



Type: Book Chapter

---

## Oaths and Oath Taking in the Old Testament

Author(s): Stephen D. Ricks

Source: *The Temple in Time and Eternity*

Editor(s): Donald W. Parry and Stephen D. Ricks

Published: Provo, UT: Foundation for Ancient Research and Mormon  
Studies, Brigham Young University, 1999

Page(s): 43–53

---



The Foundation for Ancient Research and Mormon Studies (FARMS) existed as a California non-profit corporation from 1979 until about 2006, when it was allowed to go into involuntary liquidation, at which time copyrights held by FARMS and its authors and/or editors reverted or may have reverted back to their original author and/or editors. This chapter is archived by permission of editors Donald W. Parry and Stephen D. Ricks.

---

CHAPTER 2

---

## OATHS AND OATH TAKING IN THE OLD TESTAMENT

*Stephen D. Ricks*

The well-being and security of a community depend on its members speaking the truth in matters of crucial importance. Oaths provide a means of impressing on those party to such a matter their obligation to truthfulness and dependability, while at the same time increasing the oath takers' seriousness and credibility in the eyes of others. Oaths and oath taking are well documented among the peoples of the world throughout history and are abundantly attested in the Old Testament. This essay will consider the structure and significance of oaths in the Old Testament.

In his treatise *On Christian Doctrine*, John Milton describes the oath as "that whereby we call God to witness the truth of what we say, with a curse upon ourselves . . . should it prove false."<sup>1</sup> This succinct definition suggests the three major elements of the oath in the Old Testament: (1) the *oath statement*, in which the swearer asserts that he has or has not done something or in which he promises that he will or will not do something,<sup>2</sup> (2) the *witness invocation*, in which God or some other person, being, or object is

called on to witness the words of the oath and, by implication, to act as an accuser if the oath is not fulfilled,<sup>3</sup> and (3) the *curse formula*, which is either explicitly stated or implied by some bodily gesture.

### The Oath Statement

A look at oaths recorded in *direct speech* (usually, though not exclusively, in the first person) and in *first-person narrative* passages<sup>4</sup> reveals that only the oath statement is an indispensable element of the oath. Further analysis discloses that the oath statement will invariably be accompanied either by a witness invocation or a curse formula, but rarely by both.<sup>5</sup> This fact suggests that both the witness and the curse formulas are viewed as being potent (perhaps equally so) and that either, of itself, is deemed sufficiently powerful to validate the oath. This viewpoint stands in contrast to the widely held opinion that the words of the curse are imbued with supernatural power and are frequently omitted in superstitious recognition of their independent power of self-fulfillment: "*The curse was automatic or self-fulfilling, having the nature of a 'spell,' the very words of which were thought to possess reality and the power to effect the desired results.*"<sup>6</sup> If our view is correct, then the curse formula is omitted, not necessarily because of any concern for its power to harm an individual's well-being, but because it represents only one of several possible means of validating an oath, each of which has equal potency. The strength of the oath does not reside in the supernatural power of the words of the curse but in the sovereign response of God, who is viewed as the ultimate witness to and executor of all oaths.<sup>7</sup>

In addition to oral oaths, bodily gestures not specifically connected with the curse formula (such as raising the

hand) also occasionally accompany oath taking. These constituent elements of oaths will be discussed later.

### The Witness Formulas

Deuteronomic injunctions expressly command that oaths be taken in the name of God (and, by implication, not in the name of other gods): “Thou shalt fear the Lord thy God, and serve him, and shalt swear by his name. Ye shall not go after other gods, of the gods of the people which are round about you” (Deuteronomy 6:13–14; see Deuteronomy 10:20). Indeed, God himself swears by himself or his life<sup>8</sup> (see Genesis 22:16; Exodus 32:13; Numbers 14:21; Jeremiah 22:24; 46:18; Ezekiel 5:11; 14:16, 18, 20; 16:48; 17:19; 18:3; 20:3, 31, 33; 33:11, 27; 34:8; 35:6; Amos 6:8; and Zephaniah 2:9), his great name (see Jeremiah 44:26), or his holiness (see Amos 4:2).

In Jeremiah the Lord protests against a backsliding Israel: “How shall I pardon thee for this? thy children have forsaken me, and sworn by them that are no gods” (Jeremiah 5:7; see Amos 8:14 and Zephaniah 1:5). In a more conciliatory passage, the Lord promises: “And it shall come to pass, if they will diligently learn the ways of my people, to swear by my name, The Lord liveth; as they taught my people to swear by Baal; then shall they be built in the midst of my people” (Jeremiah 12:16). In addition, oath taking in the name of God to no good intent (Hebrew *laššāwʿ*, translated “in vain” in the King James Version of the Bible) is expressly forbidden in the third commandment of the Decalogue.<sup>9</sup> Deceptive swearing is prohibited in the Holiness Code in Leviticus (see Leviticus 19:12).

