curse tradition

EST is not the only comparandum, and treating it as such has distorted the debate. The eighth-century Aramaic treaty inscriptions from Sefire contain elaborate curse sequences in a Northwest Semitic language far closer to Hebrew than Akkadian is, and their imagery — locusts, drought, seven years of barrenness, the scattering of a city — overlaps heavily with both Leviticus 26 and Deuteronomy 28. The epilogue of the Code of Hammurabi, the Tell Fekheriye bilingual, Hittite treaty traditions, and a range of Neo-Assyrian royal inscriptions all draw on the same reservoir. The recent work on the Sefire material, including the George Fox study of Northwest Semitic curse formulae, has emphasized that an Aramaic mediating tradition is a more economical explanation for many of the parallels than direct cuneiform borrowing.

3.3 The state of the debate

The direct-dependence thesis has drawn serious and, in this author's judgment, partly successful criticism, and any responsible treatment must present the dispute rather than resolve it by fiat.

- C. L. Crouch (Israel and the Assyrians: Deuteronomy, the Succession Treaty of Esarhaddon, and the Nature of Subversion, SBL Press, 2014) argues that the "subversion" reading requires an audience capable of recognizing the subversion, and that the mechanism Otto proposes is sociologically implausible for seventh-century Judah.
- Joshua Berman has argued, against Levinson and Stackert, that the comparative evidence supports second-millennium Hittite treaty models rather than Neo-Assyrian ones, an exchange conducted across the Journal of Biblical Literature and the Journal of Ancient Judaism between 2011 and 2014.
- Bernard Levinson and Jeffrey Stackert have replied vigorously, maintaining the Neo-Assyrian setting and criticizing "resonance" as a substitute for demonstrable literary dependence.
- A detailed Toronto dissertation on the question concluded that only three passages in Deuteronomy 28 have a close historical relationship with EST curses — 28:23–24 (with EST ll. 528–533), 28:53–57 (with EST ll. 448–451), and more tentatively 28:25a, 26–33 (with EST ll. 419–430) — and that even these are best explained by a shared curse tradition or a mediating source rather than direct translation. Notably, it argued that Deuteronomy 28:23–24 preserves an earlier form of the curse than EST does, which cuts directly against unidirectional borrowing.
- A further and durable objection is archaeological: very little cuneiform has been recovered from Iron Age Judah despite intensive excavation, which makes scribal competence in Akkadian in Jerusalem an assumption rather than a datum.

One small detail deserves emphasis because it is diagnostic. In the drought curse, Leviticus 26:19 has the sky like iron and the earth like bronze; Deuteronomy 28:23 has the sky bronze and the earth iron. EST has the analogous pairing in its own order. Three witnesses, three arrangements of the same two metals: this is exactly the signature of a floating traditional formula being independently redeployed, not of a single text being copied.

3.4 What genre membership implies

Whatever the precise mechanism of transmission, the conclusion that matters for the present inquiry is not seriously contested by any party to the debate: the specific horrors catalogued in Deuteronomy 28 and Leviticus 26 are the standard vocabulary of ancient Near Eastern imprecation. Siege cannibalism, corpses eaten by birds, the sky that yields no rain, the vineyard planted and not enjoyed, the wife betrothed and taken, dispersal to the four winds — these were the stock threats a Great King used to frighten vassals, and they were stock precisely because they described what actually happened when an imperial army arrived.

This has an immediate and unavoidable consequence for any claim of predictive fulfillment. A text that catalogues the ordinary consequences of conquest in the ancient Near East will inevitably "come true" for any ancient Near Eastern people that is conquered. The Moabites, the Edomites, the Philistines, the Arameans of Damascus, the northern kingdom, and Judah all suffered most of the items on the list. The

difference is not that these things happened to Israel and not to others; it is that Israel produced a literature that survived, that interpreted the catastrophe morally rather than as the simple triumph of a stronger god, and that therefore preserved both the threat and the record of its realization in a single canon.

4. Text-critical considerations: MT, SP, LXX, and the Judaean Desert scrolls

Claims about fulfillment usually rest on the precise wording of a verse. It is therefore necessary to establish how stable that wording actually is across the ancient witnesses. The short answer is that Deuteronomy is among the better-attested books of the Torah at Qumran, that the curse chapters are textually less turbulent than, say, Exodus 35–40 or the Deuteronomy 32 poem, but that several variants bear directly on how the ceremony and its curses were understood.

