

BIBLICAL STUDIES
AND THE
FAILURE OF HISTORY

CHANGING PERSPECTIVES 3

NIELS PETER LEMCHE

BIBLICAL STUDIES AND THE FAILURE OF HISTORY

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Changing Perspectives 3

Niels Peter Lemche

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- Chapter 20: Chronology and Archives: When Does the History of Israel and Judah Begin?, in D. M. Gunn and P. McNutt (eds) *Imagining Biblical Worlds: Spatial, Social, and Historical Constructs. Essays in Honor of James W. Flanagan*. *Journal for the Study of the Old Testament Supplement Series* 359 (Sheffield: Sheffield Academic Press, 2002), 264–76.
- Chapter 21: 'Because They Have Cast Away the Law of the Lord of Hosts', Or 'We and the Rest of The World': The Authors Who 'Wrote' the Old Testament, *SJOT* 17 (2003), 268–90.

Introduction

John Van Seters

The author of the collection of essays in this third volume of the Changing Perspectives series is widely known as the founder of the ‘Copenhagen School,’ a term that has become synonymous with rather radical and ‘minimalist’ views to many in biblical scholarship, especially in North America, and often without any clear idea about Lemche’s contributions to scholarship. Niels Peter Lemche conducted his theological studies and graduate research at the University of Copenhagen during the period of 1964 to 1978, and from there he had his first teaching appointment at the University of Aarhus, during 1978 to 1986. It was there that he published his very important doctoral thesis, *Early Israel: Anthropological and Historical Studies on the Israelite Society before the Monarchy* (in Danish, 1984, and English, 1985), and shortly thereafter became Professor of Theology at the University of Copenhagen (1987), where he has remained even since. It was primarily through this work, *Early Israel*, with its strong emphasis on anthropological and sociological approaches to Israelite history, that he became known to the English-speaking world of scholarship.

I wish to call special attention to this period of the mid-1980s because in the chapters that follow in this collection, this time period constitutes a significant divide between the first six, which would appear to most scholars as rather conservative in method and conclusions, and the rest, which reflect the various themes for which he is now famous. In this way this division reflects Lemche’s own ‘change in perspective’ and the fact that during this early period in his career he was fully conversant with all of the biblical scholarship that was associated with the pre-monarchical origins of ‘early Israel’ and the possibility of Late Bronze Age traditions being reflected in biblical texts. The fact is that because of the prevailing trend in biblical scholarship during the 1960s and 1970s, it was expected that one have expertise in Akkadian and Ugaritic, in addition to the biblical languages, as well as a command of the history and civilization of the Near East back to the third millennium, and this is reflected very well in these opening articles, in which he is a master of this material. It is to this first group of articles that we will now turn.

Chapters 1 to 3 have to do with the antiquity of the Covenant Code in relationship to the parallel laws in Deuteronomy and the Holiness Code, and specifically with the law of the Hebrew Slave and related laws and edicts regarding

manumission. In these chapters, Lemche was governed by the widely accepted view that the Covenant Code was a product of the second millennium BCE, produced under strong Babylonian influence and mediated by Canaanite scribes to the Hebrews during the early monarchy period. As such, it was prior to the parallel versions of similar laws in Deuteronomy by several centuries. In support of this early dating of the law of the Hebrew Slave (Chapter 1), Lemche examines two terms in the law that have a rather distinctive social meaning within their second millennium setting. The first one is the designation ‘Hebrew’ (*ivri*), which is equated with *ḥabiru*, a term that was widely used during this period in a wide variety of contexts over a broad area, including that of a domestic servant. Within this social context, Lemche understands the term to mean an outlaw or refugee who sells himself into service for a limited period of time, and therefore it was not originally an ethnic term. It was only much later that it was reinterpreted in the Deuteronomic law to be the equivalent of an Israelite. The second term Lemche investigates is *h[ops]i*, to be ‘free’. He associates this term with the Akkadian term *ḥupšu*, as found in the Amarna letters with the meaning ‘a dependent on a city state or on a citizen of the same’. For Lemche, this makes the sociological interpretation of this law in Exodus 21:2-6 entirely distinct from its reinterpretation in Deuteronomy 15:12-17, where these terms are seen to take on a quite different meaning.

In Chapters 4 and 5, Lemche takes up the complex questions of the relationship of the manumission of slaves in the seventh year and the institutions of public cancellation of debts every seven years, since slavery for debt was common, the fallow year for crops as an aid to the poor, and the year of jubilee (*yobel*). In addition, there is the royal declaration of an amnesty from debt (*deror*), which is related to the Neo-Assyrian concept of *andurārum*. With great skill, Lemche attempts to thread his way through all of these issues, and the interrelationship of the various sources to each other. In all of this he is completely engaged with all of the Near Eastern and biblical scholars of the day.

Closely associated with these chapters is “‘Hebrew’ as a National Name for Israel’ (Chapter 6), in which Lemche continues to investigate the broader cultural and sociological setting of the designation ‘Hebrew’ in the Covenant Code as originating in the *ḥabiru* of the second half of the second millennium BCE, and the later use of this terminology in an ethnic and nationalistic sense in the later periods. For this reconstruction, as with the three earlier articles, much depends upon the acceptance of the notion that the casuistic laws of the Covenant Code are the oldest collection of laws in the Pentateuch and stem from a second millennium Canaanite–Akkadian law code. This study should now be compared with his comments on the term ‘Hebrew’ in *The Israelites in History and Tradition* (1998, pp. 57–62), where he presents a revision of his dating of the Covenant Code to the exilic period with a setting in Babylonia. Nevertheless, it is clear from the earlier study included here that the term ‘Hebrew’, whatever its origins, became an etic designation for the inhabitants of the highland regions of Palestine, whereas the term Israelite was an emic ideological self-designation of the people of the region. It is quite likely that this distinction persisted until quite late into the first millennium BCE.

Also belonging to this early group of essays is ‘The Chronology in the Story of the Flood’ (Chapter 5), which regards the chronology of the Flood story as basic to the literary-critical analysis of its sources. The study is based upon the assumption that each of the three chronologies belongs to one of the Pentateuchal sources, J, P and R^p. Lemche recognizes the broadly accepted limits of each source and notes that J uses round numbers, such as seven- or forty-day periods; P uses precise dating based upon Noah’s age; and a third by the redactor R^p, who attempts to reconcile the two. It is an interesting attempt to solve a perennial problem of the classical Documentary Hypothesis – that of the relationship between the two sources, J and P – but is not completely convincing. In subsequent years, Lemche largely abandoned this literary critical approach.

An essay by Lemche on ‘The Greek “Amphictyony”: Could It Be a Prototype for the Israelite Society in the Period of the Judges?’ (Chapter 4) is based upon his former monograph in Danish in 1972 (a Master’s thesis), which was a critical analysis of Martin Noth’s theory of an amphictyonic league of Israelite tribes in the time of the judges. Lemche finds that the Greek parallels used as evidence for such an amphictyony will not support Noth’s historical reconstruction. The evidence from Greece is much too late and of a particularly specialized nature to allow such a parallel in the time of the judges. This critique went much beyond other voices that were being raised against this very popular notion and contributed to its eventual demise. The piece also reflected two other significant developments in Lemche’s work. The one was to give more attention to a critique of prior scholarship on Israelite historiography, especially as it had to do with sociological models; the second was to pay more attention to Greek comparisons than to Mesopotamian ones, as reflected in his earlier articles.

There is a gap of several years between the first six chapters and Chapter 7, ‘Rachel and Leah: On the Survival of Outdated Paradigms in the Study of the Origin of Israel’, which is quite significant, as we indicated at the beginning of this introduction, and for this reason I will give it a little more attention. This article is a study of the impact of scholars from Wellhausen to Alt at the turn of the twentieth century on the subsequent understanding of the Israelite settlement and the formation of the state. Its review of scholarship, together with Lemche’s major work *Early Israel* (1985), represented a kind of paradigm shift for Lemche, reflecting the changing perspectives of that period of time, a shift which he acknowledges in this work. Alongside his description of Wellhausen’s understanding of the development of Israelite religion, corresponding to the literary stratification of the Pentateuch, Lemche speaks of Wellhausen’s ‘rationalistic paraphrase of the Old Testament tradition’ in his treatment of Israelite history, and it is this treatment of history that becomes one of Lemche’s primary concerns. Wellhausen’s approach to the early history was sociological, dealing with simple tribal entities and with little concern for any comparison with larger Near Eastern nations.

Lemche then goes on to show that this focus on the migration of tribes gave rise to two opposing tendencies in the study of Israelite history. The one was to reject the possibility of recovering any history of a national entity before the

time of the monarchy and to focus instead on clues in the tradition regarding the gradual settlement of tribal groups associated with two groups of the sons of Jacob: the Leah tribes and the Rachel tribes. The other tendency among historians was to look in the narratives of the patriarchs and the exodus and conquest traditions for 'historical' clues regarding this early history. The exception was Eduard Meyer's *Die Israeliten und ihre Nachbarstämme*; Meyer was rather critical of both methods as merely the rationalization of biblical traditions, instead of real historical studies.

Lemche carries through his careful analysis of all the significant biblical historians right down to the primary exponents of both tendencies in Martin Noth and John Bright, with Noth as the heir of the German methodology in his treatment of the tribes of Jacob for his early history, and Bright making use of a great mass of studies to support the historicity of early historical events. He concludes by stating that we must accept two 'common-place axioms: (1) Our most important duty is to acknowledge our ignorance, and (2) once we have acknowledged the state of our ignorance we are in a position to acknowledge what we really do know.' This means that for Lemche 'the real task for the historian is to find the *Sitz im Leben* of a systematic thinking of this kind'. Thus, the primary focus of the modern historian should be to understand the narratives about the early history of Israel within the historical context of the biblical writers themselves (i.e. why they write about their origins in the way that they do).

It should be noted that at this point during the mid-1980s when Lemche wrote his *Early Israel* and this historical survey, his primary focus was still on the pre-monarchy period and scholars' treatment of this period using 'rationalistic paraphrase' and had not yet extended this critique to the history of the monarchy and beyond. Thus, in *Ancient Israel* (1988), Lemche was still able to write a chapter of over fifty pages on the period of the monarchy from David and Saul to the exile, although with many an appropriate caution about the bias of the Deuteronomist. In time he would become much more sceptical of such an endeavour.

After another lapse of five years, Lemche's views on the history of Israel had changed significantly, as reflected in: 'The Old Testament: A Hellenistic Book?' (Chapter 8). Rather than accepting an exilic dating for the historical narrative from Genesis to 2 Kings (J + Dtr), as a number of scholars, including myself, had done, Lemche now raised the possibility of a much later date in the Hellenistic period. Instead of starting with conjectures about the earliest traditions reflected in the Pentateuch and reconstructing a tradition-history (*Überlieferungsgeschichte*) to their later historiographic formation, Lemche begins with the manuscript evidence for the Greek Old Testament and the Hebrew Bible as a whole and works back to earlier stages of its major components, such as the Pentateuch and historical books, the collection of Prophets, and the Writings. Lemche tries to establish clear and datable evidence for each step back to an older level in the text before he moves to an earlier stage for its individual components. His conclusion is that except for bits and pieces within the major divisions, the Hebrew Bible is a collection of Hellenistic literary works. In this approach he was strongly influenced by the Heidelberg scholar

Bernd Jørg Diebner, who published his views in a private journal of limited circulation of which he was the editor.

Lemche, in this article, supports his late dating by a critique for the early dating of texts, using a broad range of examples. He also acknowledges that in my earlier studies I had called attention to similarities between Greek and Hebrew historiography, especially in the case of the Yahwist; but he rejects my suggestion that this similarity can be accounted for by regarding the advanced literary culture of the Phoenicians as the source for such literary forms in both the Greeks, with whom they had a long history of contact, and the Israelites, their neighbours. Instead, he prefers to see this similarity as the result of direct contact in the Hellenistic period. Lemche likewise discredits the Persian period as a likely setting for the biblical text because of the small and rather impoverished state of Jerusalem during this period.

In several of the articles that follow Lemche returns to the issue of the Hellenistic dating of the Hebrew Bible, particularly its historical tradition, and the closely related questions of whether it is possible to reconstruct a history of 'Israel' and what sort of history it would be, and the closely related problem of the history of 'Israelite' religion.

This re-evaluation of the political and religious history of Israel was reflected in two essays published in 1994. The first of these was 'Is It Still Possible to Write a History of Ancient Israel?' (Chapter 10). For most histories of Israel of this period, including Lemche's earlier history *Ancient Israel* (1988), the history of Israel proper arises from 'the changes that have occurred at the beginning of this history, that is, before 1000 BCE' (i.e. the rise of David). Now Lemche in this chapter seeks to push this change to include a critical re-evaluation of virtually all of the monarchic period that follows it as well, as a continuation of his criticism in *Early Israel* (1985). Lemche acknowledges that he is building on the work of Gösta Ahlström and Philip Davies, who argued that 'the Israelites' were an ideological construct invented by Old Testament writers. In a monograph on the subject, *The Canaanites and their Land: The Tradition of the Canaanites* (1991), Lemche had suggested that the designation of Canaanites was likewise an ideological construct of whatever was evil and non-'Israelite'.

In this 1994 article he reviews some attempts to deal with the nature of biblical historiography – is it history at all? How much historical information actually survived in the Old Testament? Lemche uses three examples:

1. the city of Pithom mentioned in the story of the exodus (Exod. 1:11), but which did not exist before c. 600 BCE;
2. the possible migration of the Benjaminites into their homeland in the story of Joshua; and
3. the relationship between David and Omri in tradition and history.

According to Lemche:

the first example shows how late information is referred back to earliest times in order to create a picture of the Israelite sojourn in Egypt; the second

example demonstrates ... that older traditions were re-employed to create a story of an Israelite conquest. The third example clearly exposes an author who reshaped two great figures of Israelite history to create a new entity: a Judean empire of David and Solomon [modelled on that of Omri and Ahab], although such a Judean realm may never have existed.

This ancient method of writing history is hardly that of the modern historian, and makes all biblical history suspect.

In the next complementary chapter, 'Is It Still Possible to Speak about an "Israelite Religion"? From the Perspective of an Historian' (Chapter 11), Lemche addresses the problem of a biblical history of religions. He begins this discussion by noting that the revolutionary historical views of Mendenhall and Gottwald were intended to give up the biblical history of the conquest in favour of salvaging the religion of Israel, although in the Old Testament history and religion are inseparable. This biblical religion is presented as the story of the people of God from its beginning. Therefore, to reconstruct the history of Israel by modern standards is also to reconstruct the history of their religion. Lemche then proceeds to give a critical appraisal of this early biblical history (e.g. Noth's presentation of the settlement and the amphictyony). For Lemche, the entire biblical history from the patriarchs to, and including, David and Solomon is all 'fictive'. He spends a lot of time on the history of the Davidic–Solomonic period because so much of biblical religion depends upon it. He concludes from this historical review: 'The biblical and real history form two independent universes. It needs to be understood that the universe created by biblical writers was created entirely on the basis of their situation and time.' Lemche again expresses the view that the universe of biblical historiography is Hellenistic (see Chapter 10), and in contrast to the contemporary historical uses of Israel, the biblical use is entirely ideological. Building on this distinction, Lemche turns to a discussion of 'Israelite' religion in comparison with historical and archaeological remnants of that religion. Can the Old Testament's Israelite religion be made to correspond in any way with the religion of the Northern Kingdom? The distinction between the biblical religion and the archaeological evidence of religious practice in the time of the monarchies makes obvious the transformation of this religion of Yahweh over time. Lemche warns that this is not a minor adjustment of the older paradigm but a radical change to an entirely new paradigm for understanding biblical religion.

As if to illustrate this point about a new paradigm, Lemche includes, 'Are We Europeans Really Good Readers of Biblical Texts and Interpreters of Biblical History?' (Chapter 15), which begins by offering a reading of the Flood story, as compared with its Mesopotamian counterparts, the story of the destruction of Sodom and Gomorrah, and the story of David's Rise in 1–2 Samuel, compared with the rise of King Idrimi of Alalah. Each story has its own particular moral, whether it is biblical, Mesopotamian or North Syrian, and in this respect the myth of the Flood is no different from the story of David, which is in the nature of a fairy tale and therefore is not intended as an account of what actually happened. Reading the story as if it were a piece of modern historiography

is entirely misleading because as such it would have had no meaning for the ancient. Europeans come to these stories with the wrong anachronistic perspective and misread the point of the stories. Lemche also argues, with several examples, that the ancients, including Israel, had a quite different conception of space, time and what we mistakenly regard as history, and he proceeds to lay out some of the problems of modern Western readings of ancient texts. So many of the new methods and fads of reading the Bible, both historical and non-historical, fail to ‘distance themselves from their own tradition and are willing to read ancient texts within the context of ancient societies as products of a mythic and magic culture’.

In 1999 Lemche wrote two essays in response to my own studies on biblical historiography. His point of departure for the first one, ‘History Writing in the Ancient Near East and Greece’ (Chapter 16), was my comparative study of biblical historiography *In Search of History* (1983) within the context of history writing in the ancient Near East and Greece. While Lemche accepts the broad implications of that study, he places far greater emphasis on the impact of Greek historiography upon the Near East, including the Jews in Palestine, during the Hellenistic period. As Bertil Albrektson already pointed out in *History and the Gods* (1967), in all these ancient histories the gods play an active role in the affairs of humans, and Lemche takes time to spell out the ideological and propagandistic nature of Near Eastern history with little regard for historical accuracy. He then engages in a form-critical analysis of both Near Eastern and Greek styles of writing about the past and concludes that only the Greek style of history writing fits the biblical model from Genesis to 2 Kings.

A second essay on the Bible’s Greek connection – ‘Good and Bad in History: The Greek Connection’ (Chapter 17), written for my Festschrift in 1999 – takes up in greater detail the stylistic arguments for favouring the later Hellenistic connection with biblical historiography than the earlier dating (sixth century BCE), which I preferred. Lemche first dismisses, as a very late invention, the complete biblical history of Israel, which therefore cannot be used as a context for dating anything within it, including not only the early history of the patriarchs down to the conquest and settlement, but the whole of the monarchies from David down to, and including, the exile. This immediately makes dating anything to the exilic period problematic. The ‘myths’ associated with the exile are products of the Hellenistic era. Such a point of departure can only result in the negation of any interpretation of the biblical history (i.e. stories) within this historical period. For purposes of comparison, Lemche uses the Roman historian Livy in the time of Augustus and its role in Roman education as a model for understanding the nature and purpose of biblical historiography. My own model of comparison in *Prologue to History* (1992) had been the history of Dionysius, *The Antiquities of Rome*, which was also used by Josephus for his *Antiquities of the Jews*. In comparable fashion with classical education, Lemche views biblical historiography as works that were for the intension of educating the elite in the basic Jewish way of life and its understanding of good and evil in the world. Both this piece and the previous one present a serious challenge to an exilic dating, which needs to be engaged and not merely to be dismissed as ‘minimalist’.