The most common formula in the witness invocation is “as the Lord liveth,”<sup>10</sup> which is frequently found with slight modifications, extensions, and variations: “As the

Lord liveth, and as thy soul liveth" (1 Samuel 20:3; 25:26; 2 Kings 2:2; 4:30), "as surely as you live" (1 Samuel 1:26; 17:55 NIV).

On a few occasions God is explicitly called to witness, as in Jeremiah 42:5: "Then they [the remnant of Judah at Mizpah] said to Jeremiah, The Lord be a true and faithful witness between us, if we do not even according to all things for the which the Lord thy God shall send thee to us." This phrase is, however, more generally to be found in the context of covenant making, which differs from oath taking in its reciprocal character (i.e., covenants are mutual oaths).<sup>11</sup>

### **The Curse Formulas**

The force of an oath may be strengthened by expressly stating the penalties incurred for failure to perform it. The number of explicitly mentioned curses is relatively limited in the Old Testament.<sup>12</sup> An outstanding example of the oath and curse appearing together is in Job 31, where Job, in defense of his actions, calls down a series of terrible curses upon himself if he has failed to live uprightly: "If I have walked with vanity, or if my foot hath hasted to deceit; Let me be weighed in an even balance. . . . Then let me sow, and let another eat; yea, let my offspring be rooted out" (Job 31:5–8; see Psalms 7:3–5; 137:5–6).

A further example of the explicitly stated curse in an oath is the so-called "ordeal oath" in Numbers 5:20–22.<sup>13</sup> Here the priest charges the woman suspected of unfaithfulness to her husband with "an oath of cursing." The priest is to say to the woman, "The Lord make thee a curse and an oath among thy people, when the Lord doth make thy thigh to rot" (Numbers 5:21), in the event that she has sworn falsely concerning her innocence. The woman's guilt

or innocence is immediately established by her drinking the “water that causeth the curse.” If she is guilty, the water will cause that “her belly shall swell, and her thigh shall rot: and the woman shall be a curse among her people. And if the woman be not defiled, but be clean; then she shall be free, and shall conceive seed” (Numbers 5:27–28).<sup>14</sup>

More frequent than explicit oral curses are curses implied by some bodily gesture. The most common curse of this sort is similar to the one found in Ruth 1:17: “The Lord do so to me, and more also, if ought but death part thee and me” (see 1 Samuel 3:17; 14:44; 20:13; 25:22; 2 Samuel 3:9, 35; 1 Kings 2:23; 19:2; 20:10; 2 Kings 6:31). The Hebrew word *kōh*, translated “so” in the Authorized Version, suggests that some bodily gesture accompanied the statement. In his commentary on the book of Ruth, Edward Campbell observes that the statement in this verse was “presumably accompanied by a symbolic gesture, something like our index finger across the throat.”<sup>15</sup> With this curse may be compared Moses 5:29: “And Satan said unto Cain: Swear unto me by thy throat, and if thou tell it thou shalt die,” although this is in an oath-taking context of a rather more sinister sort.

In the context of covenant making, the symbolic acts implying curses (as well as imprecations that are expressly stated) are widely attested in the Old Testament, the Book of Mormon, and in the ancient Near East. In Genesis 15, the Lord commanded Abraham to take a heifer, a she-goat, a ram, a turtledove, and a pigeon; slaughter them; and lay each of the halves in two rows opposite each other so that there was a space between them. Thereafter there appeared “a smoking furnace, and a burning lamp that passed between those pieces” (Genesis 15:17), whereupon the Lord renewed his covenantal promises to Abraham.

This unusual sacrificial procedure is clarified by an allusion in which the Lord declared to Jeremiah:

And I will give the men that have transgressed by covenant, which have not performed the words of the covenant which they had made before me, when they cut the calf in twain, and passed between the parts thereof, the princes of Judah, and the princes of Jerusalem, the eunuchs, and the priests, and all the people of the land, which passed between the parts of the calf; I will even give them into the hand of their enemies, and into the hand of them that seek their life. (Jeremiah 34:18–20)

Though for a different purpose (affecting atonement and not covenant making), a somewhat similar procedure may be seen in the rites described in Leviticus, where the priests were instructed to “cut it [the sacrificial animal] into his pieces . . . [and] lay them in order on the wood that is on the fire which is upon the altar” (Leviticus 1:12). In the sacrifices mentioned in Leviticus as well as in Genesis, the animal is divided and the pieces set in order. Perhaps the pieces were arranged on the altar in the Levitical rite so that the fire on the altar should represent “the smoking fire and fiery torch” mentioned in Genesis.<sup>16</sup>

A similar use of a symbolic act implying a curse in a covenant setting is seen in Alma 46 where Moroni calls on the people to take up arms against Amalickiah, in response to which they rend “their garments in token, or as a covenant, that they would not forsake the Lord their God; or in other words, if they should transgress the commandments of God . . . the Lord should rend them even as they had rent their garments” (Alma 46:21; see Alma 44:12–15; 46:22–23; 3 Nephi 4:28–32).