4.1 Deuteronomy 27:4 — Ebal or Gerizim?

The Masoretic Text and the Septuagint place Joshua's altar on Mount Ebal, the mountain of the curse. The Samaritan Pentateuch reads Mount Gerizim, the mountain of the blessing — a reading long dismissed as sectarian special pleading. That dismissal is no longer tenable. The Gerizim reading is also attested in the Vetus Latina (Old Latin) tradition and in Coptic witnesses to the Old Greek, which means it circulated in Jewish-Greek transmission independently of Samaritan polemic. David Carr, among others, has treated this as a genuine text-critical crux rather than a Samaritan corruption. Emanuel Tov has cautioned more broadly that the so-called "pre-Samaritan" scrolls from Qumran are neither Samaritan nor sectarian, and that the assumption that SP readings are automatically secondary needs to be argued rather than presupposed. The only Qumran fragment covering Deuteronomy 27:1–10 is 4QDeuteronomy-f (4Q33) frgs. 32–35, and it has a lacuna at precisely the point where the mountain would be named.

This matters more than it may appear. If the original ceremony placed the altar on the mountain of blessing, the architecture of the whole blessing-and-curse liturgy shifts, and with it the weight the tradition assigns to the curse.

4.2 Variants within the curse chapters

Within Deuteronomy 28 itself, the variants are mostly of the ordinary kind — orthographic, harmonizing, and euphemistic. The best-known example is v. 30, where the Masoretic consonantal text uses a verb of sexual violation that the Masoretes directed to be read aloud with a milder substitute (the qere/ketiv system); the Samaritan Pentateuch simply writes the milder verb into the text. Modern translations diverge accordingly, and the LSB and NIV renderings of this verse reflect the euphemized reading rather than the underlying consonants. The Septuagint of Deuteronomy 28 is generally a close, quantitatively faithful rendering, but its choice of Greek disease vocabulary in vv. 22 and 27–28 fixes interpretations of rare Hebrew terms whose precise referents remain uncertain, and it is the Greek wording, not the Hebrew, that shaped every later Christian reading of the chapter.

For Leviticus 26 the manuscript situation is thinner but comparable. Eugene Ulrich, Sidnie White Crawford, and Tov have shown that the Qumran Deuteronomy scrolls include both full copies (4QDeut-c reaching from chapter 3 to chapter 32) and excerpted liturgical texts (4QDeut-j, -k1, -n) that select particular passages for devotional use — evidence that these chapters were being read, copied, and used, not merely archived.

4.3 Why this matters for fulfillment claims

The methodological point is simple. Arguments that a curse was fulfilled "exactly" typically depend on a single English rendering of a single Hebrew phrase. Where the underlying text is euphemized, where a Greek translator has chosen a specific disease term for an obscure Hebrew one, or where the very location of the covenant ceremony is disputed among the witnesses, the precision that such arguments require is not available. Comparison against NA28/UBS5 is not relevant here, since these are Hebrew Bible texts, but the analogous discipline applies: any claim of exact correspondence must be tested against MT, SP, LXX, and the Judaean Desert evidence together, and in this corpus that test regularly softens the claimed exactness.

5. Composition and date: the vaticinium ex eventu problem

If Deuteronomy 28 in its present form postdates, in whole or in part, the events it describes, then the category of "prediction" does not apply to those portions at all. This is not a fringe suspicion; it is the mainstream position of critical scholarship, and it has a long and well-documented argumentative history.

5.1 The Deuteronomistic History

Martin Noth's 1943 thesis proposed that Deuteronomy through Kings constitutes a single exilic historical work, composed in the sixth century by a historian who used the theology and language of Deuteronomy to explain the fall of Jerusalem and the Babylonian exile. Frank Moore Cross modified this in 1973 with the double-redaction model: a first, Josianic edition (Dtr^{1}, c. 620 BCE) organized around the contrast between the sin of Jeroboam and the promise to David and culminating in Josiah as hero, followed by an exilic revision (Dtr^{2}, c. 550 BCE) that added the pessimistic material explaining the catastrophe of 586. Rudolf Smend and the Göttingen school proposed instead a series of exilic and post-exilic redactional layers — DtrG, DtrP (prophetic), DtrN (nomistic). Richard Nelson has defended the double-redaction model, arguing that the thematic dissonance near the end of 2 Kings is intense enough to require a change of hand. Thomas Römer has identified successive Deuteronomistic redactions extending into Jeremiah, Amos, and Hosea.