If one accepts the view that biblical history is largely a fantasy of the Hellenistic period and of little value as a history for the modern historian, then how can one make use of any possible historical references in this biblical history for the reconstruction of a Palestinian history of this period? In 'On the Problems of Reconstructing Pre-Hellenistic Israelite (Palestinian) History' (Chapter 18), Lemche attempts to deal with this question. In order to discuss the distinction between fact and fiction in biblical historiography, Lemche takes up two examples of historical events mentioned in 2 Kings: the story of Sennacherib's campaign against Judah and Jerusalem in 2 Kings 18–19 and its parallels in the Assyrian annals, and, as a second example, the war against Mesha in 2 Kings 3 and its parallel in the Mesha inscription. These are used to illustrate the difficulty of reconstructing the historical and distinguishing it from the story element, and labelling the resulting accounts as history. Historical criticism of this kind is inevitably circular, which leads to the admission that a history of Israel cannot be produced by this method. The extra-biblical confirmation of the names of Israel and Judah and the names of a few kings does not constitute much of a basis for any historical reconstruction of the monarchies. These royal names may suggest king lists of the two states with a few very brief remarks about a significant event during a particular reign, and little else. This shifts the discussion to the author's particular uses of the past for his own time. A survey of the biblical history from the patriarchs to the post-exilic period, as compared with extra-biblical historical and archaeological evidence, confirms its story-like and invented character.

A closely related issue concerning historical sources within biblical history has to do with the possibility of archival sources for the history of the kings of Israel and Judah, and this is addressed in 'Chronology and Archives: When Does the History of Israel and Judah Begin?' (Chapter 20). In this chapter, Lemche focuses on the problem of the so-called 'chronicles of the kings of Israel/Judah', which list a few of the deeds of kings and length of their reign, similar to Mesopotamian king lists. His examination of the lengths of reign seems to reveal a distinct pattern in which certain reigns or combinations of reigns yield the 'pregnant' number of forty, especially in the early part of the list, whereas after Jehu in the north and Amaziah in the south there is no such pattern evident. Lemche concludes from this that it would appear that only after these two kings was any accurate record-keeping possible. Prior to this the numbers for the length of each king's reign were artificially constructed, and the chronology of the monarchy for this earlier period quite useless. This would also suggest that the time of Jehu and Amaziah was the beginning of administrative literacy in these kingdoms and that there were no written records or archives of the earlier period.

The last two chapters that deal with the Hellenistic dating of the Old Testament (Chapters 19 and 21) address two issues that have been rather overlooked before. The first of these issues is the neglect of due consideration of the Mesopotamian element within the biblical histories. This he does in 'How Does One Date an Expression of Mental History? The Old Testament and Hellenism' (Chapter 19) by defining more precisely the *Sitz im Leben* of the

biblical authors. Lemche develops the notion of a ‘mental matrix’, a combination of political and religious sentiments, by which the ancient historiographers reconstructed their past. The task is to identify the essential components of such matrices, corresponding to an intellectual ‘profile’ of the author. For traditional societies the past was always an important component of this profile, as well as the author’s ‘situational background’. Much of the piece is dedicated to finding the appropriate social and historical context for this ‘mental matrix’, which for him is the Hellenistic period; but it must also accommodate the evidence of a strong Mesopotamian influence, of which he gives numerous examples. The environment or ‘matrix’ in which both Hellenistic and Oriental traditions could amalgamate and form the context for the production of the Pentateuch is located in Seleucia, in Mesopotamia.

The other issue that Lemche somewhat neglected is the relationship of the historical books to the rest of the Old Testament, especially the prophets. This lack he makes good in Chapter 21 by building on the previous study of the ‘matrix’ of the biblical authors in Mesopotamia. Lemche begins by giving a brief survey of how biblical studies of both the historical books and much of the prophetic literature came to focus primarily on the decisive event of the exile as the interpretive key for this large corpus of the Bible. In this piece he calls this into question, preferring to render the term *golah* as the ‘diaspora’ and to see the more important context as an elite band of ‘university students’ of the Torah in a Babylonian environment of the Seleucid period. To support this view, Lemche offers fresh interpretations of Isaiah (Isa. 4:2-6, 5:8-24, 6:11-13) as a way of reconstructing a community of the law much like that of Qumran. He concludes by stating:

To a great extent, this literature is the expression of a religious and political program. Following the guidelines of the argument in this article, we may be close to the sentiments and ideas, which created Judaism as a conglomerate of Syro-Palestinian and Mesopotamian ideas and notions, which have been submitted to heavy Greek cultural influence and sometimes adorned with Egyptian motifs.

This would also summarize much of the argumentation in the previous articles on this subject.

Another major concern of Lemche’s scholarship that is reflected in the remaining four chapters that we need to look at (Chapters 9 and 12–14) has to do with the basic sociological structure of early Israelite society – the patron–client relationship. This attempts to go beyond his earlier discussion of family, lineage and tribe in his treatment of pre-monarchic Israel, in *Ancient Israel* (1988), by building on the work of Mario Liverani on Late Bronze Age vassal treaties and the relationship between the vassal kings and the great king. Liverani sees this as corresponding to the Roman system of wealthy and powerful patrons and their clients. In ‘Power and Social Organization: Some Misunderstandings and Some Proposals, Or Is It All a Question of Patrons and Clients?’ (Chapter 9), Lemche explains this basic structure and relationship between patron and client

by using its modern counterpart, the godfather and his clients in the mafia as a persistent Mediterranean tradition since the second millennium BCE. Lemche uses this comparison of the patron–client relationship to explain the covenant relationship between the deity and his people in the Old Testament, and this becomes a major theme of his sociological research. In this relationship, God as patron demands a pledge of absolute loyalty from his people as client and in return promises to be guardian and defender of the client.

In ‘Kings and Clients: On Loyalty between the Ruler and the Ruled in Ancient “Israel”’ (Chapter 12), Lemche expands on how this understanding of God as patron is reflected in the covenant language of the Hebrew Bible. This patronage model is also applied to the relationship between king and subjects, and to the covenant relationship between God and king in the Davidic covenant. In accordance with his patronage model, Lemche endeavours to make the case, in ‘Justice in Western Asia in Antiquity, Or Why No Laws Were Needed!’ (Chapter 13), that laws were not used in Western Asia in spite of their presence in the Pentateuch, as indicated by the fact that no law codes have turned up in archaeological finds of Alalakh or Ugarit. Lemche then discusses the problem of understanding the purpose of Mesopotamian law codes in the training of jurors rather than a fixed standard for all situations. Law is regarded as divine law given by God to the king to administer, not in written form. In terms of how the judicial system would have actually worked, his answer is to appeal again to the institution of patronage and how justice is administered in such a system. The result is a very persuasive thesis, although it perhaps raises as many questions as it answers. It is noteworthy that his new dating of the Covenant Code in the late Babylonian period reflects a major ‘change in perspective’ from that of his earlier treatment of this Hebrew slave law (see Chapter 1). Finally, in ‘From Patronage Society to Patronage Society’ (Chapter 14), Lemche begins by reviewing the problem of the historicity of David and the rise of Judah as a state by applying Jamieson-Drake’s population study. He concludes that there was no United Kingdom of David and Solomon. Instead, he suggests that the society of the LB period was a patronage system, which survived down to the time of the Hebrew kings. From a detailed review of patronage in LB Palestine, Lemche moves to a proposed reconstruction of the transition of patronage to Iron I or II. However, since we are left with only sparse archaeological remains of villages for most of this period, their political or social nature must remain guesswork. Consequently, Lemche guesses that there were rudimentary patronages of the lineage type and from these village patrons the system developed towards regional patronage ‘kings’, as reflected in the ‘house of David’.

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The 'Hebrew slave': comments on the slave law, Exodus 21:2-11

1975

It is widely accepted that there is a direct connection between the law of the Hebrew slave in Exodus 21:2ff., Deuteronomy 15:12ff. and Jeremiah 34:8ff. because the word עבֵרִי has been used in all three passages.¹ As a matter of fact, it would be more reasonable to focus on the use of הַפְּשִׁי in those passages. This word very clearly implies a dependence of Deuteronomy 15:12ff. and Jeremiah 34:8ff. on Exodus 21:2ff., since in Deuteronomistic literature the use of הַפְּשִׁי is limited to Deuteronomy 15:12, 13, 18 and the Deuteronomistically coloured Jeremiah 34:9, 10, 11, 14 and 16. Apart from the passages mentioned, הַפְּשִׁי is used elsewhere only once in the Deuteronomistic historical work – namely, in 1 Samuel 17:25. This has, however, a non-Deuteronomistic setting and the way in which the word is used is often misinterpreted.² The use of the words עבֵרִי and הַפְּשִׁי thus suggests links between Exodus 21:2ff. and the aforementioned passages, though they are also of the utmost importance for an understanding of Exodus 21:2ff. and its 'Sitz im Leben'. How עבֵרִי and הַפְּשִׁי have been used also allows us to draw conclusions about the historical construction of the first part of the Book of the Covenant, Exodus 21:2–23:16.

The first part of the Book of the Covenant in light of Canaanite and Mesopotamian law

It falls outside the scope of this chapter to discuss precisely when the first part of the Book of the Covenant was amplified by the second part, Exodus 22:17–23:16, and by the apodictic passages of the first part. Most modern Old Testament

1. Cf., among others, G. Beer and K. Galling, *Exodus* (HAT I 3; Tübingen: Mohr, 1939), 107, and especially M. David, 'The Manumission of Slaves under Zedekiah', *OTS* 5 (1948), 63–79.

2. This is usually interpreted to mean that David's family was promised a special tax exemption. For literature, see H. J. Stoebe, 'Die Goliathperikope 1 Sam. xvii 1-xviii 5 und die Textform der Septuaginta', *VT* 6 (1956), 397–413, 403, and *Das erste Buch Samuelis* (KAT VIII 1; Gütersloh: Gütersloher Verlagshaus, 1973), 324. Cf. my note 'הַפְּשִׁי in 1 Sam. xvii 25', *VT* 24 (1974), 373–4.

scholars date the amalgamation of the two parts to the Period of the Judges.³ It is generally agreed that the first part of the Book of the Covenant is older and that so-called casuistic laws are related to Near Eastern legal traditions.⁴

It seems appropriate to refer to the recent study of S. M. Paul, which, I think, represents the most comprehensive commentary on the Book of the Covenant based on Near Eastern source material.⁵ Hardly a single section in the older part of the Book of the Covenant (Exodus 21:1–22:16, apart from secondary additions in Exodus 21:12–17, 23–25) is without parallel in the extra-biblical legal literature of the second millennium. Paul endeavours to prove with his analysis that the Book of the Covenant, as a whole, was part of a code of laws, which extended from Exodus 19 to 24, where Exodus 19:3b–6 (plus the Decalogue) functioned as prologue to Exodus 23:20–33's epilogue. Paul dates the material to a period just prior to the settlement of the Israelite tribes⁶ and refuses to accept

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3. E.g. F. Horst, 'Bundesbuch', RGG I, col. 1524; M. Noth, *Die Gesetze im Pentateuch*, (1940), in *Ges. St. I* (Munich: Chr. Kaiser, 1957), 9–141, 17, 31, and *Das zweite Buch Mose, Exodus* (ATD 5, 3rd edn; Göttingen: Vandenhoeck & Ruprecht, 1965), 140–41; G. von Rad, *Theologie des Alten Testaments*, I (4th edn; Munich: Chr. Kaiser, 1966), 44; E. Nielsen, *The Ten Commandments in New Perspective* (SBT SS 7; London: SCM, 1968), 77. In disagreement are A. Philips, *Ancient Israel's Criminal Law* (London: Blackwell, 1971) 159, who dates the collection to the time of David and Solomon; also G. Fohrer (in E. Sellin and G. Fohrer, *Einleitung in das Alte Testament*, 10th edn; Heidelberg: Quelle & Meyer, 1965, 149–50, and G. Fohrer, *Geschichte des israelitischen Religions*, Berlin: Walter de Gruyter, 1969, 131), who places it in the time of Jehu. Cf., already, A. Menes, *Die vorexilischen Gesetze Israels* (BZAW 50; Berlin: Töpelmann, 1928), 43, but also M. Noth's decisive objections in *Ges. St. I*, 30–31. Fohrer discusses the question from the assumption that the Book of the Covenant was a reform pamphlet and, in this connection, refers to Mesopotamian codices. These can hardly be called reforms, which were contained in the *mišarum*-acts, the royal edicts. Cf., in this regard, F. R. Kraus, *Ein Edikt des Königs Ammi-Šaduqa von Babylon* (SD 5; Leiden: E. J. Brill, 1958), 182–247; J. J. Finkelstein, 'Ammi-Šaduqa's Edict and the Babylonian "Law Codes"', *JCS* 15 (1961), 91–104, and 'Some New *Misharum* Material and its Implications', *Assyriological Studies* 16 (1965), 233–46; J. Bottéro, 'Désordre économique et annulation des dettes en Mésopotamie à l'époque Paléo-Babylonienne', *JESHO* 4 (1961), 113–64. Cf. also, in general, C. J. Gadd in *CAH*, II/1 (3rd edn; Cambridge: Cambridge University Press, 1973), 187ff.
4. Departures from the general opinion are M. David, 'The Codex Hammurabi and its Relations to the Provision of Law in Exodus', *OTS* 7 (1950), 149–78; Z. W. Falk, *Hebrew Laws in Biblical Times* (Jerusalem: Wahrmann, 1964), 33f.; and W. Preisler, 'Vergeltung und Sühne im altisraelitischen Strafrecht' (*Festschrift für Eberhard Schmidt*, 1961), 7–38, reprinted in K. Koch, *Um das Prinzip der Vergeltung in Religion und Recht des Alten Testaments* (Wege der Forschung 125; Darmstadt: Wissenschaftliche Buchgesellschaft, 1972), 236–77, 240ff. The parallels from the Ancient Near East, however, far exceed 'general conditions' and possibly include the construction of the law material; cf. V. Wagner, 'Zur Systematik in dem Codex Ex 21.2–22.26', *ZAW* 81 (1969), 176–82.
5. S. M. Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law* (VT supplement, 18; Leiden: E. J. Brill, 1970).
6. *Ibid.*, 101–2. The author here tries to prove the existence of a codex modelled on the prologue primary corpus by analogy to the Codex Hammurabi (hereafter, CH).

the possibility that casuistic laws had been taken over from the Canaanites, though he does admit that, as far as investigations have shown, Canaanite law seems to betray a strong dependence on cuneiform law.⁷ Even though Paul's thesis finally must be rejected, as he apparently fails to follow up on his analyses and is not fully aware of the value of modern literary criticism or history of tradition, his conclusion is that very little – if any – material in the casuistic laws of Exodus 21:2–22:16 suggests that Israelite law-givers inspired this collection.⁸ It is, indeed, quite possible to place the origin of the first part of the Book of the Covenant in any Canaanite city state of the second half of the second millennium and assume that it was later (*in extenso?*) drawn into the Israelite tradition.⁹ The consequence of this is that undocumented assertions such as those that G. E. Mendenhall has brought forward need to be rejected. Mendenhall maintains that the Book of the Covenant cannot have belonged to a Canaanite background because of a reputed low moral development of Canaanite communities and their strict social stratification.¹⁰ Such an argument is obviously based on an insufficient knowledge of Canaanite social stratification in Canaanite city states.

7. *Ibid.*, 104–5, 116ff.; Cf. to this Alt, 'Eine neue Provinz des Keilschriftsrechts', (*Kl. Schr.*, III; Munich: Beck, 1959), 141–57 and R. de Vaux, *Les institutions de l'Ancien Testament*, I (2nd edn; Paris: Les éditions du Cerf, 1961), 226–7.

8. It is a fact, however, that this part of the Book of the Covenant has been enlarged by certain apodictically formed rules: Exodus 21:12–17, 23–25. Cf. also G. Liedke, *Gestalt und Bezeichnung alttestamentlicher Rechtsätze* (WMANT, 39; Neukirchen: Neukirchener Verlag, 1971), 130ff. Apart from vv. 23–25, the *talion* formula, there is, in every case, an unmistakable connection to the decalogue: Exod. 21:12 ↔ 20:13; 21:16 ↔ 20:15; 21:15, 17 ↔ 20:12 (cf. to the original content of 20:15. E. Nielsen, *Ten Commandments*, 85, 91, who follows Alt, 'Das Verbot des Diebstahls im Dekalog' (1949, in *Kl. Schr.*, I; Munich: Beck, 1953, 333–40). R. Hentschke ('Erwägungen zur israelitischen Rechtsgeschichte', *Theologia Viatorum* 10, 1965/66, 108–33) suggests that this alteration of casuistic and apodictic segments should be compared to a corresponding variation in Ammišaduqa's edict (about 1645), which has been published by Kraus, *Ein Edikt*, and provided with a substantial supplement by J. J. Finkelstein, 'The Edict of Ammišaduqa: a New Text', *RA* 63 (1969), 45–64. Hentschke's argument has been emphatically opposed by S. Herrmann, 'Das "apodiktische Recht". Erwägungen zur Klärung dieses Begriffs', *MIO* 15 (1969), 249–61, 255f. Cf. also apodictic law outside Israel: Liedke, *Gestalt*, 115–16, 126–7.

9. Most recently, L. Rost, 'Das Bundesbuch', *ZAW* 77 (1965), 255–9; cf. also O. Eissfeldt, *The Old Testament: An Introduction* (Oxford: Blackwell, 1965), 26ff. Eissfeldt is inclined to think that a continuous series of laws was adopted: *The Old Testament*, 29; cf. also to this L. Watermann, 'Pre-Israelite Laws in the Book of the Covenant', *AJSL* 38 (1922), 36–54, and A. T. Olmstead, *History of Palestine and Syria to the Macedonian Conquest* (New York: C. Scribner's Sons 1931), 104ff. Alt thought that the casuistic laws in the Book of the Covenant were originally Canaanite (see his *Die Ursprünge des israelitischen Rechts*, 1934, in *Kl. Schr.*, I, 278–332, 295ff.). A. Jepsen, *Untersuchungen zum Bundesbuch* (BWANT, III 5; Stuttgart: Kohlhammer, 1927), 76ff., 97ff., admits that they were of 'Palestinian' origin but he introduces the idea of a 'Hebräergesetz' based on an understanding of the 'Hebrews' that is now obsolete. Neither Jepsen's nor Alt's interpretations exclude the possibility that the collection was developed by Israelites.

10. G. E. Mendenhall, 'Ancient Oriental and Biblical Law', *BA* 17 (1954), 26–46, now in *BARe* III (New York: Doubleday, 1970), 3–24, 15.

It also implies that Mendenhall uncritically accepts the picture of Canaanite civilization that has been developed by Israelite storytellers and prophets.