The notion of covenant making among the peoples of the ancient Near East between God and man seems unique

to the Israelites; nevertheless, symbolic curses similar to those recorded concerning the Israelites may be seen in ancient Near Eastern suzerain and vassal treaties. A characteristic example of these symbolic curses is found in the treaty between Ashurnirari V of Assyria and Mati'ilu of Arpad, in which the suzerain Ashurnirari directs that "if Mati'ilu sins against (this) treaty made under oath by the gods, then, . . . so may, just as the head of this spring lamb is torn off, . . . the head of Mati'ilu be torn off."<sup>17</sup>

Examples of this sort could be multiplied.<sup>18</sup> One of particular relevance to the passage in Ruth is the cutting of a sheep's throat in a treaty made between Abban and Iarimlim,<sup>19</sup> particularly in light of Edward Campbell's observation that "deep behind this [symbolic gesture implied by the Hebrew word *kōh*, "so, thus," in Ruth 1:17] lay, in all probability, a ritual act involving the slaughter of animals, to whom the one swearing the oath equated himself."<sup>20</sup>

### Other Symbolic Acts Accompanying Oath Taking

The raising of the hand or hands, a symbolic act not specifically associated with the curse formula, also occasionally accompanies oath taking, though not with the regularity of the witness and curse elements. It is recorded as a concomitant of swearing in Genesis 14 where Abram tells the king of Sodom, "I have lift up mine hand unto the Lord, the most high God, the possessor of heaven and earth" (Genesis 14:22). In Exodus 6:8 the Hebrew *nāśāʾtî ʾet-yādî* (literally, "I raised my hand") is rendered "I did swear," where the Lord recounts to Moses his promises made to the patriarchs: "And I will bring you in unto the land, concerning the which I did swear to give it to Abraham, to Isaac, and to Jacob" (Exodus 6:8). In Daniel 12:7 the angel of the Lord raises both hands while swearing, perhaps as a means



of stressing the importance of the prophecy he utters. In other instances not associated with oath taking, a single hand is raised as a token of blessing (see Leviticus 9:22) or both hands are raised in praise and supplication (see Psalms 28:2; 63:4; 134:2; 143:6).<sup>21</sup>

### **The Order of Elements in the Oath**

The order of the constituent elements in Old Testament oaths displays a considerable degree of consistency. The witness formula generally precedes the oath statement, as in Saul's pledge to Jonathan concerning David's life: "As the Lord liveth, he shall not be slain" (1 Samuel 19:6). On the other hand, explicitly stated curses, when they appear, follow the oath statement: "If I have rewarded evil unto him that was at peace with me . . . let the enemy persecute my soul, and take it; yea, let him tread down my life upon the earth, and lay mine honour in the dust" (Psalm 7:4–5). Curses suggested by some gesture may precede the oath, however: "So do God to me, and more also, if I taste bread, or ought else, till the sun be down" (2 Samuel 3:35; Hebrew *kōh*, here translated "so," implies, as we have noted above, some concomitant ritual gesture). The type of oath statement involved, whether assertory or promissory, seems to have no influence on the order of elements in the oath.

### **Conclusion**

Over the lengthy period of Old Testament history during which it is attested, oath taking remained remarkably consistent in its shape and meaning and in the formulas of which it was composed. The oath (as well as the covenant) remained an important institution among the peoples of the Old Testament. Studying this and other traditions and

institutions of ancient Israel has significance in providing deepened insights into latter-day Israel.

## Notes

1. John Milton, *Christian Doctrine* (n.p.: n.d.), 579, cited in Enoch Lewis, *A Dissertation on Oaths* (Philadelphia: Hunt, 1835), 4.

2. For the distinction between oaths of an assertory and of a promissory nature, common in Anglo-Saxon and European legal theory, see Henry C. Black, *Black's Law Dictionary*, 4th ed., rev. (St. Paul, Minn.: West Publishing, 1968), 1220–21. Such a distinction has also been applied to oaths among the peoples of the Near East; see Johannes Pedersen, *Der Eid bei den Semiten* (Straßburg: Trübner, 1914), 179–89; see also Gene M. Tucker, “Covenant Forms and Contract Forms,” *Vetus Testamentum*, 15 (1965): 491; John A. Wilson, “The Oath in Ancient Egypt,” *Journal of Near Eastern Studies* 7 (July 1948): 129–56. Assertory oaths occur much less frequently in the Old Testament than do promissory oaths. Examples of assertory oaths are found in 1 Samuel 1:26; 17:55; 20:3; 1 Kings 17:12; 18:10; and Ezekiel 33:11.