The models differ substantially, but every one of them locates decisive editorial activity at or after the exile, and every one of them understands the retributive framework as, in significant part, an interpretation of a catastrophe already suffered.

5.2 The horizon of the curse chapters

Applied to Deuteronomy 28, this yields a composite picture. If Steymans and Otto are right, a core (roughly vv. 20–44) was drafted in the seventh century in dialogue with Assyrian loyalty-oath language — that is, after 722 and the destruction of the northern kingdom, in a Judah that had watched its sister state deported. The siege sequence in vv. 47–57 and the dispersion peroration in vv. 58–68, with their extraordinary specificity about exile "among all the peoples" and the return to Egypt in ships, are widely regarded as later, exilic or post-exilic expansions. Deuteronomy 30:1–10, with its explicit scheme of exile, repentance, and gathering from the ends of the heavens, is very difficult to read as anything other than a text written for people already scattered.

Leviticus 26 is generally placed later still. Christophe Nihan's influential work on the composition of Leviticus argues that the Holiness Code is a systematic reception of the Covenant Code, the Decalogue, and the Deuteronomic code — that is, it knows Deuteronomy and responds to it. The sabbath-years rationale in vv. 34–35 and 43, which Second Chronicles 36:21 uses as the interpretive key to the seventy years, presupposes a reflective, retrospective vantage point on the exile.

5.3 The consequence

The consequence is not that the texts are frauds. Vaticinium ex eventu — prophecy after the event — was a normal and honest literary convention in the ancient world, and its purpose was not deception but interpretation: to place a catastrophe inside a moral and covenantal frame, and thereby to make it survivable. The consequence is narrower and more precise. When a modern reader observes that Deuteronomy 28 "predicted" the Babylonian exile, the observation is very likely running backwards. The exile did not confirm the text; in significant part, the exile produced it.

6. Enactment claims inside the Hebrew Bible

The Hebrew Bible does not leave the reader to notice correspondences. It asserts them, repeatedly and explicitly, and those assertions are the true origin of the entire subsequent tradition.

6.1 722 BCE and 2 Kings 17

The fall of Samaria to Assyria receives, in 2 Kings 17:7–23, the most sustained theological explanation of any event in the Deuteronomistic History. The passage is a formal indictment: Israel sinned against YHWH, walked in the customs of the nations, built high places, served idols, rejected the covenant and the warnings of every prophet, and therefore YHWH removed them from his presence. The vocabulary is Deuteronomic throughout. This is the template on which every later Jewish and Christian reading of national catastrophe is built.

6.2 586 BCE, Lamentations, and the cannibalism topos

The destruction of Jerusalem generates the same interpretation in 2 Kings 24–25 and, far more painfully, in Lamentations. Lamentations 2:17 states directly that YHWH has done what he purposed and fulfilled his word commanded long ago. Lamentations 4:10 reports that compassionate women boiled their own children. Lamentations 2:20 asks whether women should eat their offspring. The correspondence to Deuteronomy 28:53–57, Leviticus 26:29, Jeremiah 19:9, and Ezekiel 5:10 is exact.

It is precisely here that the historian must be most careful, and the reason is instructive. Maternal cannibalism under siege is a literary topos with a long independent life. It appears in 2 Kings 6:28–29 as a narrative set during an Aramean siege of Samaria — a passage Kristine Garroway has analyzed in the Journal of Biblical Literature as a case of unintentional elimination killing rather than famine cannibalism in the ordinary sense. It appears in EST §47. It appears in Greek and Roman tragedy as a marker of the world turned upside down. When Lamentations describes it, we cannot determine from the text alone whether we are reading reportage or the deployment of the canonical image of ultimate desolation. Both are entirely possible; famine cannibalism in extended sieges is historically attested. But the fact that the image was already in the curse list before the siege means that its appearance in the lament cannot function as independent confirmation of the curse.

This is the central methodological trap of the entire subject, and it recurs at every stage: the sources that report the fulfillment are the same sources that transmit the curse, and they report in the curse's own vocabulary.

6.3 The penitential prayers

By the Persian period the curse framework has become the standard grammar of national self-understanding. Daniel 9:11 states that the curse and the sworn oath written in the Torah of Moses have been poured out on Israel. Nehemiah 9 rehearses the entire national history as a cycle of divine faithfulness and Israelite failure. Ezra 9 and Baruch 1–3 do the same. Rodney Werline, Mark Boda, and Daniel Falk, in the multi-volume Seeking the Favor of God (SBL Press), have traced this penitential-prayer tradition as a distinct genre with its own conventions, drawing especially on Deuteronomy 4 and 30, 1 Kings 8, and Leviticus 26.