It has been maintained that the absence of a codex in western Asia speaks against the idea that casuistic laws in the Book of the Covenant were inherited from Canaanites.¹¹ However, this argument is not decisive. The lack of codices could be ascribed to chance archaeological finds. Great text discoveries have only been made at Alalakh and Ugarit. Civil servants of the West Semitic states actually did have a profound knowledge of Akkadian cuneiform writing throughout most of the second millennium. The greater part of international correspondence was written in Akkadian. Letters were also exchanged between West Semitic princes and it is evident from the 'Canaanisms' of which we are particularly familiar with from the Amarna letters that such letters had been written by West Semitic clerks.¹² One must also conclude, if we consider the teaching methods of the time, that the segment of the population who was familiar with Akkadian possessed a considerable understanding of Mesopotamian literature.

That Mesopotamian codices hardly had legal functions ascribed to them proves that the absence of codices in Western Asia should not be overestimated. As is well known, there is scarcely a single reference to the Codex Hammurabi (CH) in the very comprehensive legal material that is extant from the Old Babylonian period.¹³ This, however, means that legal usage in Babylonia must have rested on 'common practice', based on *usus*, which was unwritten. It is apparently a misapprehension of the function of Babylonian codices which brings Liedke to claim that similar codices were not needed in West Semitic states because juridical decisions were in the king's hands and the king could not be tied to fixed rules.¹⁴ It must also be assumed that

11. Thus Preiser, 'Vergeltung und Sühne', 246.

12. To this, F. Böhl, *Die Sprache der Amarnabriefe mit besonderer Berücksichtigung der Kanaanismen*, (LSS V 2; Leipzig: J. C. Hinrichs'sche Buchhandlung, 1909); cf. also K. Beyer, *Althebräische Grammatik* (Göttingen: Vandenhoeck & Ruprecht, 1969), 23f. Cf. as to Ugarit, J. Nougayrol, 'L'influence babylonienne à Ugarit d'après les textes en cunéiformes classiques', *Syria* 39 (1962), 28–35, and J. Krecher, 'Schreiberschulung in Ugarit: Die Tradition von Listen und sumerische Texten', *UF* 1 (1969), 131–58; as to Alalakh, see M. Tsevat, 'Alalakhiana', *HUCA* 29 (1958), 109–36, particularly II, 124ff., and G. Giakoumakis, *The Akkadian of Alalakh (Janua Linguarum Ser. Prac. 59)*; The Hague: Mouton, 1970), *passim*.

13. Cf. B. Landsberger, 'Die babylonischen Termini für Gesetz und Recht' (*Symbolae Koschaker*, SD 2, 1939), 219–34; and P. Koschaker, 'Zur Interpretation des Art. 59 des Codex Bilalama', *JCS* 5, (1951), 104–22, 121f. Cf. also the fact that a judge is nowhere found referring to any existing law or obligation to keep such law. The Codex Hammurabi §5 warns the judges against corruption, but it does not impose upon them any foundation for judgement.

14. Against Liedke, *Gestalt*, 57. Cf. the king's function as judge in Ugarit: G. Boyer, 'La place des textes d'Ugarit dans l'Histoire de l'Ancien Droit oriental' (PRU III; Paris: C. Klincksieck, 1955), 281–308, 281ff., and A. F. Rainey, *The Social Stratification of Ugarit* (diss. Brandeis University, 1962), 19ff., cf. 21: 'Disputes were not settled by the whim of the king. On the contrary, certain legal procedures, well known from

Mesopotamian kings, like their West Asiatic colleagues, formed a supreme court of appeal.¹⁵

It is impossible to say whether the first part of the Book of the Covenant came into existence without Canaanite influence, merely because no written evidence of judicial rules has been found in Syria–Palestine. The appearance of a code of laws or legal decisions¹⁶ undoubtedly goes back to the influence of the Babylonian 'Weltanschauung'.¹⁷

Other scholars have written against the thesis of a non-Israelite origin of the first part of the Book of the Covenant, suggesting instead that although it does show a relationship to Mesopotamian (and Canaanite) law, it is more primitive, presupposing (under the influence of blood feuds) more severe punishments.¹⁸ However, this objection does not take into consideration that there are also variations in Mesopotamia from one code to another regarding the character of punishments (especially concerning the use of fines as opposed to death penalties),¹⁹ nor that it is only to be expected that the more complicated Babylonian community needed other rules than a Canaanite polity. In Mesopotamia, differences existed from state to state, as can be seen when comparing the CH to other codices.²⁰ It is unreasonable, moreover, to look to the development of laws in

other sources, were followed.' To the Babylonian codices: cf. Finkelstein, *JCS* 15, 103f. ('royal apologies and testaments' which were to prove to the gods, whose vicar the king was, that the king was a *šar mišarim*).

15. To this, particularly W. F. Leeman's 'King Hammurapi as judge', (*Symbolae Martino David*, 2; Leiden: E. J. Brill, 1968), 107–29 (with ample documentation). Cf. also R. Haase, *Einführung in das Studium keilschriftlicher Rechtsquellen* (Wiesbaden: Harrassowitz, 1965), 36ff.
16. On the interpretation of C as a codex of 'judgements', see F. R. Kraus, 'Ein zentrales Problem des altmesopotamischen Rechtes: was ist der Codex Hammurabi?', *Genava NS* 8 (1960), 283–96.
17. Cf. Nougayrol, *Syria* 39, 32.
18. Among others, von Rad, *Theologie*, 44ff.
19. Jepsen gives an example of a Mesopotamian law that demands capital punishment in cases where the Book of the Covenant only imposes fines: Exod. 22:15–16, cf. *Bundesbuch*, 69. This shows that it cannot be consistently maintained that the Book of the Covenant is more primitive. Jepsen depends on an obsolete translation of Yale Babylonian Collection 2177 (publ. by A. T. Clay, Yale Oriental Series, Babylonian Texts, vol I, no 28) §8 in B. Meißner, *Babylonien und Assyrien*, I (Heidelberg: Carl Winters Universitätsbuchhandlung, 1920), 151; cf. A. Jirku, *Altorientalischer Kommentar zum Alten Testament* (Leipzig: A. Deichertsche Verlagsbuchhandlung Dr. Werner Scholl, 1923), 98 ('Wenn jemand die Tochter eines Mannes gewaltsam fortführt gegen den Willen (?) ihres Vaters und ihrer Mutter und sie erkennt, so soll der Mann, der sie wider Willen (?) erkannt und vergewaltigt hat, auf Befehl der Götter getötet werden'); cf. also Finkelstein's translation in *ANET* 3 (1969), 526: 'If [a man] deflowered the daughter of a free citizen in the street, her father and her mother having known [that she was in the street], but the man who deflowered her denied that he knew [her to be of the free citizen class] and, standing at the temple gate, swore an oath [to this effect, he shall be freed].'
20. Cf. M. San Nicólo, *Beiträge zur Rechtsgeschichte im Bereiche der keilschriftlichen Rechtsquellen* (Oslo: H. Aschehoug 1931), 63ff.; cf. also David, *OTS* 7, 149ff. David arrives at the negative conclusion that there is no connection.

Mesopotamia for special West Semitic traits.²¹ Many laws, and among them at least one codex, have been handed down from the Sumerians and it seems that West Semites followed the same path as the earliest inhabitants of Mesopotamia. Nevertheless, the possibility that the increase in CH of certain penalties in relation to former codices may be due to West Semitic influence still exists.²²

The placing of Exodus 21:2ff. in its present context in the Book of the Covenant

According to the Masoretic Text (MT), Exodus 21:2 ff. is an account of a purchase of a slave, which was cancelled after six years. Alt thought – in partial agreement with A. Jepsen – that v. 2 originally related how a ‘Hebrew’ sold himself.²³ For form-critical reasons, Jepsen corrected תקנה to יקנה, and Alt went even further and read ימכר in correspondence with Deuteronomy 15:12. When Paul rebuts Alt’s emendation on the grounds that תקנה in v. 2 is dependent on תשים in v. 1, and thus original, he disregards form-critical as well as tradition-historical criteria.²⁴ Supposing Paul correct, v. 1 was from the beginning an introduction to an important code of laws whose first units were vv. 2-6. This, however, is unreasonable. Moreover, Jepsen’s objection against the second person singular is valid since it encroaches on the casuistic legal phrase as such.²⁵ More objections have been raised against the assertion that v. 2 should have been preserved in its original form. Paul’s arguments are also inseparably bound up with his (Mosaic?) dating of the Book of the Covenant as a whole.²⁶ There can be no doubt, however, that, isolated, Exodus 21:1 shows a tension between the Book of the Covenant and its setting and that it disrupts the coherence of the text.²⁷

In maintaining his correction of the verbal form, Alt wanted to replace the difficult עבד by the neutral איש, by analogy with vv. 7, 14, 18 (pl.), 20, and so on.²⁸ עבד is most troublesome where it stands now, and, if the MT is to be retained, it can best be understood as a proleptic expression.²⁹ Not until he is bought or sold, does an עברי become a slave.

21. Against Jepsen, ‘Die “Hebräer” und ihr Recht’, *AfO* 15 (1945–51), 55–68.

22. Cf. Codex Ur-Nammu (about 2112–2095BCE), Ur III, translated by Finkelstein in *ANET* 3, 523ff. and Yale Babylonian Collection 2177 (cf. n. 19), same place, 525–6. The theory of a West Semitic origin of the regularly recurrent royal edicts cannot be upheld inasmuch as the oldest testimony of this is Sumerian and dates back to c. 2350 (‘Urukagina’s reform’); see also Finkelstein, *JCS* 15, 103–4.

23. Alt, *Kl. Schr.* I, 291 and n. 2; Jepsen, *Bundesbuch*, 56.

24. Paul, *Studies*, 46, n. 7.

25. To the casuistic law, compare in particular the very exhaustive study by Liedke, *Gestalt*, 19–61. Liedke also looks upon the ‘when-you’ wording in casuistic legal rules as the product of a later development.

26. Paul, *Studies*, 101f.

27. Cf. further E. Nielsen, *The Ten Commandments*, 51; Alt, *Kl. Schr.*, I, 286 n. 1.

28. Alt, *Kl. Schr.* I, 291 n. 2; Cf. also Jepsen, *Bundesbuch*, 56: כי יקנה איש.

29. Alt, *Kl. Schr.* I, 291 n. 2; cf. Noth, *ATD*, 143.

It would strengthen Alt's emendations if the present position of Exodus 21:2-11 could be shaken. J. M. P. van der Ploeg has asserted several times that vv. 2-11 are secondary elements in the Book of the Covenant, which had been inserted at a later date and placed at the beginning head of the compilation for 'nationalistic' reasons (עברי = Israelite).³⁰ Van der Ploeg's main argument is that the current position breaks an otherwise systematic arrangement of the Book of the Covenant in so far as its slave law does not appear in Exodus 21:26-27. However, several objections can be raised against van der Ploeg. In the first place, there is, as mentioned previously, every reason to believe that the wording opening v. 2 has been influenced by the secondary intrusion of v. 1. Second, the insertion of slave laws at the head of a code (even such as aim at very particular circumstances) does not exclude that other decrees on slaves appear in other places within the same codex. To keep to the best-known parallels, there are slave laws (decrees on slaves) in CH §§116-19, but also and especially in §§279-82. Finally, even if it could be proven that vv. 2-11 have been placed at the head of the Book of the Covenant at a later stage of tradition, the possibility is not excluded that this section originally belonged somewhere else and, if so, is probably to be connected with vv. 26-27, according to which the slave reaches a state of חפשי because he has been mutilated by his owner.

חפשי and עברי

To understand Exodus 21:2-6 it is necessary to understand exactly what the terms עברי and חפשי mean. Today nearly all Old Testament scholars acknowledge the connection between עברי and *habiru*. But since they look upon the first part of the Book of the Covenant as an Israelite invention, they take עברי for a gentilic noun instead of an appellative. In this way it becomes a matter of purchase and sale among countrymen.³¹

Thus, on the one hand, R. North recognizes a connection between עברי in Exodus 21:2ff. and עברי *habiru*, on the whole; yet he understands the verses in a traditional light. On the other hand, he is doubtful as to whether Deuteronomy 15:12ff. is dependent on Exodus 21:2-6 and therefore suggests that both laws have a common source: a *habiru* document.³² The most original suggestion in

30. J. P. M. van der Ploeg, 'Studies in Hebrew Law', II, *CBQ* 12, (1950), 416-27, see 425f., and III, *CBQ* 13 (1951), 28-43, 28f.; and, most recently 'Slavery in the Old Testament', *VT* 22, (1972), 72-87, see 78, 81.

31. E.g. F. Horst, *Das Privilegrecht Jahwes* (FRLANT 45; Göttingen: Vandenhoeck & Ruprecht, 1930), now in *Gottes Recht* (Munich: Chr. Kaiser, 1961), 17-154, 97; R. de Vaux, *Les institutions de l'Ancien Testament*, I (Paris: Les éditions du Cerf, 1961), 129 (cf. 136, 265); this also applies partly to Beer and Galling, *Exodus*, 107, though they realize that vv. 2-6 did not originally refer to the Israelites, but to the 'Hebrews'.

32. R. North, *Sociology of the Biblical Jubilee* (AnBi 4; Rome: Ponteficial Biblical Institute, 1954), 148; this point of view is shared by Paul, *Studies*, 46.

recent years has been made by A. Phillips,³³ to whom it is a decisive factor that the slave is to be set free in the seventh year. The Book of the Covenant gives no reason for this. However, based on Deuteronomy 15:1ff., and especially Deuteronomy 31:10f., Phillips suggests that Exod 21.1-6 is taken as a secondary ‘secularizing’ of an originally cultic decree. Accordingly, Israelites, who had fallen into slavery were to be set free to enable them to take part as free citizens in the amphictyonic feast of the renewal of the Covenant. Phillips believes it can be deduced from Deuteronomy 31:10-11 that this feast took place every seventh year. This suggestion is, however, dependent on several obscure circumstances. First, it is taken for granted that the classical thesis of the amphictyony can be maintained – a very uncertain assumption according to more recent studies.³⁴ This alone forces Phillips to moderate his theory. Second, the discrepancies between Deuteronomy 15:1-11 and 15:12-18 show that the Sabbath year and the liberation of slaves do not originate within the same tradition. In fact, Deuteronomy 15:12ff. seems to treat the liberation of the slaves individually, setting them free after a specified period of slavery, not collectively every seventh year.

Paul, who follows J. Lewy on this point, claims that the parallels from Nuzi may be taken as a proof that עברי in Exodus 21:2ff. is an appellative. Given, however, his views on the Book of the Covenant, it is not sufficiently clear how he is to interpret עברי in opposition to *ḥabiru*.³⁵ J. Lewy tried to reinterpret the word as suggesting a specific element among the inhabitants of Palestine – namely, ‘the Hebrews’, who are not to be confused with Israelites or Canaanites. In this, he has been supported by J. Weingreen.³⁶ Lewy’s argumentation is based partly on a traditional view of the origin of the Israelites and partly on a now obsolete interpretation of the *ḥabiru*, which, owing to his distinction between ‘Hebrews’ and Israelites, points towards an ethnic understanding of *ḥabiru*.³⁷ His main argument against the assertion that the ‘Hebrew’ of Exodus 21:2-6 was an Israelite is Leviticus 25:44ff., where it is required that slaves in the

33. A. Phillips, *Ancient Israel's Criminal Law*, 73ff.

34. Compare my *Israel i Dommertiden* (Tekst og Tolkning 4; København: CEG Gad, 1972).

To the literature mentioned there, should be added the very important article by R. de Vaux, ‘La thèse de l’“amphictyonie Israélite”’, *HThR* 64 (1971), 415–36.

35. Paul, *Studies*, 45ff. J. Lewy, ‘*ḥabirū* and Hebrew’, *HUCA* 14 (1939), 587–623, ‘A New Parallel between *ḥabirū* and Hebrews’, *HUCA* 15 (1940), 47–58.

36. J. Lewy, ‘Origin and Signification of the Biblical Term “Hebrew”’, *HUCA* 28 (1957), 1–13; Cf. J. Weingreen, ‘Saul and the Abiru’ (*IV World Congress of Jewish Studies*, I, 1967), 63–66, 65, ‘The Deuteronomistic Legislator a Proto-Rabbinic Type’ (*Proclamation and Presence, Old Testament Essays in Honour of Gwynne Henton Davies*, London: SCM, 1970), 76–89, and ‘The Community of Tradition from Bible to Mishna’ (in *V World Congress of Jewish Studies*, I, 1972), 27–34, 29ff.

37. As apparent from the prevailing discussion on *ḥabiru*, the same objection may be raised against Weingreen’s theory on *ḥabiru*/עבריים in 1 Samuel. Cf. also R. de Vaux, *Histoire ancienne d’Israël* I (1971), 205, who thinks it reasonable to suppose that, apart from Exodus 21:2ff. and 1 Sam. 14:21, עבריים is always used in the Old Testament to refer to ‘Israelites’.

possession of an Israelite be foreigners.³⁸ However, Leviticus 25 is of no practical importance as evidence, as it is more likely that the entire passage from vv. 39ff. on is late and, in some ways, is to be understood as a substantially rewritten recapitulation of Exodus 21:2ff. and apparently Deuteronomy 15:12ff. as well. In any case, the passage is certainly not a *traditio-historical* unity.³⁹

Alt was the first to realize that עברי in Exodus 21:2ff. does not refer to a certain ethnicity, but solely to the slave's social standing.⁴⁰ Alt even goes so far as to claim that עברי is probably used nowhere in the Old Testament of the Israelites as 'eine echte und volltönende Nationalitätsbezeichnung'. By עברי is meant a person who sells himself as a slave because of debt. On the whole, Alt is right, but his interpretation of עברי/*ḥabiru* is too narrow.

Today sociological interpretation dominates, and the identification of *ḥabiru* with עברי may, so long as the opposite remains unproven, be maintained.⁴¹ A more detailed account of this interpretation of *ḥabiru* is thus not needed.⁴²

Nearly all testimonies from Western Asia use the determination *ḥabiru* collectively. In Nuzi, though, *ḥabiru* are treated as individuals. Here they are mentioned in private documents, describing the terms of their voluntary surrender into bondage.⁴³ The Nuzi contracts mention no fixed time limits; but they frequently mention the possibility of an annulment of the contract (defined as a breach of contract), either by allowing the *ḥabiru* slave to produce a substitute or by letting him pay for his manumission. However, if the slave is a woman,

38. HUCA 28, 3f.

39. Noth, *Das dritte Buch Mose. Leviticus* (ATD 6, 2nd edn; Göttingen: Vandenhoeck & Ruprecht, 1966), 167–8; K. Elliger, *Leviticus* (HAT I 4; Tübingen: Mohr, 1966), 341ff.; H. Graf Reventlow, *Das Heiligkeitgesetz formgeschichtlich untersucht* (WMANT 6; Neukirchen: Neukirchener Verlag, 1961), 136–7.; R. Kilian, *Literarkritische und formgeschichtliche Untersuchung des Heiligkeitgesetzes* (BBB 19; Bonn: Peter Hanstein, 1963), 137; Chr. Feucht, *Untersuchungen zum Heiligkeitgesetz* (Theol. Arb., 20; Berlin: Evangelische Verlagsanstalt, 1964), 51.