3. The witness formula may also be viewed as an invocation of God or some other person to act as a compurgator—that is, a character witness who vouches for the good reputation or upright character of the individual making the oath.

4. Direct speech includes passages that contain quoted speech, such as 1 Samuel 25:32, 34: “And David said to Abigail, . . . For in very deed, as the Lord God of Israel liveth.” First-person narrative passages are written in the first person but are, however, not in quoted speech, such as Psalm 137:5–6: “If I forget thee, O Jerusalem, let my right hand forget her cunning. If I do not remember thee, let my tongue cleave to the roof of my mouth; if I prefer not Jerusalem above my chief joy.”

5. “As the Lord liveth, if ye had saved them alive, I would not slay you” (Judges 8:19) may be understood as having all

three major constituent elements of the oath if the apodosis (“I would not slay you”) is construed as the curse formula.

6. Sheldon H. Blank, “The Curse, Blasphemy, the Spell, and the Oath,” *Hebrew Union College Annual* 23/1 (1950–51): 78 .

7. See Anthony C. Thiselton, “The Supposed Power of Words in the Biblical Writings,” *Journal of Theological Studies*, n.s. 25 (October 1974): 283–99.

8. For a discussion of this matter, see Hugh W. Nibley, *An Approach to the Book of Mormon* (Salt Lake City: Deseret Book and FARMS, 1988), 129.

9. Herbert C. Brichto suggests that this commandment is directed specifically against “conditional curses” made with frivolous or vain intent of the type: “If A has taken my such-and-such may YHWH do this-and-that to him.” *The Problem of “Curse” in the Hebrew Bible* (Philadelphia: Society of Biblical Literature, 1968), 63; in such an instance the individual swearing is fully aware that A has done nothing of the sort. At all events, the original intent of this commandment was almost certainly not as a prohibition against profane or vulgar language, as it is now frequently interpreted.

10. See Judges 8:19; Ruth 3:13; 1 Samuel 14:39, 45; 19:6; 20:21; 25:34; 26:10, 16; 28:10; 29:6; 2 Samuel 2:27; 4:9; 12:5; 14:11; 1 Kings 1:29; 2:24; 17:1, 12; 18:10, 15; 2 Kings 3:14; 5:16, 20; 2 Chronicles 18:13; Jeremiah 38:16. In Genesis 42:15 the witness formula “by the life of Pharaoh” is recorded in the narrative of Joseph in Egypt (on the Egyptian background of and parallels to this statement, see J. Vergote, *Joseph en Égypte* [Louvain: Publications Universitaires, 1959], 162–67).

11. The relationship between treaty and covenant is deep and intimate. As Tucker, in “Covenant Forms and Contract Forms,” 494–95, shows, a considerable correspondence exists between the biblical oath and covenant: both may contain stipulations (oath statements), witnesses, and curses. However, the formal covenant also regularly contains other elements, such as the preamble and historical prologue, that are not found in the oath in the Old Testament. For a thoroughgoing study of the biblical covenant,

see Dennis J. McCarthy, *Treaty and Covenant* (Rome: Biblical Institute Press, 1978).

12. The reason for this relatively limited number of explicitly stated curses is probably that cursing is only one of several means of validating the oath. It is not due to a supposition that a curse, once pronounced, has a supernatural power of self-fulfillment.

13. For an excellent brief introduction to the biblical ordeal, see T. S. Frymer, "Judicial Ordeal," in *The Interpreter's Dictionary of the Bible*, ed. Keith Crim, supp. vol. (Nashville: Abingdon, 1976), 638–40.

14. See *ibid.*, 639.

15. Edward F. Campbell Jr., *Ruth: A New Translation with Introduction, Notes, and Commentary* (Garden City, N.Y.: Doubleday, 1980), 74.

16. I owe this perceptive suggestion to Terrence L. Szink.

17. "Treaty between Ashurnirari V of Assyria and Mati'ilu of Arpad," in *Ancient Near Eastern Texts relating to the Old Testament*, ed. James B. Pritchard, 3rd ed. (Princeton: Princeton University Press, 1969), 532.

18. "Just as (these) yearlings and spring lambs, male and female, are cut open and their entrails are rolled around their feet, so may the entrails of your sons and daughters be rolled around your feet," "The Vassal-Treaties of Esarhaddon," in Pritchard, ed., *Ancient Near Eastern Texts*, 539.

19. See Donald J. Wiseman, "Abban and Alalah," *Journal of Cuneiform Studies* 12/4 (1958): 129.

20. Campbell, *Ruth*, 74.

21. See John A. Tvedtnes, "Temple Prayer in Ancient Times," pages 79–98, in this volume.