Two things should be noted about these prayers. First, they are confessions in the first person plural. The speakers include themselves among the sinners; the framework is a form of moral self-accounting, not an accusation against anyone else. Second, in every case the confession is instrumental — it is offered because Leviticus 26:40–42 promises that confession triggers divine remembrance. The curse tradition is being used as a resource for hope, not as a verdict.

7. Second Temple extension: Qumran, Jubilees, Josephus

7.1 The Qumran covenanters

The Community Rule (1QS 1:16–3:12) preserves a covenant ceremony in which priests recite God's righteous acts and Levites recite the iniquities of Israel, after which those entering the covenant confess their own sins and those of their ancestors — a direct enactment of the Leviticus 26:40 pattern. Priests bless the men of God's lot; Levites curse the men of Belial's lot; the assembly answers "Amen, amen," exactly as in Deuteronomy 27. The lexical parallels extend to the idiom of "passing into" the covenant, which occurs in the Hebrew Bible only at Deuteronomy 29:11 and in the Scrolls only in descriptions of this ceremony.

The Damascus Document (CD) opens by reading the sect's own origins out of the period of divine wrath, and 4QMMT closes with an appeal to the blessings and curses that have come in their generations. Daniel Falk has observed that the Qumran covenant ceremony is a genre-bender: it has the form of penitential prayer but lacks the petition for forgiveness, which turns it from a ritual of transformation into a ceremony of confirmation. The community is not asking to be restored; it is asserting that it alone is already inside the covenant, and that the curses fall on everyone else.

This is the first appearance of a move that will matter enormously later: the curse redirected outward, from "us" to "them."

7.2 Josephus and 70 CE

The most consequential fulfillment claim in the history of this material occurs in Josephus, Jewish War 6.199–219 — the story of Mary of Bethezuba, a wealthy woman from across the Jordan trapped in besieged Jerusalem, stripped of her property by the rebel factions, who kills, roasts, and eats her infant son. Josephus presents the episode as the nadir of the siege and as evidence of the moral catastrophe he attributes to the revolutionaries.

Two observations are necessary. First, Josephus was a priestly aristocrat writing for a Roman audience with a Flavian patron, whose entire historiographical project was to demonstrate that the war was the fault of a fanatical minority rather than the Jewish people or their God, and that God had gone over to the Romans. His theodicy is not neutral testimony. Second, Josephus wrote in Greek, knew the Septuagint, and constructed the episode in language saturated with Deuteronomy 28:53–57 and Lamentations. Recent work — notably Mira Pareles in Religion Compass (2023) and the Springer study of the episode's afterlife — reads the passage as a deliberate literary culmination of the biblical curse tradition rather than as a simple report.

The subsequent career of the story is a case study in how a reception becomes a weapon. Pseudo-Hegesippus' fourth-century Latin adaptation, the Glossa ordinaria, Hugh of St. Victor, and Nicholas of Lyra all take up Mary of Bethezuba, and in Christian hands she becomes the emblem of Jewish guilt and its just punishment. The same figure appears in Talmudic and midrashic tradition — Gittin 57b and Lamentations Rabbah — but there she is an object of grief, not of accusation. The identical narrative, read from inside and from outside the community, produces lament in one case and indictment in the other.

8. Rabbinic reception: mipnei ḥata'einu and the whispered reading

Rabbinic Judaism inherited the curse framework and did three things with it that are essential to understanding both its resilience and its later abuse.

8.1 The formula

The liturgical and homiletical formula mipnei ḥata'einu — "because of our sins we were exiled from our land" — became the standard Jewish explanation of national catastrophe, embedded in the Musaf service of festivals. Its grammar is decisive: first person plural, spoken by the sufferers about themselves. It is a confession, and confessions are not transferable. A statement that functions as penitence in the mouth of the afflicted becomes something entirely different in the mouth of the afflicter.

The Talmud specifies the sins: the first Temple fell for idolatry, sexual immorality, and bloodshed; the second, in the famous formulation of b. Yoma 9b, fell for sinat ḥinam — baseless hatred among Jews. That second diagnosis is worth pausing on, because it is not really a claim about divine mechanics at all. It is a claim about internal social collapse, and it functions as a moral instruction to the community that survived.