40. Alt, *Kl.Schr.* I, 291ff.; see also J. Hempel, *Die althebräische Literatur und ihr hellenistisch-jüdisches Nachleben* (Berlin: Akademische Verlagsgesellschaft Athenaion, 1934), 75, 80.

41. R. Borger's linguistic objections against this identification, 'Das Problem der *apiru* ("ḥabiru")', *ZDPV* 74 (1958), 121–32, may be rejected; cf. M. Weippert, *Die Landnahme der israelitischen Stämme* (FRLANT 92; Göttingen: Vandenhoeck & Ruprecht, 1967), 78ff., and J. Bottéro, 'Ḥabiru' (*RLA* IV/1, 1972), 22.

42. Cf., in general, on *ḥabiru* research Weippert, *Die Landnahme*, 66–101. To the literature mentioned, there should be added the important study by M. Liverani, 'Il fuoruscitismo in Siria nella tarda età del bronzo', *Rivista Storica Italiana* 77 (1965), 315–36. Cf. also R. de Vaux's research summary, 'Le problème des ḥapiru après quinze années', *JNES* 27 (1968), 221–8, and *Histoire ancienne*, 106–12, 202–8, and J. Bottéro, *RLA* IV/1, 14–27. Important in this connection is also M. L. Heltzer, 'Problems of the Social History of Syria in the Late Bronze Age', in M. Liverani (ed.), *La Siria nel tardo bronzo* (Rome: Centro per le Antichità e la Storia dell'Arte del Vicino Oriente, 1969), 31–46.

43. The documents have been collected and commented upon by Bottéro (ed.), *Le problème des ḥabiru à la 4e RAI* (Paris: Imprimerie nationale, 1954), 43–70, and in M. Greenberg, *The Ḥab/piru*, AOS 39 (New Haven, CT: American Oriental Society, 1955), 23–32.

there seems to have been no possibility of liberation.⁴⁴ No doubt these slave contracts were the only means through which a *ḥabiru* could be legally accepted within Nuzi society.⁴⁵

It is remarkable that there is hardly any testimony of a *ḥabiru* wanting to become a slave because of debt. It was possible to become a *ḥabiru* owing to economic trouble and then a slave in order to release oneself from life as a *ḥabiru*. In view of this, it is too simple to assume that the Hebrew of Exodus 21:2 sold himself because of a debt. On the other hand, this is a possibility that is available not only because debt was one of the main reasons for slavery, but also because the well-known Mesopotamian parallel to Exodus 21:2-6, CH §117, contains rules for a man delivering himself into bondage for debt, as well as for his manumission from the same.⁴⁶

In Exodus 21:2 the term of service has been fixed at six years, possibly originally seven years, as has been proposed by B. Stade, with reference to Genesis 29:18.⁴⁷ After having served six (or seven) years, an עבֵרִי reached the status of חֲפְשִׁי without, as in Nuzi, being under the obligation of giving anything in return. חֲפְשִׁי is usually translated as ‘freedman’, ‘*Freigelassener*’.⁴⁸ This translation, which has been generally accepted, is based on the word’s secondary use in the Old Testament, or, rather, it seems to have been used without regard to its original meaning, as found, for example, in Job 3:19. J. Pedersen suggests that חֲפְשִׁי is normally used to denominate the opposite of a slave in the Old Testament, and, of course, he is right.⁴⁹ Nevertheless, it is worth noting that all examples of this use of the word חֲפְשִׁי outside the Book of the Covenant (Deuteronomy 15:12, 13, 18; Jeremiah 34:9, 10, 11, 14, 16, apart from Job 3:19; Isaiah 58:6) are dependent on Exodus 21:2ff.

Pedersen also saw that there was a connection between חֲפְשִׁי and the *ḥupṣu*, known from the correspondence of Rib-Adda from Byblus.⁵⁰ *ḥupṣu* was the name of a social class which has been verified by documents from the Old Assyrian

44. Cf. Bottéro, *4e RAI*, no. 61, 62, 66b.

45. Cf. E. Cassin, *4 e RAI*, 69.

46. Against I. Mendelsohn, *Slavery in the Ancient Near East* (New York: Columbia University, 1949), 85. In the Old Testament there is one example to the effect that a private person vouched by his own life for a debt (2 Kgs 4:1, but this has probably no relation to Exodus 21:2ff.).

47. B. Stade, *Geschichte des Volkes Israel*, vol. I (Berlin: Grote, 1887), 378; cf. I. Benzinger, *Hebräische Archäologie*, 3rd edn (Tübingen: Mohr, 1927), 131 n. 2, and Beer and Galling, Exodus, 107. David, *OTS* 5, 65 n. 7, says, against Benzinger and Beer and Galling, that Jacob’s service to Laban cannot be characterized as slavery and, further, that Laban is not a ‘clansman’ to Jacob. David’s objection becomes irrelevant when the preconceived understanding of עבֵרִי in Exodus 21:2 is given up, as mentioned above. Moreover, Jacob’s position corresponds rather accurately to the position of the *ḥabiru* slave in the Nuzi documents, as does the dating.

48. Cf. *KBL3*, 328; Beer and Galling, Exodus, 106.; Noth, *ATD* 5, 136; cf. further *New English Bible*: ‘He shall go free.’

49. J. Pedersen, ‘Note on Hebrew *Ḥofṣī*’, *JPOS* 6 (1926), 103–5, 105.

50. *Ibid.*

and Old Babylonian period, including Nuzi, and, apart from the Amarna letters, even later in Western Asia in documents from Alalāḥ and Ugarit.⁵¹ A closer definition of this social group is, however, still a matter of debate. The choice is between defining them as 'independent' – that is, free in the modern sense of the word ('free proletarians') – or as 'half-free' – that is, dependent on private persons or on the government (the king). To look upon them as 'free proletarians' or 'Bauern'⁵² is incompatible with the sources from Byblus, Ugarit and Alalāḥ, as well as with the use of *ḥupšu* in Assyrian texts. Heltzer has shown that at Ugarit *ḥupšu* belonged to the *bnš mlk*, 'the king's men'. At Ugarit as well as Alalāḥ, *ḥupšu* had a predominantly military function and received the supplies necessary for their subsistence in the form of plots and provisions from the palace administration.⁵³ This is in agreement with the mention of *ḥupšu* in Rib-Adda's letters.⁵⁴ It has not been possible to trace a direct connection between *ḥabiru* and *ḥupšu*. Even so, it has been assumed that the political propaganda of Abdi-Aširta of Amurru was directed at the *ḥupšu* class at Byblus, and that, accordingly, Rib-Adda had reason to fear that his *ḥupšu* would either revolt against him or

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51. Literature: cf. Weippert, *Die Landnahme*, 74 n. 9. To this, may be added W. von Soden, *AHw*, I, 357a; CAD 6 (Chicago, IL: Oriental Institute, 1956), 241–2.; J. Gray, *The Legacy of Canaan* (VT supplement, 5; Leiden: E. J. Brill, 1957), 100 n. 6; A. F. Rainey, *The Social Stratification of Ugarit*, 144; M. Heltzer, 'Klassovaja i političeskaja borb'a v Bible amarnskogo vremeni' ('Class Struggle and Political Conflicts at Byblus During the Amarna Period'), *VDI* 1954/1, 33–9, 36ff., 'Vojsko ugarita i ego organizacija' ('The Army of Ugarit and its Organization'), *VDI* 1969/3, 21–38, 33; his results have been summarized in Liverani (ed.) *La Siria*, 31ff., and in 'Soziale Aspekte des Heerwesens in Ugarit', in H. Klengel (ed.) *Beiträge zur sozialen Struktur des Alten Vorderasien*, = *Schriften zur Geschichte und Kultur des Alten Orients* 1 (Berlin: Akademie Verlag, 1971), 125–31; H. Klengel, *Geschichte Syriens im 2. Jahrtausend v.u.Z. Teil 2. Mittel- und Südsyrien* (Berlin: Akademie Verlag, 1969), 250, 255; M. Dietrich and O. Loretz, 'Die soziale Struktur von Alalāḥ und Ugarit (II)', *WO V* 1 (1969), 59–93. To the etymology of *ḥupšu*, L. Kopf, 'Das arabische Wörterbuch als Hilfsmittel für die hebräische Lexicographie', *VT* 6 (1956), 286–302, 300ff.; cf. already W. F. Albright, 'The North-Canaanite Poems of Al'âyan Ba'al and the "Gracious Gods"', *JPOS* 14 (1934), 101–40, 131 n. 102, and *From the Stone Age to Christianity* (2nd edn; Garden City, NY: Doubleday, 1957), 285 n. 12.
52. 'Bauern': thus after Knudtzon, *Die El-Amarna Tafeln*, VAB II (Leipzig: J. C. Hinrichs 1915), 1417. 'Free Proletarians': according to I. Mendelsohn, 'The Canaanite Term for "Free Proletarian"', *BASOR* 83 (1941), 36–9.
53. Heltzer, *VDI* 1969/3, 33. Cf. his 'Carskie ljudi' (*bnš mlk*) i carskie xozjaststvennye centry (*gt*) v Ugarite' ('Royal Dependents [*bnš mlk*] and Units of the Royal Estate [*gt*] in Ugarit'), *VDI* 1967/2, 32–47, and the same in Liverani, *La Siria*, 34, and in Klengel, *Beiträge*, 129. The testimonies of *ḥupšu* in Ugarit are few. They are mentioned, however, together with the military group *šananu/tmn* in PRU 5, 15 (cf. also I Krt 90–91: *hpt.dbl.spr / tnn.dbl.hg*, 'h. without numeral, t. without number'). Important in this connection is also the RŠ 24.247 (KTU 1.103 (+ KTU 1.145) *mlkn.j* 'zz. 'l.*hpth*, 'Our king shall prevail over his *ḥupšu*', cited by Gordon, *UT*, 404, no 915. The greater part of the material relating to *ḥupšu* in Alalāḥ has been treated by Dietrich and Loretz, 'Die soziale Struktur'.
54. Rib-Adda's failing confidence in the loyalty of his *ḥupšu* was a result of his inability to provide them with the mentioned supplies; cf. EA 118: 23–4; 125: 25ff.; 85: 10ff.

they would bolt and join Abdi-Aširta.⁵⁵ The social standing of *ḥupšū* in Assyria seems to have been very much the same as in western Asia. There, they were also soldiers (mercenaries) with specific *corvée* obligations.⁵⁶ The mention of *ḥupšū*, however, is not restricted to the military profession. From Nuzi, we know of three cases in which persons, characterized as *ḥupšū*, are weavers.⁵⁷ From Alalah (stratum IV, fifteenth century) we have various artisans, shepherds, one courier and one doctor (all exceptions)⁵⁸ who belong to the *ḥupšū* (= *name* in Alalah).

From this material, it is possible to define חפשי in Exodus 21:2 in two ways. A Hebrew has become a חפשי by being released from slavery and, in turn, has entered into a private relationship with his former master. Alternatively, the hitherto privately owned עברי has passed into a form of collective dependency on the city-state to which his former master belonged. For this reason, it is inaccurate to define his social position merely as a freedman. A חפשי should also be placed socially, somewhere between a slave and a freedman. Accordingly there is a difference between Exodus 21:2ff. and its secondary development in Deuteronomy 15:12ff. and Leviticus 25:39ff. The last two passages treat the manumission as a complete *restitution*, whereas Exodus 21:2ff. only allows the slave to advance to a subordinate class.

Such promotion was not always looked upon as desirable, as is apparent from Exodus 21:4-6, which confirms the Hebrew's right to choose for himself whether he will remain a slave.⁵⁹ It is not quite clear what his position as an עבד in Exodus 21:2ff. really means. The parallels from Nuzi define the social standing of a male *ḥabiru* slave as *wardatum* 'slavery'⁶⁰ and of a female as *amtum*. In the case of the latter, the punishment for breach of contract on the part of the slave was severe corporal mutilation and resale, which might be taken to mean that it was not normally permissible to sell a slave in Nuzi. Whether a similar measure existed in the Book of the Covenant is uncertain, but probable. Nowhere in the Old Testament is the resale of Hebrew slaves mentioned.

Nothing can be said about the rights and obligations of a Hebrew slave in the situation of prolonged slavery. The term עבדו לעלם in Exodus 21:6 seems to indicate that the slave was to remain in the service of his master indefinitely;

55. Klengel, *Geschichte* II, 250, and Liverani, 'Implicazioni sociali nella politica di Abdi-Aširta di Amuru', *RSO* 40, 1965, 267-77, 272f. Cf. also EA 118: 36-9: *al-lu / pa-tá-ri-ma LÚ.MEŠ ḥu-up-ši ù / ṣa-ab-tu LÚ.MEŠ.GAZ. MEŠ/URU*, 'it is a fact that the *Ḥupši* have run away, and the *ḥabiri* have (consequently) captured the town'.

56. The material has been summed up in CAD 6; cf. most recently G. Cardascia, *Les lois assyriennes* (Littératures Anciennes du Proche-Orient 2; Paris: Les Éditions du Cerf, 1969), 220-21. (to MAL A 45, dating from the twelfth century though the law may be older; cf. Meek, ANET³ 180).

57. Cf. E. R. Lacheman, 'Note on the Word *ḥupšū* at Nuzi', *BASOR* 86 (1942), 36-7.

58. Cf. Dietrich and Loretz, 'Die soziale Struktur', 87. Only in the case of 18 out of 542 persons has an occupation been mentioned.

59. Further details to vv. 3-6 in Paul, *Studies*, 47ff.

60. One exception: Bottéro, *4e RAI*, no. 54:3 [*a-na gi*]-*el-lu-uh-ti*. The reading and the content of the word is not quite certain. Cf. von Soden, *AHW*, I, 284, s.v. *gelduḥlu, gelzu(h)lu*.

but whether this meant that the owner could not get rid of his slave by selling him or setting him free at a later date must be left an open question at present.⁶¹

Exodus 21:7-11

With regard to vv. 7-11, which, in their present context state the rules a Hebrew must follow in the case of wanting to sell a daughter, it is necessary to obviate some misunderstandings. It is expressly stated that the issue is the sale of a daughter, who is apparently a virgin, not the sale of a Hebrew woman, an עבריה. Thus, the law described in vv. 7-11 cannot be taken to apply to Hebrew women in general and to mean that these could not be set free on the same conditions as male slaves.⁶² Either there are no rules for a Hebrew selling his wife (or his sons, for that matter) or these two categories are incorporated in the law of vv. 2-6 in a way that it was considered impossible that a man sell his wife and remain free himself and, further, that a son sold into bondage had the same possibilities of manumission as his father.

Conclusion

The traditional point of view that the Book of the Covenant is of Israelite origin has supported many absurdities and distortions in the interpretation of the Hebrew slave and his social standing. This chapter attempts to shed new light on a number of obscurities in Exodus 21:2-11:

1. The first part of the Book of the Covenant fits in very well with a context that is Canaanite, not Israelite.

61. Paul, *Studies*, 50, thinks that האלהים, Exodus 21:6 refers to the household god (elsewhere in the Old Testament תרפים. In this case, the slave was accepted as a permanent member of the household in the presence of the god (whose protection was thus extended to him). This would also explain Rachel's theft of Laban's תרפים as enabling Jacob to break his contract of service to Laban as a person without his having to break away from the protective penates. Cf. M. Greenberg, 'Another Look at Rachel's Theft of the Teraphim', *JBL* 81 (1962). The rather fanciful interpretation of Rachel's psychology may be neglected in this connection. It is, however, more probable that האלהים indicates that the ceremony took place in the local sanctuary; cf. to this, most recently, M. Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: Oxford University Press, 1972), 233.

62. In opposition to Beer and Galling, *Exodus*, 108; Noth, *ATD*, 5, 144, and P. A. H. de Boer, 'Some Remarks on Exodus xxi 7-11', *Orientalia Neerlandica* 1948, 162-6. Cf. Jepsen, *Bundesbuch*, 27-8, who is probably right when stating partly that she is not set free because of the status she obtains with her owner. Both Jepsen, *Bundesbuch*, 28, and de Boer, 'Some Remarks', 162, are right when interpreting עם in v. 8a as 'family', thus indicating that the slave girl cannot be sold to another family. I. Mendelsohn, *Slavery*, 12f. takes vv.7-11 as parallels to the 'sale-adoption' contacts from Nuzi; but it is doubtful whether this is actually a parallel; cf. also Paul's hesitations, *Studies*, 53.

2. This also applies to the first law in the Book of the Covenant, the law of the Hebrew slave. The placing of this law within the first part of the Book of the Covenant cannot really be challenged, but several objections may be raised against the wording of v. 2. The beginning of v. 2 should be corrected in accordance with Alt's views.
3. The interpretation of this law must necessarily include the general debate on *ḥabiru* and *ḥupšu*. I have tried to explain the words עברי and חפשי in close agreement with the modern view on *ḥabiru* and *ḥupšu* as sociological denominations.

According to this a *ḥabiru* should be taken to mean an outlaw and *ḥupšu* someone dependent on a city-state or on a citizen of the same.⁶³ The thought that the Hebrew of Exodus 21:2 was necessarily an Israelite must be ruled out; but this does not exclude the possibility that he might have been. It is quite probable that impoverished Israelites or groups from the now resident Israelite tribes joined the *ḥabiru* and it must have been difficult, at times, for the original inhabitants to distinguish between Hebrews and Israelites among the roaming gangs of robbers.

The results reached do not, however, solve all problems. There is still the question of how the transformation of the Hebrew from an antisocial straggler to an Israelite citizen took place, and of how the traditional synthesis of the laws of the manumission of slaves with the law of the fallow year, transforming it into first a 'Sabbath year' and later a 'Year of Jubilee', was effected.⁶⁴

Appendix

חפשי in 1 Samuel 17:25

Some uncertainty attaches to the usual interpretation of the last part of Saul's oath to David's family:

ואת בית אבי יעשה חפשי בישראל

In general, it is held that חפשי means 'free' from something – for example, from paying tax or other duties⁶⁵ or, alternatively, free from *corvée* obligations⁶⁶ or

63. It is not improbable that *ḥupšu*/חפשי is the West Semitic word for Akkadian *muškēnum*, who were also a client-class. Cf. W. von Soden, 'Muškēnum und die Mawali des frühen Islam', *ZA* 56 (1964), 133–41, who finds similarities between the Arabic *mawali* and the *muškēnum* class in the Old Babylonian period; cf. too B. Kienast, 'Zu *muškēnum* = *Maula*', *XVIII Rencontre assyriologique internationale*, 1970 (Bayerische Akad. d. Wiss. Phil. Hist. Kl. Abh., N.F. 75; Munich: Bayerische Akademie der Wissenschaften, 1972), 99–103.

64. I refer to these problems (including Jer. 34:8ff.) in Chapter 2, this volume.

65. Thus K. Budde, *KHAT* V111, 126; W. Nowack, *HKAT* 1 4, 88; H. Gressmann, *SATA* II/1, 67; W. Hertzberg, *ATD* 10, 114.

66. H. P. Smith, *ICC*, 158.

possibly both.⁶⁷ Other suggestions have been put forward by W. Caspari⁶⁸ who thinks that Saul offered to annul whatever debt might have been incurred by David's family, and by H. J. Stoebe⁶⁹ who would prefer to write off the whole passage as secondary, partly because it is not included in the LXX and partly because it makes no sense in view of the fact that David was a free landowner. This last argument is irrelevant, however, since Saul could not know beforehand who was going to accept his offer. Nor would it offer any solution to look upon Saul's pledge to grant tax exemption as insignificant since David's family, as Judeans, could not have been tributaries of the Israelite king. In this connection, I think it most probable that no political union existed between Israel and Judah before David became king of both countries.⁷⁰

Another way of understanding v. 25 is by way of a closer definition of the word *הפשי*. I have tried above to prove that in Exodus 21:2 *הפשי* should be interpreted in light of the source material on the *hupšū* from the Near Orient.

Hupšū/הפשי were a class of clients in the city-state, supported by the allocation of plots for cultivation or by supplies of provisions from the royal stores. It seems to me clearly relevant to take this understanding of the *hupšū/הפשי* into consideration when trying to penetrate into what Saul actually meant in promising the status of a *הפשי*. Probably there is no question of tax exemption or the like (a typically modern thought), but rather of an offer to grant supplies from the royal household. It is well known from 1 Samuel 17:7 that Saul had the means to support a private guard of mercenaries, and it may be deduced from this that he also had the means to attract influential families as his clients. In this particular case, the intention may have been to procure adherents in Judean circles just as later on David bought himself support from leading Judeans.

67. R. de Vaux, *Institutions I*, 137.

68. *KAT VII*, 204.

69. *VT* 6, 403; cf. *KAT VIII* 1, 324.

70. Mowinckel, *BZAW* 77, 137–8, and de Vaux, *Histoire ancienne*, 50ff.

The manumission of slaves – the fallow year – the Sabbatical Year – the Jubilee Year

1976

Introduction

On several occasions during the last few years the royal edicts known from the Old Babylonian period have been associated, because of their social tendencies, with the Israelite laws of manumission, land regulation and transactions etc.¹ The Israelite laws are, for the most part, to be found in the legislation related to the Sabbatical Year in Deuteronomy 15:1-18, and to the Jubilee Year in Leviticus 25. According to the Old Testament, these particular years occurred every seventh or every fiftieth year. In the absence of any proof, however, that the Babylonian edicts should have been issued at regular intervals, F. R. Kraus and J. J. Finkelstein are rather unwilling to accept that the Babylonian institution is parallel to the Israelite one. J. Lewy, on the other hand, goes further and attempts to prove from the cuneiform literature that the Mesopotamian decree on the remission of debt, manumission, etc. and the Israelite Jubilee Year legislation had mutual origins in the Amorite population which was spread over a large part of Mesopotamia, as well as Palestine and Syria. In pre-monarchical Israel the institution was supposed to recur at regular intervals due to the lack of governmental authorities, whereas in Mesopotamia the various kings were free to regulate the dates freely.

M. Weinfeld has recently gone further in his comparisons and tries to show that the Israelite Sabbath and Jubilee Year institutions survived all through the period of the Israelite monarchy in the form of royal reform laws, issued at regular intervals.² The most important evidence for this is the description in Jeremiah

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1. Thus, J. Lewy, 'The Biblical Institution of *derôr* in the Light of Akkadian Documents', *EI* 5 (1958), 21–31, 29ff; J. Bottéro, 'Désordre économique et annulation des dettes en Mésopotamie à l'époque paléo-babylonienne', *JESHO* 4 (1961), 113–64, 164; cf. also, but with reservations, F. R. Kraus, 'Ein Edikt des Königs Samsu-Iluna von Babylon', *Assyriological Studies* 16 (Chicago, IL: University of Chicago Press, 1965), 225–31, 230–31; and J. J. Finkelstein, 'Some New Misharum Material and Its Implications', *Assyriological Studies* 16 (1965), 233–46, 245.
 2. M. Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Oxford University Press, 1972), 152ff. To some extent also the same author's *הזרמים תיאולוגיים בספרות התורה*, *Beth Miqra* 44 (1970), 10–22, 15 and n. 19.

34:8ff. of repealing manumission, which is usually considered an exceptional occurrence. Weinfeld includes additional material to show that this manumission ordinance was *not* exceptional at all, but was, in fact, characteristic of ordinary practice during the time of the monarchy, even as the technical term דרור, in Jeremiah 34:8, is not found anywhere else in the sources for the study of the history of the Israelite and Judean kings other than in Leviticus 25:10, Isaiah 61:1 and Ezekiel 46:17. Weinfeld tries to prove that שים מישפט in Exodus 15:25; 21:1; Joshua 24:25 and עשה משפט in 2 Samuel 8:15 (cf. 1 Kgs 3:28; 6:12; 8:45, 49, 59; 10:9; 11:33, etc.) were ordinary words for a royal decree, bearing social implications. According to Weinfeld, שים מישפט should correspond to *šiptam šakānum* and *mišaram šakānum* in the Mari letters.³ *Mišaram šakānum* was often used in the Old Babylonian period to announce the issue of a royal decree bearing social implications. This use of *mišarum* in Akkadian seems to correspond to the Hebrew מישרים in, for example, the Enthronement Psalms 96:10; 98:9; 99:4.

No doubt, Weinfeld is right in emphasizing a connection between מישרים of the Enthronement Psalms and Akkadian *mišarum*. On the other hand, it does seem peculiar that *mišaram šakānum* should be analogous to שים מישפט when an all but literal parallel to *mišaram šakānum* is found in Psalm 99:4: אתה כוננת מישרים. It is also noteworthy that מישרים is not found in connection with a mortal king in, for example, Psalm 72, which might otherwise have seemed obvious evidence for the continuity of the Old Babylonian reform practice.

Only in connection with the Enthronement Feast of Yahweh do we find משרים in a connection that may be compared to the motives behind the royal reform edicts of Mesopotamia. There is one exception, Isaiah 11:4: ושפט בצדק דלים; והוכיח במישור לענוי-ארץ. However, the parallelism between צדק and מישור may support the impression that מישור is not applied in a specific technical sense (though it must be noted that the word is in the singular, like Akkadian *mišarum*),⁴ whereas מישור is neutral in the same way as in Malachi 2:6; Psalms 45:7 and 67:5.⁵ Finally, it is significant that the only reference to a royal edict – namely, Jeremiah 34:8ff. – uses דרור corresponding to the Akkadian *andurārum* instead of מישור/מישרים.⁶

3. Weinfeld, *Deuteronomy*, 152 and 155 n. 9.

4. Accordingly, I do not distinguish between מישור and מישרים. It is probably the same word.

5. The collation of צדק and מישור / מישרים in Isa. 11:4 (cf. 45:19; Ps. 9:9; 58:2; Prov. 1:3; 2:9) can best be compared with the collation of the Akkadian *mišarum* and *kittum*; cf. to this CAD 8, K, 470–71, and S. M. Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law* (VT sup, 18; Leiden: E. J. Brill, 1970), 3ff. מישרים and קדצ are also found collocated as twin gods in Philon of Byblus (Misor and Sydyk); cf. H. G. Güterbock, *Kumarbi. Mythen vom churritischen Kronos aus dem hethitischen Fragmenten zusammengestellt, übersetzt und erklärt* (Istanbul Yazilari no 16; Zürich: Europaverlag, 1946), 114–15, and E. A. Speiser, 'Authority and Law in Mesopotamia', *JAOS Supplement* 17 (1954), 8–15, 12 n. 24. Cf. that *kittum* and *mišarum* also occurs as twin gods in Babylonian documents. See CAD 8, K, 471 with references. Cf. the appendix below to Isa. 11:4.

6. Cf. p. 37ff., this volume.

In other words, it may be asserted that royal edicts, if such existed in Israel, were not called מִשְׁרִים acts, and it is hardly possible to take for granted a direct Mesopotamian impact upon the use of Hebrew מִשְׁרִים in the Old Testament. In fact, the use of מִשְׁרִים in connection with the Enthronement Feast of Yahweh to some extent indicates that the connection is indirect and that the special interpretation of the word as related to social reforms has been lost in the same way as the use of *mišarum* in Mesopotamia, the technical sense of the word apparently having fallen out of use after the Old Babylonian period.

Although I find it necessary to disagree with Weinfeld's argument, I admit that his theory of an Israelite institution corresponding to the Babylonian decrees of 'freedom' and 'justice' may be correct. It is obvious from the Old Babylonian edicts that these were issued primarily in connection with a new king's accession to the throne, usually in the second year of his reign⁷ (and at times later in his reign).⁸ Since the intention behind these edicts was to re-establish social balance (as is apparent from their designations), they cannot be separated from the obligation which bound oriental rulers to protect the lives and welfare of the poor, an obligation, imposed upon kings by their divine overlord.⁹ The possibility that a similar institution had served as the background of hopes attached to the new king (or his designated successor), which finds expression in several passages from the Old Testament, cannot be dismissed without further explanation.¹⁰

The discussion of the Old Testament Sabbath and Jubilee years should, nevertheless, not rely uncritically on so-called parallels in cuneiform literature. The results of a closer investigation of the Babylonian material require that one not unhesitatingly compare Akkadian *mišarum* of the Old Babylonian era with Hebrew מִשְׁרִים, as M. Weinfeld has done, since *mišarum* was apparently not used for social edicts after the Old Babylonian period. Consequently, מִשְׁרִים – if we try to follow Weinfeld – must have been borrowed from Akkadian long before the Israelite immigration and survived in this meaning in Palestine alone for about 1000 years. This is not possible. On the other hand, *andurārum*, in Hebrew דָּרוּר (corresponding to Neo-Assyrian *durārum*), may have been borrowed at any time in its 1000-year history, bearing the meaning of a social edict or royal favour. Therefore, to more precisely arrive at the exact time of the borrowing and to obtain a better understanding of the problem of the origin of the

7. See Finkelstein, 'Some New Misharum Material', 243ff., and his 'Ammišaduqa's Edict and the Babylonian "Law Codes"', *JCS* 15 (1961), 91–104, 102; see also F. R. Kraus, *Ein Edikt des Königs Ammi-Šaduqa von Babylonien* (Studia et Documenta ad Iure Orientis Antiqui Pertinentia; Leiden: E. J. Brill, 1958), 224ff.: nos 33 (Ḫammurabi), 36 (Samsuiluna), 38 (Abiešuḫ), 41 (Ammiditana), 43 and 44 (Ammišaduqa).

8. Cf. to this Finkelstein, *Assyriological Studies* 16, 243ff.

9. Cf. C. Fensham, 'Widow, Orphan and the Poor in Ancient Near Eastern Legal and Wisdom Literature', *JNES* 21 (1962), 129–39.

10. Cf. Ps. 72:1ff; Isa. 11:1ff. See also M. Noth, 'Amt und Berufung im Alten Testament', 1958, in *Gesammelte Studien* I, 2nd edn (Munich: Chr. Kaiser, 1960), 309–33, 332 n. 49. Noth thinks that a royal institution may have formed the background of Isa. 61:1ff.

Old Testament Sabbatical and Jubilee Years, one needs first of all to analyse the Old Testament material.¹¹

The laws

Exodus 21:2ff.; 23:10-11

In the Book of the Covenant, Exodus 21:2–23:16 (19), we have two separate laws, which are repeated twice later on in the Old Testament in the legislation on the Sabbatical and Jubilee Year. Exodus 21:2ff. first prescribes that a purchased Hebrew slave shall, after six years' service, pass to the status of a client.¹² Second, Exodus 23 demands that land under cultivation lie fallow every seventh year. In the context of the Book of the Covenant, these paragraphs do not contradict one another. The law of the Hebrew slave is placed at the beginning of the first part of the Book of the Covenant, Exodus 21:2–22:16, which is now generally considered the oldest part, and which in the opinion of many scholars – including myself – has strong links to Canaanite and Mesopotamian laws. This part is predominantly of a profane character (*jus*). Opposite it are the rules based on cult and religion (*fas*), which are to be found in the second part of the Book of the Covenant, Exodus 22:17–23:16 (19), and which, among other things, comprise the law of the fallow year. Between those two parts of the Book of the Covenant there was originally no connection. Every section had its own significance to society. It seems probable, though, that the two sections were brought together as early as the time of the judges.

Exodus 21:2: *כי תקנה עבד עברי שש שנים יעבד ובשבעת יצא לחפשי הנם*. In this verse, there is no fixed date according to which all slaves of Hebrew origin should be set free. On the contrary, it is expressly stated that every single slave is to be manumitted after having completed his term of service. In this connection, it should be noted that the slave law, Exodus 21:2-6, only relates to male Hebrew slaves – that is, to *ḥabiru*, who will be admitted to the community again; subsequently, regulations are mentioned, in Exodus 21:7-11, relating only to the daughters of Hebrews, not to Hebrew women in general.¹³

11. Cf. Chapter 3, this volume. The necessary technical information will be found there. The two principal theses are:

1. *Mišarum* was not used of social edicts after the Old Babylonian period, whereas *andurārum* could be used in this sense from Old Babylonian to Neo-Assyrian times (the last evidence known perhaps dates to the reign of Assurbanipal).
2. Some references to *mišarum* (and also to *andurārum*) later than the Old Babylonian period should not be understood uncritically as references to royal edicts with more general consequences. They are perhaps, rather, only referring to acts concerning individuals.

12. As to Exodus 21:2ff., I would like to refer to Chapter 1, this volume.

13. Cf. Chapter 1, this volume, n. 12.

Exodus 23:10-11 seems to refer to a seven-year cycle when prescribing that the soil should lie fallow every seventh year. To this order, which originates in agrarian conditions so difficult to separate from the religious conditions, has been added a social justification in v. 11.¹⁴ Nevertheless, based on these two verses alone, it is hardly possible to claim that this regulation was valid throughout the entire Israelite territory. It is far more probable that every farmer left his fields fallow at regular intervals (possibly in turns),¹⁵ and it is also probable that an older agrarian custom had been augmented by v. 11b: כִּי־תַעֲשֶׂה לְכַרְמְךָ לְזֵזַתְךָ, which, syntactically considered, limps behind.¹⁶

Deuteronomy 15:1-18

In Deuteronomy 15:2-18 we seem to find the same two sections from the Book of the Covenant joined together in the law of the Sabbatical Year.

Deuteronomy 15:1: מִקֶּץ שִׁבְע־שָׁנִים תַּעֲשֶׂה שְׁמִטָּה. This does not necessarily imply that Deuteronomy 15:1 refers to a general observation every seventh year. The range of the שְׁמִטָּה has not been stated, and besides it is a question of whether agrarian conditions are included in the use of שְׁמִטָּה in Deuteronomy at all. In the 'commentary' on Deuteronomy 15:1-11, there are conditions related to landed property that have been allowed for. However, it seems that from the 'commentary' in vv. 2-3 and also from the added regulations on loans in vv. 7ff., the Deuteronomists in Deuteronomy 15:1-11 refer to a שְׁמִטָּה regularly recurring, which is analogous to the annulment of liabilities in a Deuteronomistic context.¹⁷

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14. It may be maintained against Noth (*Das zweite Buch Mose, Exodus*, ATD, 5; Göttingen: Vandenhoeck and Ruprecht, 1958, 154) that even though the practical importance of the fallow year for soil fertility is not explicitly mentioned in Exod. 23:10-11, this may well be implicitly understood according to the understanding of the period. Cultivation of the soil and the harvesting of its products have always been subject to religious perceptions and it is wrong, based on modern farming and its particular working morale, to draw conclusions regarding farming conditions of the past.
 15. In opposition to e.g. Beer and Galling (*Exodus*, HAT I 3; Tübingen: Mohr, 1939, 119), who think that Exod. 23:10-11 prescribes the observance of a generally valid Sabbatical Year and who argue on the basis of, first, an analogy to v. 12, and, second, a parallel to Lev. 25:2-7 and Exod. 23:12, which demand the observance of the weekly Sabbath is irrelevant, in view of the fact that the two parts, vv. 10-11 and v. 12, have evidently been joined together because of the analogy between the seven years in vv. 10-11 and the seven days in v. 12. This does imply, however, that it becomes possible to draw conclusions regarding the actual contents of vv. 10-11 from v. 12. As regards Lev. 25:2-7, this is probably a late and secondary interpretation of Exod. 23:10f. Cf. also Noth's less categorical treatment of Exod. 23:10-11, ATD 5, 153-4.
 16. E.g. F. Horst, *Das Privilegrecht Jahwes* (FRLANT 45; Göttingen: Vandenhoeck and Ruprecht, 1930), now in *Gottes Recht* (Munich: Chr. Kaiser, 1961), 17-154, see 80; see also G. Seitz, *Redaktionsgeschichtliche Studien zum Deuteronomium* (BWANT 93; Stuttgart: Kohlhammer, 1971), 167.
 17. Even though there is no complete agreement with regard to the details of Deut. 15:1-11, it seems a fact that several layers of commentaries and warnings have been added to the older law, cited in v. 1 on the basis of the שְׁמִטָּה ordinance of v. 1. Cf. e.g. Horst, *Das*

Deuteronomy 15:12: *כי־ימכר לך אחיך העברי או העבריה ועבדך שש שנים ובשנה השביעית תשלחנו חפשי מעמך*. This section is probably introduced by v. 11 which connects the preceding section with that which follows. As to form, v. 12 is closely related to Exodus 21:2. Stylistically, the most essential divergence is that Exodus 21 opens with a direct address in the second person singular, *תקנה*, while Deuteronomy 15:12 opens with a third person singular, *ימכר*. Exodus 21:2ff. has a third person singular and Deuteronomy 15:21ff. a second person singular in connection with the slave owner and a third person singular in connection with the slave. This is an essential indication that *תקנה* in Exodus 21:2 is secondary, while the original text had either *תקנה*, as A. Jepsen thinks,¹⁸ or *ימכר*, as suggested by A. Alt.¹⁹ It might reasonably be expected that the Deuteronomists would use the second person singular *תקנה* if this were what had been found in the Book of the Covenant at the time when they cited it. The use of the word *עברי* and the vv. 16-17, which in content and also, to some extent, in wording corresponds to the usage in Exodus 21:5-6, makes it clear that they must have cited from the Book of the Covenant, which we find in Deuteronomy 15:12.²⁰ However, it is impossible to believe that they should have tried to make an older slave law, cited in Deuteronomy 15:12, conform to the wording of Exodus 21:2 by inserting *עברי* and *עבריה*, as suggested by R. P. Merendino.²¹

One thing is certain. The word *עברי* in Exodus 21:2 has been interpreted not as *habiru* in its originally sociological meaning, but as ‘countryman’, ‘Israelite’. To elucidate this reinterpretation, the Deuteronomists inserted v. 12. and augmented *עברי* with the feminine form *עבריה*, which is only used here (and in the quotation of this passage in Jer. 34:9). The augmentation of *עברי* by *עבריה* has not penetrated to the predicative, *חפשי*, which is still in the singular in accord with Exodus 21:2, whereas Jeremiah 34:9 has *חפשים*.²²

It is not expressly stated in Deuteronomy 15:12ff. that the Israelites sold themselves to their countrymen because of debt. However, the main cause for people selling themselves undoubtedly was dire poverty. So, Leviticus 25:39ff.! It is characteristic that sales of land and mortgage on land play no part in this passage. Not one word indicates whether the free citizens who were sold as slaves also lost their property because of their debt, although they probably did if this legislation had ever been put into force in reality. It would also have been

Privilegrecht, 79ff., and G. von Rad, *Das fünfte Buch Mose. Deuteronomium* (ATD, 8; Göttingen: Vandenhoeck and Ruprecht, 1964), 74. See also R. P. Merendino, *Das deuteronomistische Gesetz* (BBB, 31; Bonn: Peter Hanstein, 1969), 106ff., and Seitz, *Redaktionsgeschichtliche*, 167ff.