8.2 The liturgical whisper

The Mishnah and Talmud regulate how the tokhecha is read publicly. Both curse recitals are read in a single unbroken aliyah rather than divided between two readers (b. Megillah 31b), and Tractate Soferim 12 preserves the rationale that it is unfitting for God's children to be cursed while God is being blessed. A widespread later custom has the reader lower his voice to a stage whisper — audible, since the obligation of public reading must be met, but muted. Ezra is credited with ordaining that the Leviticus curses be read before Shavuot and the Deuteronomy curses before Rosh Hashanah, so that the year and its curses should end together.

The custom is a remarkable piece of practical theology. The community does not delete the text, soften it, or explain it away. It reads it, in full, and lowers its voice.

8.3 Nahmanides and the two destructions

Nahmanides (Ramban, 1194–1270) offered the most influential medieval Jewish periodization of the two recitals: Leviticus 26 refers to the destruction of the First Temple and the Babylonian exile, which had a term set to it by Jeremiah's seventy years; Deuteronomy 28 refers to the destruction of the Second Temple and the exile that followed, which was given no term at all. Rabbi Joseph B. Soloveitchik developed this reading in the twentieth century. The observation is exegetically acute — it explains why Leviticus 26 ends in restoration and Deuteronomy 28 does not — and it is also, unmistakably, an interpretation produced from inside a very long exile.

It should be noted that the rabbinic tradition also contains vigorous internal resistance to the punishment framework. The book of Job is canonical. The Talmud preserves the discussion of "suffering of love"

alongside its opposite, and preserves Moses' protest at the vision of Akiva's martyrdom — "this is Torah and this is its reward?" — with the answer that the questioner should be silent, which is not an explanation but a refusal to give one. Judaism has never been univocal on this subject.

9. The Christian turn: from "our sins" to "your sins"

The most historically consequential thing that ever happened to the covenant curses was the transfer of the confession out of the mouth of the community that made it.

From the second century onward, the adversus Judaeos literature — Justin Martyr's Dialogue with Trypho, Melito of Sardis' Peri Pascha, Tertullian's Adversus Iudaeos, Origen, Eusebius' Demonstratio Evangelica, and above all John Chrysostom's eight homilies delivered at Antioch in 386–387 — developed a systematic reading in which the destruction of the Temple and the ensuing Jewish dispersion constituted the visible, empirical proof of divine rejection. Chrysostom argued that the loss of Temple and altar had permanently invalidated Jewish worship, and interpreted Jewish political subjugation as divine punishment demonstrating Christianity's truth. The Deuteronomic curse became, in this literature, the evidentiary backbone of supersessionism: Jewish suffering was not merely permitted by God, it was God's own public argument.

Augustine's "witness people" doctrine complicated this in a way that was, in the short term, protective and, in the long term, corrosive. Jews were to be preserved rather than destroyed, precisely so that their dispersed and degraded condition would testify to Christian truth — the argument Jeremy Cohen analyzed at length in Living Letters of the Law (University of California Press, 1999) and developed further in The Salvation of Israel (Cornell, 2022). Preservation was granted on condition of visible misery. The theology thus had a built-in interest in Jewish suffering continuing.

David Nirenberg's Anti-Judaism: The Western Tradition (Norton, 2013) traces how this interpretive habit became structural to Western thought far beyond theology proper. Paula Fredriksen (Augustine and the Jews, Yale, 2010) has reconstructed the internal Christian logic with unusual care. Amy-Jill Levine has documented how deeply the curse-fulfillment reading persists in contemporary preaching, often among people entirely unaware of its lineage.

The practical results are a matter of documented record: the Crusade massacres of 1096, the expulsions from England in 1290, France repeatedly across the fourteenth century, and Spain in 1492, the Iberian pogroms of 1391, the blood libels, the ghettos, and the systematic legal disabilities of European Jewry. In case after case, the theological justification offered at the time invoked the curse framework. The claim being made here is historical, not rhetorical: the interpretation had consequences, and the consequences were then read back as further evidence for the interpretation. The circularity is complete and self-reinforcing, which is precisely what makes it worthless as history and dangerous as theology.

10. The Shoah and the collapse of the curse hermeneutic

The Holocaust broke the punishment framework for the overwhelming majority of Jewish thinkers, and the manner of the break is itself theologically significant.