18. A. Jepsen, *Untersuchungen zum Bundesbuch* (BWANT, III 5; Stuttgart: Kohlhammer, 1927), 56.

19. Alt, *Kl. Schr.* I, 291. See also Chapter 1, this volume.

20. Note the use of *מִרְצֵעַ* ‘pricker’, which in the Old Testament is only used in these two passages. Although the quotation does not follow Exod. 21 word by word, the majority of the words in Deut. 15:16f. have been taken from the Book of the Covenant.

21. Merendino, *Das deuteronomistische Gesetz*, 113.

22. The adaptation of Jeremiah 34 apparently has not understood *י* in *חפשי* as a gentilic ending. Cf. below.

necessary to mention the possibility of the redemption of the property sold or its possible return in connection with the manumission of slaves if this had been looked upon as a complete *restitutio* for slaves of Israelite birth. Otherwise, the manumission could only have been formal and impossible for a slave to accept in practice. But it is possible that *הפשי* in Deuteronomy 15:12ff., as in Exodus 21:2ff., signified a special group within the community which was dependent on the free citizens, either private persons or possibly greater units such as villages, towns or even the central government.²³ It is more probable, though, that the Deuteronomists use *הפשי* about the 'free' in general, which is also indirectly indicated by the fact that they seem to have realized the difficulties likely to arise in connection with manumission and that they have tried to eliminate these by warning the owner not to send his former slaves away empty handed. In this connection one might speak of the humanitarian attitude of the Deuteronomists as Weinfeld does;²⁴ but it should not be overlooked that if the law of Deuteronomy 15:12-18 had been realized, it would have increased societal problems, for the law would have created a proletariat, or at any rate would have increased the number of the very poor.

Finally, it says something about the origin of this part of the law of the Sabbatical Year that nowhere in Deuteronomy 15:12-18 is there any reference to a fixed seven-year cycle involving a collective manumission at a certain time every seventh year. On the contrary, it is quite clear that slaves had to serve their time without complaint before they could be set free.

The conclusion seems to be that the Sabbatical Year is a Deuteronomistic construct. The legislation relating to the Sabbatical Year dates back to two separate laws taken from separate parts of the Book of the Covenant: Deuteronomy 15:1 from Exodus 23:10-11 and Deuteronomy 15:12 from Exodus 21:2. The originals must have had different roles in society. The reason why these two were combined evidently lies in the fact that it was a question of seven years for both. Behind Exodus 21:2ff., there is no seven-year cycle, and in Exodus 23 the fallow year is probably limited to parts of the cultivated land. The Deuteronomists have understood the fallow year regulations as if they were universal, but they have forgotten that it was originally an agrarian ordinance, and so have interpreted it as a remission of debt. For the same reason, they have demanded that slavery for debt be abolished. It seems odd that they have not done more to harmonize Deuteronomy 15:1-11 and 15:12-18.

Leviticus 25

In its present shape, the legislation of the Jubilee Year, Leviticus 25, forms part of the Holiness Code, Leviticus 17-26. The first half of Leviticus 25 is devoted to the Sabbatical Year, taken to mean a fallow year with a religious foundation (vv. 1-7). The second part of Leviticus 25 defines the intention of the special Sabbatical Year, which, supposedly every fiftieth year, coincides with the

23. As to the interpretation of *הפשי*, see pp. 24-5, this volume.

24. Weinfeld, *Deuteronomy*, 282-3.

ordinary Sabbatical Year recurring every seventh year. This year is described as יובל (the precise meaning of this word has probably been forgotten),²⁵ and the celebration of it follows upon a declaration of 'freedom' (דְּרוּר). The real intention of the Jubilee Year legislation follows in v. 10b: וּשְׁבַת אִישׁ אֶל־מִשְׁפַּחְתּוֹ וְאִישׁ אֶל־אֲחֻזָּתוֹ גְּאֻלָּהּ. All details must be considered in view of this. V. 10b α refers to the regulations in the following verses – in particular, vv. 25ff. and v.10b β to the slave law in vv. 39ff. Apart from this, the legislation maintains rules for the observance of the fallow year in the same way as it does for the normal Sabbatical Year and also for loan activity.

Traditio-historically, Leviticus 25 is far from being a unified whole, but presents many problems. The most conspicuous difficulty is the date for the Jubilee Year in v. 11 – namely, every fiftieth year. This coincides with the Sabbatical Year, which recurs every seventh year. Literally, this suggests that two Sabbatical Years be observed in a row, a most damaging prescription if carried out in reality.²⁶ Several solutions have been suggested: one that the number fifty of v. 11 rounds off forty-nine to fifty.²⁷ Another proposes that the forty-ninth year is reckoned as the fiftieth because the former Jubilee Year is included in defining the entire Jubilee period.²⁸ If E. Kutsch was correct in saying that the tenth day of the seventh month was not understood as an ancient New Year's date, then the Jubilee Year would stretch from the forty-ninth year into the fiftieth. This might offer a third explanation for the chronology.²⁹ It is worth mentioning, though, that if the date of v. 9 may reasonably be understood as dependent on the introduction of a new calendar shortly before the exile,³⁰ the fiftieth year in v. 11 cannot be explained with Kutsch. As to the first suggestion,

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25. Cf. R. North, *Sociology of the Biblical Jubilee* (AnBi 4; Rome: Pontificium Institutum Biblicum, 1954), 96ff.
26. Cf. R. de Vaux, *Les institutions de l'Ancien Testament*, I (Paris: Les éditions du cerf, 1961), 268.
27. E.g. North, *Sociology*, 129ff., who makes a comparison to Pentecost πεντεκοστή originally 'fifty (day)', though Deut. 15:9 says 'seven weeks', and Lev. 23:16 'Seven weeks' from the day after the Sabbath until the day after the Sabbath = fifty days, but in reality it is only = forty-nine.
28. A. Jirku, 'Das israelitische Jubileejahr' (1929), in *Von Jerusalem nach Ugarit* (Graz: Akademische Druck- und Verlagsanstalt, 1966), 320, follows the suggestion made by Kugler. The number fifty has been reached through the Hebrew practice of counting both *terminus a quo* and *terminus ad quem*. In the case of Lev. 25, this implies that both old and new Jubilee Years are included in a Jubilee Year period of fifty years; cf. also K. Elliger, HAT, I 4, 352, and H. Graf Reventlow, *Das Heiligkeitsgesetz formgeschichtlich untersucht* (WMANT 6; Neukirchen: Neukirchener Verlag, 1961), 125.
29. Cf. E. Kutsch, *Das Herbstfest in Israel* (Masch. Schr. Diss.; Mainz 1955; not available), and R. Kilian, *Literarkritische und formgeschichtliche Untersuchung des Heiligkeitsgesetzes* (BBB 19; Bonn: Peter Hanstein, 1963), 123–4.
30. See Noth, *ATD* 6, 162, and Reventlow, *Das Heiligkeitsgesetz*, 129, who follows J. Begrich, *Die Chronologie der Könige von Israel und Juda* (Beiträge z. hist. Theol., 3; Tübingen: Mohr, 1929), 156ff. Cf. also Zimmerli, 'Das Gnadensjahr des Herrn', in Arnulf Kutschke and Ernst Kutsch (eds) *Festschrift für Galling, Kurt: Archäologie und Altes Testament* (Tübingen: Mohr, 1970), 325.

it is a question of whether seven times seven years was not, to the Israelites, in fact, a round figure, represented as fifty years.

Concerning recent tradition-research dealing with this chapter, there is little or no agreement on details. H. Graf Reventlow suggests three originally independent segments. The first, ending with v. 24, retains two older tradition units which are opposed to each other: a Sabbatical Year legislation, which originally offered agrarian ordinances, and a legislation of the Jubilee Year, which contained regulations for the גאלה. In the last part of Leviticus 25 (vv. 25ff.), Reventlow demonstrates a complex of so-called מִן מִן rules which were social ordinances for the benefit of the impoverished segment of the population. These elements were, according to Reventlow, secondarily joined together in Leviticus 25, and a 'Prediger' has added his partly parenetic commentaries.³¹

R. Kilian assumes at least four stages of tradition. He mentions one redactor for the archetype, another for the inclusion of the Holiness Code, a third who is identical with the compiler of the P-source, and a fourth who created the legislation of the Jubilee Year. Originally there was only the legislation of the Sabbatical Year, which Kilian thinks can be separated from Leviticus 25 through literary criticism. Not until late, probably after Nehemiah, was this legislation on the Sabbatical Year amplified and reinterpreted to accord with the law of the Jubilee Year. The latter legislation is in itself expressive of a late Utopia.³²

The scholar who has gone farthest in the direction of splitting Leviticus 25 into discrete sources is K. Elliger, who traces up to eight stages of tradition in this chapter.³³ Elliger assumes the existence of an older written law dealing with land transactions, which was converted into the Jubilee Year law no later than the seventh century BCE, partly through the addition of social ordinances to relieve poverty. An even later redaction has combined the Jubilee Year legislation with that of the Sabbatical Year and, finally, the laws regarding enslaved debtors have been added.

The following laws in Leviticus 25 are mentioned in detail:

1. vv. 1-7: the Sabbatical Year;
2. vv. 8-24: the Jubilee Year in general;
3. vv. 25-55: the Jubilee Year in detail – that is:
 - (a) the annulment of sales of land;
 - (b) the regulation of loans; and
 - (c) manumission.

In this chapter, the Sabbatical Year is understood as a fallow year comprising both fields and vineyards, but given a religious context. The wording of Leviticus 25 is undoubtedly literarily dependent on the wording of Exodus 23:10. Compare Leviticus 25:3: תזרע את ארצך ואספת את תבואתה ... שש שנים with Exodus 23:10: שש שנים תזרע את ארצך ואספת את תבואתה. The technical use of the root שמט, either verbally

31. Reventlow, *Das Heiligkeitsgesetz*, 139ff.

32. R. Kilian, *Literarkritische*, 130ff.

33. HAT, I 4, 347ff.

תשמטנה, Exodus 23:11, or as a noun שמטה, Deuteronomy 15:1, has been avoided in Leviticus 25:2ff. However, the close relationship between Leviticus 25:2ff. and Exodus 23:10-11 is obvious for two additional reasons. First, in Leviticus 25:3ff, the vineyards are included from the Sabbatical Year law. They are also included in the fallow year legislation of Exodus 23:10-11. However, as mentioned above, they have been inserted secondarily. There is no economic reason to include the vineyards in Leviticus 25:3ff. or in Exodus 23:10-11 and economic reasons are most likely to have provided the actual background of the fallow year.³⁴ The inclusion of vineyards in Leviticus 25 also breaks the literary connection between Leviticus 25:3a and 25:3c (cf. Exod. 23:10!). Second, it is remarkable that ‘the wild animals of the country’ (Lev. 25:7) are the consumers of the products of the soil during the Sabbatical Year. In vv. 4-5, members of Israelite households, including גרים and domestic animals, receive their food from the fields, not the poor whom Exodus 23:11 expressly mentions as those who benefit from the law. The wild animals have been included both in Leviticus 25:7 חית אשר בארצך and in Exodus 23:11 חית השדה.

Verses 1-7 emphasize that the Sabbatical Year was generally valid, inasmuch as v. 2 demands observance of the Sabbath in the ‘country’, ארץ, which expression can only refer to the whole of the Israelite territory. In contrast, we have a practical formulation of the law of the Sabbatical Year in v. 3 (4b), which has שדה about the fields instead of ארץ. In v. 4a, however, ארץ appears once again, with the meaning ‘the national area’. In comparison, it may be mentioned that the fallow-year regulation of Exodus 23:10 ארץ is not used in regard to ‘the country’, but instead refers to ‘the fields’. This may be taken as proof that the older fallow year regulation, Leviticus 25:3 (4b), has been interpreted and generalized by this later adaption. The final commentary in v. 6 also would be meaningless if not for the fact that, in vv. 2ff., arrangements of general value were referenced. Sabbatical Year legislation is, finally, accessed and concluded in vv. 20-22. This commentary may well be more recent (in traditio-historical terms); but it firmly establishes the fact that in the fallow year had not actually been put in practice before the time of the commentator.

With regard to contents, the first part of the Jubilee Year law, vv. 11-12, corresponds to the Sabbatical Year. V. 13 introduces the גאולה institution, underlying the annulment of land purchase, the redemption of lands and manumission. The rules of vv. 14-16 and 27-28, which deal with how the price of land is fixed, correspond to similar rules for the manumission of enslaved debtors (vv. 50-52). In both cases, payment is fixed on the basis of the remaining length of time of an arrangement within a given Jubilee Year. The main segment, dealing with גאולה, in relation to landed property, is undoubtedly modelled on older sources, as it appears from the different ways in which landed property is treated in town

34. It is useless for a vintner to let his vineyard lie fallow every seventh year. It is normal, today, for a vine to have uninterrupted production for thirty years, after which it is cleared and new vines, which take five years to reach a reasonable standard of production, are planted. This applies to vineyards of good quality. Those of lesser quality require a longer period of development.

and in country (including the unfortified towns). With literary criticism alone, it cannot be determined whether the גאליה institution has always built on Jubilee Year legislation.

Reventlow has suggested that vv. 25-54 represent an originally independent social codex, characterized by the use of the formula אהיך כיימך, vv. 25, 35, 39, (47). One part of this codex (vv. 35ff.) does not mention the Jubilee Year at all, which is all the more remarkable as it was supposed that debts were remitted in accord with the Jubilee Year, particularly insofar as this was analogous to Old Babylonian *mišarum* acts. The fact that the Jubilee Year is not mentioned in vv. 35-36 could indicate that a reinterpretation of the original intention of the מוך laws has led to the incorporation of verses 25-54 within Jubilee Year legislation.

Assuming that the importance attached to the absence of the Jubilee Year in vv. 35ff. has been exaggerated, it seems worthwhile to consider whether reference to the Jubilee Year in the מוך laws belongs among their principal components, even though missing in vv. 35ff. If so, a reference to a Jubilee Year should not be taken as a reference to a Sabbatical Year. In vv. 39ff., we have legislation relating to slaves who were to be set free at the beginning of the Jubilee Year. Even though one must keep in mind that an indebted Israelite was not to be exploited as a slave but treated as a paid worker, שכיר – a service period lasting up to fifty years – could potentially imply lifelong slavery, and any offer of manumission would accordingly be illusory.³⁵ A fifty-year period is not, however, emphasized anywhere in the מוך laws as a fixed Jubilee Year term, and I suggest that vv. 39-54 (in which passage, many verses are probably secondary) be interpreted by analogy with the slave laws of Exodus 21:2ff. and Deuteronomy 15:12ff., both of which insist that six years of service is sufficient for persons who have been forced to sell themselves because of debt. If the interpretation of יובל as deriving from the verbal root \sqrt{jbl} , as suggested by R. North, is correct,³⁶ the Jubilee Year may be taken to mean the ‘manumission year’, ‘the year of release’ or the like. In accordance with Exodus 21:2ff. and Deuteronomy 15:12ff., this was probably identical with the seventh year of service. It thus becomes possible to suppose that the connection between the celebration of the Sabbatical Year every seventh year, understanding the Jubilee Year as a seven-year term, was fixed individually for slaves and for various cases of land purchase, which has led to a secondary collection of the fallow year and social laws of Leviticus 25. That the Jubilee Year occurs at intervals of forty-nine years, in accord with Leviticus 25, may be due to the fact that it has been interpreted as a countrywide arrangement, and practical and economic motives inspired the redactor to place the Jubilee Year as the seventh Sabbatical Year.

35. This has been acknowledged by, e.g., de Vaux, *Institutions*, I, 327, Noth, *ATD* 6, 168, and Kilian, *Literarkritische*, 129.

36. North, *Sociology*, 102ff. North also compares this with the Akkadian *biltu* (from *wabālu*, ‘to bring’) meaning ‘tribute.’ *Biltu* is, however, used particularly in regard to duties imposed on tenants (‘the so-called *nāšī bilti*’), as well as in regard to yields of the soil, in general.

Whether the law of the Jubilee Year was ever put into practice along the lines described in Leviticus 25 cannot be decided here. We must first investigate whether there are references to this or similar arrangements elsewhere in the Old Testament.

Practical examples

Jeremiah 21:8-20

Zedekiah's law relating to the manumission of Hebrew slaves, Jeremiah 34:8ff., is the only example we know from the Old Testament of a royal edict issued with an apparently social intention. It is generally considered to be a unique provision aiming at the replenishment of the ranks after the war against the Babylonian enemy. Alternatively, by manumitting the slaves, the authorities hoped they would not have to feed them during a possible Babylonian siege.³⁷ No matter what the intention, the royal edict was repealed the moment there was no longer a danger of siege.

Viewed traditio-historically, the basic elements of Jeremiah 34:8ff. have been incorporated into the so-called 'Book of Baruch'; but it is, in general, acknowledged that the passage has been mutilated in the process.³⁸ The most conspicuous difficulty is that the quotation from the law referred to in v. 14 does not correspond to the contents of the royal edict. Zedekiah's law concerned all enslaved debtors of Judean birth (v. 9). In v. 14, the question centres on individual manumission after six years of service. M. David is probably correct in maintaining that the additions to Jeremiah 34:8ff. and their subsequent

37. B. Duhm, *Das Buch Jeremia* (KHAT, XI; Tübingen Mohr, 1901), 279ff., and P. Volz, *Prophet Jeremia* (KAT, 10; Leipzig and Erlangen, A. Deichert'sche Verlagsbuchhandlung, 1922), 317f., both suggest the last possibility, whereas W. Rudolph, *Jeremia* (HAT, I 12, 2nd edn; Tübingen: Mohr, 1958), 203ff., and M. David, 'The Manumission of Slaves under Zedekiah', *OTS* 5 (1948), 63–79, 63 think that military considerations were responsible. A. Weiser, *Das Buch Jeremia* (ATD, 20/21, 5. Aufl.; Göttingen: Vandenhoeck & Ruprecht, 1966), 311–12 thinks that the king wanted to do penance to Yahweh. It is probable that military considerations were the underlying reason for the proposal. However, I have found no parallels to such manumission in the ancient Near East. In classical antiquity, it was not an unknown phenomenon; cf., e.g., the fact that the Spartans released a contingent of Helots in the Peloponesian war, who had been at war in Thrace under Brasidas. This was, no doubt, the consequence of a previous promise of manumission (Thucydides, V: 34), similar to what occurred when the Thebans and their allies threatened to invade Laconia in 371/370BCE. (Xenophon, *Hellenica*, VI: 5.28). After the battle of Chaironeia in 338BCE, Hyperides proposed that the slaves should be set free and armed against the Macedonians (*Hyperides Orationes sex cum ceterarum fragmentis edidit Christianus Jensen*; TB; Leipzig: Teubner, 1917, 118–19). After the defeat at Cannae, 216BCE, the Roman state bought 8000 slaves from private persons and armed them; but it is not stated whether they were manumitted (Livy, 21: 57.11). I owe these references to Dr Sten Ebbesen, professor in classical philology at the University of Copenhagen.