10.1 The minority punishment readings

A minority of Haredi thinkers retained the mipnei ḥata'einu framework and specified the sin. Rabbi Elchonon Wasserman, who was murdered in Kovno in 1941, attributed European Jewry's catastrophe to secularism and to the abandonment of Torah. Rabbi Yoel Teitelbaum, the Satmar Rebbe, argued at length in Vayoel Moshe (1959–1961) that Zionism constituted a violation of the Three Oaths of b. Ketubot 111a and thus a heresy of the gravest order, and that the Holocaust was the measure-for-measure consequence. Rav Tamir Granot's analysis at Yeshivat Har Etzion sets out the internal logic clearly: history is understood as moving on a fixed track of reward and punishment, and the punishment for denying God's control over history is a history in which God does not intervene.

These positions have been subjected to searching criticism from within Orthodoxy as well as outside it. Menachem Keren-Kratz's biography of Teitelbaum (HaKanai, Zalman Shazar Center) provides the first extensive non-Haredi scholarly treatment. The exchange between Shaul Magid, who urged serious engagement with Teitelbaum's thought, and James Diamond and Menachem Kellner, who responded critically, is a useful entry point to the contemporary debate. The most common objection is not that the framework is unfamiliar but that its application here is monstrous: it identifies the murdered as the guilty party and the murderers as instruments of divine justice.

10.2 The rejection

The dominant response was rejection, and it came from every quarter, including the most traditional. Eliezer Berkovits, in Faith After the Holocaust (1973), explicitly demolished the inherited theology of mipnei ḥata'einu. His argument was not sentimental. He distinguished two kinds of hester panim, the hiding of the divine face: the first, in the biblical texts, is judgment, and it comes accompanied by explicit prophetic indictment; the second is silence in the face of the cry of the innocent, and it has none of the marks of judgment. Berkovits observed that the biblical punishment pattern is always announced, always specified, and always addressed to the guilty — and that none of these conditions obtained in Europe. He relocated responsibility to human freedom, which God restricts himself in order to preserve, and to Christian civilization.

Emil Fackenheim rejected traditional theodicy entirely, treating the Holocaust as a rupture that cannot be repaired theologically, and formulated the "614th commandment" — that Jews are forbidden to grant Hitler posthumous victories. Irving Greenberg proposed the criterion that no statement, theological or otherwise, should be made that could not be made in the presence of burning children, and argued that the covenant itself was shattered and has since been voluntarily reassumed. Richard Rubenstein concluded that the God of history could no longer be affirmed. Zachary Braiterman's (God) After Auschwitz

(Princeton, 1998) introduced the useful category of "antitheodicy" to describe the shared refusal, across otherwise incompatible thinkers, to justify the suffering.

10.3 Why the rejection is exegetical, not merely moral

It is worth stating explicitly that Berkovits' rejection is grounded in the structure of the biblical texts themselves, not only in moral revulsion. The covenant curse in both Leviticus 26 and Deuteronomy 28 is a conditional sanction within a covenant relationship, announced in advance, tied to specified transgressions, mediated through prophets who name the sin, addressed to a whole community as a corporate body, and — crucially — ordered toward repentance and restoration. Strip away those features and what remains is not the biblical curse but arbitrary destruction wearing its vocabulary. The texts themselves supply the criteria by which the misapplication can be identified.

11. Methodological assessment: can a curse be "enacted in history"?

We can now state the historiographical verdict with some precision. The question "were the curses of Deuteronomy 28 enacted in history?" cannot be answered affirmatively by any historical method, for six converging reasons.

11.1 The genre problem

The curses catalogue the ordinary consequences of conquest in the ancient Near East, drawn from a shared imprecatory stock. Any conquered ancient people would match most of the list. A description that fits every member of a class cannot be evidence about one member of it.

11.2 The dating problem

Substantial portions of the material were composed or edited during or after the events they describe. Where prediction and outcome are not independent, correspondence is not evidence.

11.3 The source problem

The reports of fulfillment come from writers who knew the curses, wrote in their vocabulary, and had explicit theological reasons to frame events as fulfillment — the Deuteronomistic Historian, Lamentations, Josephus, and every later interpreter. This is not independent attestation; it is the same tradition speaking twice.

11.4 The falsifiability problem

There is no conceivable historical outcome that the framework would count as disconfirmation. Prosperity is divine mercy or a test; catastrophe is judgment; survival is the preserved remnant; extinction would be the completed curse. A hypothesis compatible with every outcome makes no claim about the world.