38. Thus Duhm, *Das Buch Jeremia*, Weiser, *Das Buch Jeremia*, and of Rudolph, *Jeremia*, the C-source.

adaption cannot be separated, traditio-historically, from Deuteronomy 15.³⁹ The discrepancies of v. 14 between *מקץ שבע שנים* and *ועבדך שש שנים* can most conveniently be explained on the basis of Deuteronomy 15, since *מקץ שבע שנים* is identical to the Sabbatical Year legislation in Deuteronomy 15:1. The sentence immediately following has been taken from the slave law of Deuteronomy 15:12 and repeated word for word. This also affects the dating of the texts. Therefore, Jeremiah 34:8ff. undoubtedly has been subjected to Deuteronomistic adaptation. This becomes clear as early as v. 9, where *עבריה* and perhaps *עברי* are glosses that have been used because this event was linked to Deuteronomistic slave legislation. Whether *הפשים* also derives from the glossator of v. 9 is doubtful; but the further development from Deuteronomy 15:12 to Jeremiah 34:9ff. is interesting. As suggested above, Deut 15.12 uses the singular *הפשי*, whereas Jer 34.9, 10, 11 and 16 has the plural (in v. 16 the suffix to *שלהתם* is also in the plural contrary to Deut 15.12 *תשלהנו*).⁴⁰ In vv. 10, 11, 16 and 17, *עבריה* and *עברי* are no longer mentioned. Originally, the law simply focused on enslaved debtors of Judean birth.

The technical term for the decree in Jer 34.8ff. is *דרור*, ‘freedom’, which, as mentioned previously, is a loan word from the Akkadian *andurārum*. Another technical expression was *דרור* (*קרא*) used of the Jubilee Year, Leviticus 25:10: *וקראתם דרור בארץ*. However, while *דרור* in Leviticus 25 is usually used for regulations of the Jubilee Year, in general, in Jeremiah 34:8ff., the expression has been limited to one aspect of the Jubilee Year only – namely, manumission. In the Old Testament, we also find this expression in Isaiah 61:1 and Ezekiel 46:17.⁴¹ In Trito-Isaiah, *דרור* is used only in regard to the ‘freedom’ of prisoners, including enslaved persons. In Ezekiel 46:17, *שנת הדרור* signifies the date fixed for the annulment of gifts of land from a sovereign (*נשיא*) to his subjects. By the *שנת הדרור*, plots given away should return to his subjects. By *שנת הדרור*, plots given away should return to the donator. It is questionable whether, by the *הדרור* in Ezekiel 46:17, the introduction of a Jubilee Year corresponding to the one described in Leviticus 25 was intended – namely, a regularly recurring cycle of five years; but it is probable that the ‘year of freedom’ in this case has been understood as a general annulment of transactions dealing in landed property.⁴²

The conclusion we reach with regard to Jeremiah 34:8ff. is to suggest that the Deuteronomists interpreted Zedekiah’s law as something unique, which, in their opinion, was motivated by the slave law, Exodus 21:2ff. (Deuteronomy 15:12ff.). However, in their adaptation of Jeremiah 34:8ff., the Deuteronomists

39. David, ‘The Manumission of Slaves’, 74–5.

40. The LXX has a shorter text for vv. 10–11, at any rate, in the original Septuagint version. However, even though *הפשים* is left out twice in the LXX, this is of no consequence for the transmission of *הפשים* in v. 9 and 16, where the LXX also has this word (*ἐλευθέρους*).

41. Cf. to this Zimmerli, *Galling Festschrift*, 321ff.

42. Against Zimmerli, *ibid.*, 327–8; cf. his *Hezechiel* (BKAT, XIII/2; Neukirchen: Neukirchener Verlag, 1969), 1179. Against David, ‘The Manumission of Slaves’, 75 n. 38, it may be said that *דרור* is not always concerned with slavery and manumission is only one aspect of this issue, as shown in Leviticus 25.

were unable to refer to precedents, let alone a regular practice, resulting in the issuance at regular intervals of royal laws with such an intention.

Nehemiah 5:1-13

In the Old Testament, there is another example of a social reform of more general character – namely, Nehemiah 5:1-13 (from about 445_{BCE}).⁴³ Due to complaints from the poorest that in order to buy corn or pay their duties they were forced to sell their children and property, Nehemiah called for a general amnesty for enslaved debtors and the annulment of every land mortgage.

Nowhere in Nehemiah 5:1-13 are older laws referred to as normative in this matter and nowhere is it implied that this is a description of a recurrent phenomenon. Nevertheless, there are some affinities with the Jubilee Year legislation. In Leviticus 25:39ff., it is emphasized that it was not permissible to sell compatriots who had been enslaved because of debt; furthermore, Jews, who had pledged themselves to people of other nationalities, should be redeemed as soon as possible.⁴⁴ In Nehemiah 5:1-13, transactions of land are cancelled in cases where debt has been incurred.

I would like to add the following comments. In Leviticus 25, it seems self-evident that the last part of the chapter consists of an originally independent codex of so-called מִן rules, which may never have been looked upon as general amnesties before their incorporation within the legislation on the Sabbatical Year, but were rather understood as rules relating to individual transactions. Links between Nehemiah 5:1-13 and Leviticus 25 all concern such מִן rules; and, since Nehemiah 5:1-13 does not refer to set dates for the annulment of all obligations, the Jubilee Year legislation, as expressed in Leviticus 25, was not normative in the eyes of Nehemiah's contemporaries. This does not necessarily mean that it never existed. Rather, it should be taken as a confirmation of the hypothesis that Leviticus 25 merely expresses pious theory.⁴⁵

In either case, the reform mentioned in Nehemiah 5:1-13 should be arranged on the same line as Zedekiah's law – namely, as a singular measure, which was not repeated, as is in accord with the Old Testament evidence.

43. It is of no consequence whether this 'reform' is dated to the time when Nehemiah rebuilt the walls of Jerusalem, as a majority of modern commentators think, or to the time after the walls were built, as suggested by L. W. Batten, *The Books of Ezra and Nehemiah* (ICC; Edinburgh: T. & T. Clark, 1913), 237, and F. Michaeli, *Les livres des Chroniques, d'Esdras et de Néhémie* (CAT, 15 I; Neuchâtel: Delachaux & Niestlé, 1967), 327.

44. Apparently this referred to conditions in Palestine after the time of the exile: thus the majority of commentators. K. Galling, however, thinks that the reference is to conditions in the Babylonian diaspora; *Die Bücher der Chronik, Ezra, Nehemia* (ATD, 12; Göttingen: Vandenhoeck & Ruprecht, 1954), 227.

45. W. Rudolph, *Ezra und Nehemia* (HAT, I 20; Tübingen: Mohr, 1949), 129, thinks that Nehemiah does not intentionally refer to Deut. 15 since to him the important issue was to have a reform carried through immediately. There was no time to wait for the next Sabbatical Year. Accordingly, it cannot be deduced from Neh. 5:1-13 that the laws of the Sabbath Year were out of force. On the other hand, it cannot be maintained, *e silentio*, that these laws were in force at the time of Nehemiah.

2 Kings 4:1; Jeremiah 32:6-15; Numbers 36

A few passages from the Old Testament may help to illustrate how some of the regulations linked in the legislation to the Jubilee and Sabbatical Years affected practice.

2 Kings 4:1. A widow was forced to pledge her two sons because of debt and the creditor demands that his pledges be handed over. Very little can be deduced from this passage apart from its implication that it was looked upon as something natural that an Israelite should be forced into enslavement for debt. This is also implicit in Isaiah 50:1: *או מי מנשי אשר-מכרתו אתכם לו*.⁴⁶

Jeremiah 32:6-15. Jeremiah buys a family estate at Anathoth. The reason for Jeremiah's purchase, when such an investment was unfavourable,⁴⁷ was his obligation as a member of the family to redeem the family estate which was in danger of being lost – probably as a consequence of debt. The term used in Jeremiah 32:6ff. is *משפט הגאולה*. The transaction described in Jeremiah 32:6-15 corresponds to the ordinance of Leviticus 25. However, in Jeremiah 32:6ff., there is nothing to indicate that the Jubilee Year legislation was valid so that a field once sold was automatically returned after a fixed period of time. In the first place, of course, this is due to the fact that the conditions of a sale of land within the family have not been set forth in the *גאולה* rules of the Jubilee Year. On the other hand, it is impossible (following Jer. 32:6ff.) to maintain that Jubilee Year rules were legally binding in the form presented in Leviticus 25.

Numbers 36 (an appendix to the regulations relating to inheritance by daughters in Num. 36:1-11). There is a reference to the Jubilee Year in v. 4, but this is quite meaningless in its present context since Numbers 36:4 demands the implementation of conditions that seem opposed to the Jubilee Year laws of Leviticus 25, particularly in the way that the inheritance of land through a woman does not return the land of her native tribe, but is finally handed over to her new tribe.⁴⁸ In all probability, this means that v. 4 is a secondarily inserted gloss and that nothing in Numbers 36 can be cited in support of the theory that the Jubilee Year had been put into effect on any specific date.

Conclusion

An examination of Old Testament descriptions of interventions against debt (and its consequences, such as slavery and the enforced sale of family property), which had been incurred by the poor, shows very clearly that it is possible to distinguish between two kinds of regulations. First, Exodus 23:10-11 indicates the existence of some very old rules relating to the fallow year, probably reflecting

46. *גושה*, this also 2 Kgs 4:1.

47. The field was in an area which was more exposed to being plundered if Jerusalem was besieged; cf. Rudolph, HAT, I 12, 191.

48. Cf. Noth, *Das vierte Buch Mose. Numeri (ATD 7)*; Göttingen: Vandenhoeck and Ruprecht, 1966), 222.

the social importance attached to the fallow year. Second, there was the ancient law of *ḥabiru* slaves in Exodus 21:2-6. However, none of the passages from the Book of the Covenant can be compared directly with the Deuteronomistic legislation on the Sabbatical or Jubilee Years in the Holiness Code. This is partly due to the secondary expansion of the originally strictly limited slave law in Exodus 21:2-6 to all indebted slaves of Israelite birth and partly due to Leviticus 25's regulation that every seventh fallow year involve the cancellation of land sales forced by debt. Finally, the whole complex of problems involved in the contracting of debts, as expressed in both Deuteronomy 15 and Leviticus 25, represents a completely new element in relation to the regulations of the Book of the Covenant. This does not mean that rules concerning the remission of debt may not be older than the Deuteronomistic or priestly legislation. The rules of the remission of debt may well be related to regulations such as the מִוֶּךְ rules in Leviticus 25:25ff. These may have had a validity of their own before they were joined together with legislation on the Sabbatical Year and the Jubilee Year, which the author of Leviticus 25 has taken over, partly from the Book of the Covenant and partly from the Deuteronomistic Sabbath Year.

The fact that the two parts of Deuteronomy 15 are self-evidently secondarily linked together, as the contradictory contents of Deuteronomy 15:1-11 and vv. 12-18 clearly show, is of decisive importance when one tries to estimate the time in which the idea arose that the Sabbatical and the Jubilee Years reflected the time in which ownership of the land was regulated. But if the Sabbatical Year was a secondary construction for the Deuteronomists, this must also apply to the legislation of the Jubilee Year in Leviticus 25 given that the generally acknowledged Sabbatical Year every seventh year was invented by the Deuteronomists. If the historical foundation of the seven-year cycle is allowed to lapse, the fifty-year cycle of Leviticus 25 also collapses, inasmuch as it is only an amplified seven-year cycle.

Finally, it appears that the two well-known general amnesties mentioned in the Old Testament, Jeremiah 34:8-20 and Nehemiah 5:1-13, were put into effect without any reference or allusion to a Sabbatical or a Jubilee Year. Zedekiah's and Nehemiah's laws should be judged as unique phenomena, a standpoint which is also shared by the majority of Old Testament scholars. One thing may, however, assist us in tracing the origin of the idea of the Sabbatical and Jubilee Year. The technical name of Zedekiah's reform is דְּרוּר, which corresponds to the Akkadian *andurārum*. As becomes clear from Mesopotamian practice, when governments issued social edicts, *andurārum* was the Neo-Assyrian word usually applied. In several places, even in the Neo-Assyrian period, we find *andurārum* without the prefix, *durārum*, which is quite analogous to דְּרוּר. I think the correspondence between Zedekiah's law and the Neo-Assyrian edicts means that Zedekiah was dependent on the Neo-Assyrian practice. This is not surprising in that, at the time of Zedekiah, Judah had been a vassal to the Assyrians for more than a century, and to the Chaldeans thereafter. It is to be supposed that various Assyrian edicts, which may have been intended as favours to the Judeans, were called (*an*)*durārum* decrees or that social reforms were, in accordance with Mesopotamian traditions, called so in the former Northern Kingdom.

If we assume Zedekiah's edict, Jeremiah 34:8ff was, in fact, dependent on a tradition taken over from the Assyrians in the seventh century BCE. Implicitly, certain conclusions may be drawn regarding the Deuteronomistic Sabbatical Year regulations of Deuteronomy 15:1-18 – namely, that the Deuteronomists transformed the royal privilege of issuing *durārum*/דָּרוּר edicts into a settled practice blessed by God. They took the period of seven years from the Book of the Covenant and there they also found a good deal of the substance of the Sabbatical Year. Apart from its being dependent on Deuteronomistic constructions, the Jubilee Year of Leviticus 25 can be traced directly to the royal reform evident from its name: דָּרוּר. At the time of the Old Testament, no attempts were made to impose the demands of the Sabbatical and Jubilee years by force. However, 1 Maccabees 6:49, 53⁴⁹ shows that sometime during the development of early Judaism, efforts were made to revive the Sabbatical Year. This apparently led to an almost catastrophic food shortage.

Appendix

Wildberger, in his commentary on Isaiah 11:1ff., compares the Hebrew צדק with the Akkadian *mišarum* (which, accordingly, references the Egyptian *m3't*, 'truth', 'right-doing', 'righteousness').⁵⁰ Wildberger refers to the so-called 'prophecies' of Mesopotamia, which are really *vaticinia ex eventu*, and to oracles. He speaks of a '*Parallelität in den Motiven*'; but it seems he misses what actually lay behind the older Near Eastern motifs for what is expected of a new king, such as we find in Isaiah 11:1ff. In view of what has been said above, there can be no doubt that the interpretation of מִישׁוּר in Isaiah 11:4 cannot be separated from the interpretation of Akkadian *mišarum* in the Old Babylonian technical sense, which has been drawn from Sumerian (*nig.si.sá*). On the other hand, it has also become quite clear that Weinfeld's theory of an institution, corresponding to the Old Babylonian practice and in place during the time of the Israelite monarchy, does not work here. It is therefore natural to compare the parallelism מִישׁוּר and צדק in Isaiah 11:4 with the collocation often used in the cuneiform literature of the Akkadian *mišarum* and *kittum* (*nig.gi.na*). *Mišarum* and *kittum* are not identical conceptions. *Kittum* signified cosmic, unalterable justice,⁵¹ while *mišarum* refers to the social justice exercised over human beings in court or through so-called *mišarum* acts. When examining the source material from Mesopotamia, it is therefore necessary to consider that it is a question

49. In v. 49: σάββατον, in v. 53: ἑβδομος ἔτος.

50. H. Wildberger, *Isaja* (BKAT X/1; Neukirchen: Neukirchener Verlag, 1972), 451ff. To *m3't*, *WAS* II, 18ff.; R. O. Faulkner, *A Concise Dictionary of Middle Egyptian* (Oxford: Griffith Institute, 1962), 101f.; cf. also W. Helck and E. Otto, *Kleines Wörterbuch der Aegyptologie* (Wiesbaden: Otto Harrassowitz, 1956), 210.

51. *Kittum* corresponds to a certain degree to the Egyptian *m3't*.

of the development of the concept of *mišarum*. On the one hand, we have the secondary use referred to by Wildberger,⁵² where the reference to *mišarum* merely suggests, in general, that the king tries to rule ‘justly’. On the other hand, we have the *mišarum* acts from the end of the third millennium BCE and down through the first 500 or 600 years of the second millennium, which aim to diminish abuse. That the origin of the more general use of *mišarum* (placed side by side with *kittum* as an elliptical expression, comprising ‘justice’ in its totality) is to be looked for in these edicts is clear both from the Lipit-Ištar hymn quoted by Wildberger⁵³ and, even more clearly, from the documents treated by Kraus (UM 5, no. 74: v. 11ff.:⁵⁴

In Nippur stellte ich Gerechtigkeit (*níg.si.sá*) her, ließ Ehrlichkeit (*níg.gi*) sich zeigen. Wie Schafe ... ließ ich sie ... Grass fressen. Das schwere Joch nahm ich von ihren Nacken. Dauernde Wohnung ließ ich sie beziehen. Nachdem habe ich in Nippur Ehrlichkeit (und) Gerechtigkeit hergestellt das Land zufriedengestellt.⁵⁵

Neither this text nor the Lipit-Ištar hymn are expressions of *vaticinia ex eventu*, nor are they oracles aimed at the succeeding king. They refer to the actual introduction of social reforms in the reign of the said king.⁵⁶ In this connection, the prologue of the Codex Hammurabi (CH), V 14ff. might be included: ‘When Marduk ordered me to guide the people and instruct high principles, I decided that order and justice be proclaimed in the country. I brought the people happiness.’⁵⁷ Likewise, the prologue of the Codex Lipit Ištar (CL): ‘According to Enlil’s orders I established “social justice” in Sumer and Akkad.’⁵⁸ The expectations regarding the Davidic descendant in Isaiah 11:1ff. should be understood on the basis of the reform practice: not so much as a complete parallel, but rather as a late literary reminiscence of it. In this way, Isaiah 11:1ff. reflects a stage of development within the framework of Israelite royal ideology which was in line with the Neo-Babylonian application of the concept of ‘social justice’ (*mišarum*).