11.5 The selection problem

The framework is applied asymmetrically. Jewish history contains the Golden Age of al-Andalus, the flourishing of Babylonian Talmudic academies, the Amsterdam and Polish communities at their height, and modern American and Israeli Jewish life. Catastrophes are counted as fulfillments; flourishings are not counted as disconfirmations. Nor is the framework applied to the comparably brutal histories of the Armenians, the Roma, the Circassians, or the peoples of the Belgian Congo, whose sufferings were of the same order and who have no such text.

11.6 The moral problem

The framework assigns causal responsibility for atrocity to its victims. Even bracketing every methodological objection above, this consideration is independently sufficient. It is also, as Berkovits showed, in tension with the texts' own logic.

11.7 What can be said historically

A great deal, in fact, and it is more interesting than the fulfillment claim. The following statements are defensible history:

- Small Levantine states in the Iron Age were repeatedly besieged, deported, and destroyed by Assyria and Babylon, and both Israel and Judah were destroyed in this way, in 722 and 586 BCE respectively.
- Judahite and exilic writers responded to these catastrophes by interpreting them within a covenantal-moral framework rather than as the simple defeat of a weaker deity — an intellectually radical move, since the ordinary ancient response to defeat was to conclude that one's god had lost or had abandoned the city.
- That interpretive framework was constructed largely out of borrowed imperial language, which was subverted in the process: the Great King's loyalty oath became a covenant with God, and the vassal's obligation became a moral one.
- The framework proved extraordinarily durable and adaptive, supplying a usable interpretation of 70 CE, 135 CE, 1492, and 1648 — and, in so doing, contributed materially to Jewish survival by making catastrophe intelligible and impermanent rather than final.
- The same framework, once transferred to hostile outsiders, became one of the most destructive ideas in Western history, and its documented use to justify persecution is a matter of historical record independent of any theological assessment.
- The framework was, for the great majority of Jewish thinkers, abandoned as an explanation after 1945 — a rupture with two and a half millennia of interpretive tradition that is itself among the most significant events in Jewish intellectual history.

12. Conclusions

The covenant curses of Leviticus 26 and Deuteronomy 28 are among the most influential texts ever written, and their influence has run in two opposite directions from a single source.

Read philologically, they are members of a well-attested ancient Near Eastern genre, drawing on the same imprecatory stock as Esarhaddon's Succession Treaty and the Sefire inscriptions, composed and expanded across the seventh through fifth centuries BCE, and reaching their present form under the pressure of the Assyrian and Babylonian catastrophes. The apparent precision of their "predictions" is a function of genre, of dating, and of the fact that the writers who report the fulfillments are working in the curses' own vocabulary.

Read as reception history, they are the master template of Jewish and Christian interpretation of catastrophe for two and a half millennia — invoked by the Deuteronomistic Historian for 722, by Lamentations and Daniel for 586, by the Qumran covenanters for their own sectarian situation, by Josephus for 70 CE, by the rabbis for the long exile, by Nahmanides for the difference between the two destructions, by the Church Fathers as the proof of supersession, and by a minority of twentieth-century thinkers for the Shoah.

Read as history, the fulfillment claim fails on every available test. It is unfalsifiable, circularly sourced, applied selectively, and generically underdetermined. Its record of consequences is catastrophic.

What survives the critique, and deserves to, is the thing the curse texts were actually doing. A people whose state had been destroyed and whose population had been deported took the language their conquerors used to terrify them, and wrote with it a document asserting that history is morally intelligible, that the community bears responsibility for its own conduct, that defeat is not the end of a relationship, and that return is possible. Leviticus 26 ends with the remembrance of the covenant; Deuteronomy 30 ends with the gathering from the ends of the heavens. The curse recitals were never the last word in their own literary context, and the interpreters who made them the last word about other people were reading against the grain of the text as much as against the grain of decency.

Appendix A — Comparative table of curse motifs

The table below sets the principal motifs of the two recitals alongside their nearest ancient Near Eastern comparanda. Line references for Esarhaddon's Succession Treaty follow the standard numbering; section numbers follow Wiseman's edition as commonly cited in the secondary literature.

Curse motif	Leviticus 26 (H)	Deuteronomy 28 (D)	Ancient Near Eastern parallel
Sky/earth reversed; drought	v. 19 — sky like iron, earth like bronze	vv. 23–24 — sky bronze, earth iron; dust for rain	EST §63 (ll. 528–533); the metals are swapped, which is itself a text-critical datum
Disease and wasting	v. 16 — consumption and fever	vv. 21–22, 27–28, 35 — pestilence, boils, madness, blindness	EST §§38–42, invoking Sin, Shamash, Ninurta, Venus in sequence
Defeat and flight	vv. 17, 36–37 — fleeing when none pursues	v. 25 — routed seven ways	Sefire I A 25–30; standard Neo-Assyrian defeat imagery
Corpses unburied	v. 30 (bodies on lifeless idols)	v. 26 — food for birds and beasts	EST §41 (ll. 425–427); Hammurabi epilogue; Sefire
Futility curses (labour without benefit)	vv. 16, 20 — sowing in vain	vv. 30–33, 38–42 — betrothal, house, vineyard, crops all lost	A pan-ANE topos; Hillers 1964 catalogued the type
Cannibalism of children under siege	v. 29	vv. 53–57 (the most elaborated form)	EST §47 (ll. 448–451); also 2 Kgs 6:28–29 as narrative
Exile and scattering	vv. 33–39 — land enjoys its sabbaths	vv. 36–37, 63–68 — scattered among all peoples; return to Egypt	Deportation is Assyrian imperial practice, not merely a literary threat
Sevenfold intensification	vv. 18, 21, 24, 28 — five graded cycles	Absent; D escalates by accumulation rather than by cycles	Numerical patterning of sevens is characteristic of EST scribal art
Conditional restoration	vv. 40–45 — confession, remembrance of covenant	Deferred to Deut 30:1–10	Rare in ANE treaty curses; a distinctive Israelite theological move

Two observations arise directly from the table. First, the metals in the drought curse are arranged differently in each of the three witnesses, which is the fingerprint of a floating formula rather than of copying. Second, the sevenfold graded structure and the conditional restoration are the two features with no good ANE parallel, and they are precisely the two features that carry the distinctive theological content — that punishment is calibrated and pedagogical, and that the relationship is not terminated by its breach.

Appendix B — Selected text-critical notes

Deuteronomy 27:4. MT and LXX: Mount Ebal. Samaritan Pentateuch, Vetus Latina, and Coptic witnesses to the Old Greek: Mount Gerizim. 4QDeut-f (4Q33) frgs. 32–35 covers the passage but is lacunose at the decisive word. The distribution of the Gerizim reading outside Samaritan channels means it cannot be dismissed as sectarian alteration without argument; see David Carr, The Formation of the Hebrew Bible (Oxford, 2011), and Emanuel Tov, Textual Criticism of the Hebrew Bible, 3rd ed. (Fortress, 2012).

Deuteronomy 28:23–24. The sky-and-earth metals curse. MT: sky bronze, earth iron. Leviticus 26:19 reverses the pairing. EST ll. 528–533 has the analogous curse in its own arrangement. The Toronto study

argues that Deuteronomy here preserves an earlier form of the tradition than EST does, which is a significant constraint on any theory of direct borrowing from EST to Deuteronomy.

Deuteronomy 28:27. The "boils of Egypt" and the following skin afflictions use rare Hebrew terms of uncertain reference. The Septuagint's Greek equivalents fixed specific medical identifications that were then inherited by the entire Christian exegetical tradition. Any argument that a particular historical epidemic fulfilled this verse is arguing from the Greek, not the Hebrew.

Deuteronomy 28:30. The Masoretic consonantal text (ketiv) preserves a coarse verb of sexual violation; the Masoretes direct a milder verb to be read (qere), and the Samaritan Pentateuch writes the milder verb into the text. Modern English versions, including LSB and NIV, follow the euphemized reading. The underlying consonantal text is considerably harsher than any modern translation conveys.

Deuteronomy 28:53–57 and Leviticus 26:29. The siege-cannibalism curse. Parallel imprecation at EST ll. 448–451; narrative parallels at 2 Kings 6:28–29, Jeremiah 19:9, Ezekiel 5:10, Lamentations 2:20 and 4:10; and the Josephus episode at Jewish War 6.199–219. The density of the intertextual network means no single occurrence can be treated as independent evidence for any other.

Qumran witnesses. 4QDeut-c preserves material from chapter 3 through chapter 32 and appears to be a complete scroll. 4QDeut-j, 4QDeut-k1, and 4QDeut-n are excerpted texts assembled for liturgical or devotional use, showing that Deuteronomic passages circulated in selected form. See Sidnie White Crawford, The Text of the Pentateuch: Textual Criticism and the Dead Sea Scrolls (BZAW 493; De Gruyter, 2022).

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