52. Wildberger, *Isaja*.

53. *Ibid.* Text: H. de Genouillac, *Textes religieux Sumériens*, nos 48, 65, 67, 91, translated in A. Falkenstein and W. von Soden, *Sumerische und akkadische Hymnen und Gebete* (Zürich: Artemis Verlag, 1953), 126ff.

54. Kraus, *JCS* 3, 30f. The translation is owing to Kraus.

55. *Níg.gi níg.si.sá mu.ni.in.gar* corresponds to Akkadian *kittam u mišaram aškun*.

56. UM 5.74 is an ancient copy of an inscription of an unknown king of Isin from the period preceding Lipit-Ištar; cf. Kraus, *JCS* 3.

57. *I-nu-ma / ^dAMAR.UTU / a-na šu-te-su-ur ni-ši / KALAM ú-si-im / šu-ḥu-zi-im / ú-wa/e-e-ra-an-ni / ki-it-tam / ù mi-ša-ra-am / i-na QA ma-tim / aš-ku-un / ši-ir ni-ši ú-ti-ib* (as to the translation of *ina pī matim*: see CAD 8, K, 1971, 470).

58. III: 52ff.: *Inim ^den.lil.lá.ta / [níg.]si.sá / ki.en.gi ki.uri / [i.ni.i]n.gar.ra.aš*.

Additional note

Only after I had finished this chapter did I have the opportunity to read N. Sarna's, 'Zedekiah's Emancipation of Slaves and the Sabbatical Year'.⁵⁹ However, our conclusions are so divergent that I shall not dwell on it in detail. Sarna thinks that Zedekiah's manumission took place in connection with the celebration of a Sabbatical Year in 599–587 BCE. He realizes the connection between Jeremiah 34:8ff. and Deuteronomy 15:12ff., but he thinks that Jeremiah 34:8ff. represents an ancient interpretation of Deuteronomy 15:12ff., evidently stemming from Jeremiah himself. Sarna may be counted among the scholars who ignore, or at any rate only superficially touch upon, the literary critical and traditio-historical difficulties related to the interpretation of the Old Testament laws of manumission, etc. Thus, he takes for granted that the Sabbatical Year cycle was an ancient institution in Israel, based on the Babylonian material of *mišarum* (and *andurārum*), the meaning of which he has not investigated.

59. In *Orient and Occident: Essays Presented to Cyrus H. Gordon* (AOAT 22; 1973), 143–9.

***Andurārum* and *Mišarum*: comments on the problem
of social edicts and their application
in the ancient Near East**

1979

As a result of F. R. Kraus's publication of the Edict of Ammišaduqa, several scholars have tried to prove – partly based on the material Kraus has brought forward, stemming mostly from the Old Babylonian period and based, to some extent, on institutions that are mentioned in the Old Testament (namely, the Sabbatical Year and the Year of Jubilee) – the existence of a social institution outside Israel of an importance and a dimension comparable to the Old Testament's years of Jubilee and Sabbath. This institution is thought to have had a history, which goes back at least to Entemena of Lagash and survives into Neo-Babylonian times. In reviewing these theses one feels confronted by something which may be defined as a *circulus logicus vitiosus*: on the one hand, one may draw a conclusion from biblical material, which refers to the Year of Sabbath and the Year of Jubilee, for clarifying a similar institution in other parts of western Asia. On the other hand, several Old Testament scholars have used the Assyriological data to argue that the years of Sabbath and Jubilee are more than a mere myth, which supposedly arose in the seventh to sixth century BCE. According to these scholars, the years of Sabbath and Jubilee go back to a very old institution in Palestine and western Asia. I have published a study dedicated to the material in the Old Testament elsewhere.¹ Here I shall try to confine my investigations to the history of two important terms for Old Babylonian royal social decrees – namely, *mišarum* and *andurārum*.

1. See Chapter 2, this volume. The confinement here to the terms *andurārum* and *mišarum* is explained by the fact that, among the different terms used in connection with the royal decrees in Mesopotamia, only these two appear as loanwords from Akkadian in the Old Testament: *mišarum* as *mīšarīm* or *mīšōr*, most pregnantly in Pss. 96:10; 98:9; 99:4, and Isa. 11:4; *andurārum* as *derōr* in Lev. 25:10 (the law of the Jubilee Year); Jer. 34:8 (Zedekiah's decree of manumission of slaves); Isa. 61:1 (freeing of prisoners); Ezek. 46:17 (regulations of real estate).

The Edict of Ammišaduqa

Any discussion on the subject of the Mesopotamian royal edicts which were issued to initiate social reforms must start with the Edict of Ammišaduqa (1646–1626BCE), which dates from *c.* 1646–1645BCE, since this is the most complete extant example.² The decree begins with a short introduction: ‘The tablet which contains the decree imposed upon the country to be heard at the time when the king established a *mišarum* for the country.’³ It contains two principal sections: one concerning public affairs, which occupies the main part of the decree, §§2–3, 10–19; and another concerning private debts, §4 and §§5–9. The decree is concluded by a supplement, §§20–22; §§2–4 mention the general provisions; §2 provides relief from some duties imposed on groups of crown tenants; §3 outlines the regulations for ‘the stock exchanges’ of Babylon (*kārum*) and for KAR.ĪI.A *ša ma-tim* (literally, the ‘harbours of the country’). These rules are exclusively concerned with duties payable to the royal administration. In §§10–11 particulars are given for the general provisions of §3, and §§12–19 explain the precise contents of §2. According to §4, claims of debt against ^{LÜ}*ak-ka-di-i ù* ^{LÜ}*a-mu-ur-ri-i*, ‘the Akkadians and the Amorites’ (this implies the whole population), are cancelled.⁴ In this connection, there appear a series of conditions concerning transgressions of this section for which capital punishment is ordered; §§8–9 state the exceptions to §4 in case of a debt incurred to obtain a profit or in the course of commercial travel. In the supplement, §§20–22, §20 orders the freeing of people enslaved because of debt from the towns of Numḥia, Emutbalum, Idamaras, Uruk, Isin, Kisurra and Malgum if the slave in question is a (former) freeman (DUMU [*mār*], plus city name). The manumission includes his family; §21, however, says that the manumission is not to be carried out if the debtor is a (former) ordinary slave (GEMÉ ARAD *wi-li-[i]d É [ša DUMU nu-u]m-ḥi-a*, etc.). The decree of Ammišaduqa ends with §22. This final article concerns the provincial governors who subject military groups to *corvée* in return for payment in kind.

The recurring formula, justifying the measures taken in this decree, is: ‘Because the king has established a *mišarum* for the country’ (*aš-šum šar-rum*

2. This document has been published by F. R. Kraus, *Ein Edikt des Königs Ammi-Šaduqa von Babylon* (SD 5; Leiden: E. J. Brill, 1958), 17–43, the most important copy Ni 632. The very fragmentary text B (BM 78259) was published by S. Langdon in 1914 and again in a revised edition by C. J. Gadd, in *Symbolae Koschaker* (SD 2; Leiden: E. J. Brill, 1939), 102–5, and most recently by G. R. Driver and J. C. Miles, *The Babylonian Laws*, vol 2 (Oxford: Oxford University Press, 1955), 320ff. The introduction to the decree, text C (BM 80209), is published by J. J. Finkelstein, ‘The Edict of Ammišaduqa: A New Text’, *RA* 63 (1969), 45–64. The supplement brought to light by Finkelstein means that the number of each article according to Kraus’s original publication should be raised by two.

3. §1: *ṭup-pí ... / ša-mi-am [qá-bi] / i-nu-ma [šar-ru-um mi-ša-ra-am] / a-na ma-tim iš-[ku-nu]*, according to the reconstruction by Finkelstein, ‘Edict of Ammišaduqa’, 47.

4. *Ibid.*, 53 and n. 1.

mi-ša-ra-am a-na ma-tim iš-ku-nu).⁵ The peculiar chiasmic arrangement of the decree has consequences for this usage;⁶ §§3 and 4, which contain the general provisions, contain the *mišarum* formula, but those sections of the decree which include the points stated in §§3 and 4 remain without it. The generally formulated §2 does, however, lack the reference to the king's ordering the institution of a *mišarum* act, while the *mišarum* formula is used in §§12, 14–16, and 19, where we find the precise contents of §2 described. The formula is, however, not used in §13, since this is a supplement to §12, or in §§17–18, which are supplements to §16. In the final part of the decree, §§20 ff., there is a reference to *mišarum* in §20, but not in §21, where §20 is modified. §22 does not have the *mišarum* reference even though this article is an independent part of the decree. Finkelstein suggests that the reason for this circumstance is the fact that the validity of §22 is not confined to the period in which the *mišarum* decree became valid.⁷ In fact, this falls outside the scope of the decree, since it is a provision laid down for an indefinite period. The text does have some affinity with Codex Hammurabi (CH) §34.⁸

In the Edict of Ammišaduqa, we find other technical terms relevant to this study: *šimdat šarrim*, 'the king's decision', and *andurāram šakānum*, 'to establish freedom'. The *šimdat šarrim* in this decree is used only in §5: 'The man who does not abide by the king's decision shall die',⁹ and *andurāram šakānum* appears exclusively in connection with the manumission of slaves, §§20–21.¹⁰ The fact that the *mišarum* act really does annul debts and duties is expressed by the reference to the smashing of the tablet or document containing the items of debt.¹¹

In addition to the Edict of Ammišaduqa, some fragments of a similar decree, edited by Hammurabi's successor, Samsuiluna (1749–1712BCE), have been brought to light by F. R. Kraus.¹² Only two articles of this second decree, which is about a century earlier than Ammišaduqa's decree, are still legible: the first,

5. See here Kraus, *Edikt*, 183ff.; see also R. Hentschke, 'Erwägungen zur israelitischen Rechtsgeschichte', *Theologia Viatorum* 10 (1965–6), 117ff., from an Old Testament scholar's point of view. Some of Hentschke's theses as regards apodictically formulated provisions versus casuistically formulated in this edict are excluded by the recent publication of the introduction to the decree. See, however, Finkelstein's study, 'Ammišaduqa's Edict and the Babylonian "Law Codes"', *JCS* 15 (1961), 91–104, especially 100.

6. For the chiasmic arrangement, compare §§2 and 3 to §§10–19; §4 to §§5–9; §2 to §§12–19; and §3 to §§10–11.

7. Finkelstein, *ANET*, 3rd edn, 528 n. 9.

8. See Finkelstein, 'Ammišaduqa's Edict and the Babylonian "Law Codes"', 100.

9. Text C 44f.: *ša a-na še-em-da-at šar-rum(!) / la uá-ta-ar-ru i-ma-at*.

10. Text A v 34f.: *an-d[u-ra-a]r-šu / [ša]-ki-[i]n*, 'his freedom has been established'; A vi 8f.: *[an]-du-ra-ar-[š]u / [ú-u] iš-ša-a[k-k]a-an*, 'his freedom shall not be established'.

11. Text A i 13ff.: *aš-šum šar-rum [mi-š]a-ra-am / a-na ma-tim iš-ku-nu / tup-pa-šu he-pí*, 'because the king has effectuated a *mishārum* for the country, his tablet is smashed'; C 54: *aš-šum ka-ni-ik-šu uá-wa-uá ka-ni-[ik-šu iḫ-hepé]*, 'since he has altered his document, his document shall be smashed'.

12. Kraus, 'Ein Edikt des Königs Samsu-Iluna von Babylon', *Studies in Honour of Benno Landsberger* (AS 16; Chicago, IL: Chicago University Press, 1965), 225–31 (Museum of Istanbul Si. 507, from Sippar).

obv. 11–17, and the last, rev. 1–7. It is very interesting to note that both articles correspond almost exactly to stipulations in Ammišaduqa's decree: obv. 11–17 to Ammišaduqa's §2 and rev. 1–7 to §21. This correspondence applies to the actual wording as well as to the order of the wording within the decree. The similarity also includes the technical terms *andurārum* and *mišarum*. *Andurārum* is used as an expression for the manumission of slaves (there remains only the parallel to the negative part of the slave stipulations in Ammišaduqa's decree).¹³ In the parallel to Ammišaduqa's edict in §2, we find reference to 'because the king has established a *mišarum*'.¹⁴

Mišarum

The two technical terms *andurārum* and *mišarum* are extremely important for the subject of this study. Nonetheless, we may omit consideration of the references to *šimdat šarrim*, which is supposed to have been the designation of the royal decree itself as an official proclamation,¹⁵ though in the Edict of Ammišaduqa it is only used in §5. According to M. de J. Ellis, the use of *šimdatum* was not, however, confined to social decrees, but had a wider juridical application, since *šimdatum* could also be understood as a designation for a juridical corpus, as, for instance, in the Code of Hammurabi.¹⁶ Thus, *šimdat šarrim* is, indeed, used in other texts to announce a king's implementation of provisions purported to be of the same social purpose as the Edict of Ammišaduqa; but examples of the use of *šimdat šarrim* in this specific context are not found later than the end of the first Babylonian Dynasty at the beginning of the sixteenth century BCE. The decrees, themselves, seem nevertheless to have preferred *mišarum* to *šimdatum*, presumably because of the social ideology inherent in the word *mišarum*, which means 'justice' (from the verb *ešērum*). The Edict of Ammišaduqa also uses *mišarum* several times, and the only example of *šimdatum*, in §5, certainly does not refer to the decree itself, but to some other specific royal decision or general legal custom authorized by the king.¹⁷ In using *mišarum*, the Amorite kings of

13. Si. 507 obv. 6f.: *an-du-ra-ar-šu / ú-ul iš-ša-ka-a[n]*, compare with the Edict of Ammišaduqa A vi 8f. (see note 8 above).

14. Si. 507 obv. 13f.: *aš-šum LUGAL mi-[ša-ra-am] / iš-ku-nu*. This formula is not used in the Edict of Ammišaduqa §2, which speaks against the proposal made by Hentschke, *Theologia Viatorum* 10, 120, to see a special connection between the use of *mišaram šakānum* and the articles in the apodictic style of the decree of Ammišaduqa (§§3, 4, 12, 15, 16, 19, and 20). On the other hand, it is possible to argue so far as it can be read from the decree itself that it was necessary for the validity of the decree that the *mišaram šakānum* formula be used once in connection with each provision, whether in the general part or in the more detailed description of its contents following later in the edict.

15. For literature to *šimdatum*, see: CAD 17, S, 194ff.; B. Landsberger, *Symbolae Koschaker* (SD, 2; Leiden: E. J. Brill, 1938), 219–34 and recently M. de J. Ellis, 'Šimdatu in the Old Babylonian Sources', *JCS* 24 (1972), 74–82.

16. Ellis, 'Šimdatu', 82.

17. *Ibid.*, 78. Ellis mentions that it may have been either a written or an unwritten rule.

Babylon established connections dating back via the traditions from Isin, where an Amorite dynasty had ruled between 2000 and 1800_{BCE}, to the Third Dynasty of Ur (Sumerian), c.2100–2000_{BCE}.¹⁸

The particular use of the Sumerian term *níg.si.sá*, which is equivalent to Akkadian *mišarum*, used to express the promulgation of royal reforms, is first found in sources concerning Ur-nammu of the Third Dynasty of Ur (2113–2096 _{BCE}). Lipit-Ištar of Isin (1934–1924_{BCE}) adopted this usage.¹⁹ Apart from the documents of Lipit-Ištar, other references are known dating from the period of the Dynasty of Isin, which apply to similar occasions (e.g. a year date from the reign of Irra-Imitti, 1869–1862_{BCE}).²⁰ In Babylon, the kings Sumulael, Ḥammurabi, Samsuiluna and Ammišaduqa made use of *mišarum* as a designation for their acts of reform. At Ešnunna, in the eighteenth century, *mišarum* was also used.²¹ Other examples come from the Kingdom of Ḥana, with its administrative centre at Terqa, the former provincial capital of the Kingdom of Mari. This evidence dates from the end of the Old Babylonian period.²² Thereafter we have no evidence of *mišarum* used in the special sense of royal decree, but only in a general one, ‘justice’ or ‘equity’, without reference to a specific occasion. The only exception could have been a Neo-Babylonian dating from the reign of Neriglassar (559–555_{BCE}), the fourth king of the Chaldean dynasty: *mi-ša-ri i-na ma-tim aš-ta-ak-ka-an / ni-ši-ia ra-ap-ša-a-tim i-na šu-ul-mi ar-ta-né-e'-e*: ‘I permanently established *mišarum* for the country (and) I let graze permanently in peace my far-extended people.’²³ This reference to a *mišarum* act is unique in the Neo-Babylonian period, and it is hardly more than an expression of the ‘renaissance’ tendencies which played a prominent part at the time in the

18. Apparently *mišarum* was not used as a technical term by the Amorite dynasty of Larsa, c.2025–1760_{BCE}.

19. Ur-Nammu: see H. de Genouillac, *Textes religieux sumériens du Louvre* (TCL, vol 15; Paris: P. Geuthner, 1930), no 12, l.38 (pl. 35), ed. and trans. by G. Castellino, ‘Urnammu: Three Religious Texts’, *ZA* 53 (1959), 106–32; see especially 119 and 122. Refer also to the Codex Ur-Nammu; see S. N. Kramer, ‘Ur-Nammu Law Code’, *Orientalia n.s.* 23 (1954), 40–51, II. 112–13: [*níg.si*].sá ... *mu.ni.gar*. Lipit-Ištar: see Kraus, *Edikt*, 198 n. 4: *mu “li-pi-it-ištar lugal.e níg.si.sá ki.en.gi ki.uri.a mu.ni.in.gar*, ‘the year in which the king Lipit-Ištar established equality (*níg.si.sá*) in Sumer and Akkad’. Refer to Kraus, *Edikt*, 198, for other examples from the reign of Lipit-Ištar.

20. Kraus, *Edikt*, 200 n. 7. Kraus mentions another reference to *mišarum* / *níg.si.sá* from Isin; see *Ibid*, 201 n. 9. He has published this in ‘Nippur und Isin nach altbabylonischen Rechtsurkunden’, *JCS* 3 (1951), 30f. Unfortunately, it is not possible to decide precisely who the king responsible for this document was.

21. Kraus, *Edikt*, 230ff., nos. 49, 50 and 52.

22. *Ibid*, 232f. The kings of Ḥana were contemporaries of Ḥammurabi of Babylon. See, in reference to Ḥana, J. R. Kupper in *CAH*, 3rd edn, vol 2, pt 1 (Cambridge: Cambridge University Press, 1973), 29ff.

23. For text, see C. J. Gadd, *Cuneiform Texts*, vol. 36 (London, 1921), pl. 19, col. ii: 2, trans. by S. Langdon, *Die neubabylonischen Königsinschriften* (VAB, vol 4; Leipzig: J. C. Hinrichs, 1912), 216; see also C. Bezold, in E. Schraeder (ed.) *Historische Texte des neubabylonischen Reiches* (KB, 3/2; Berlin: Reuther, 1892), 78f.

whole Near East. Therefore this is not a reference to an actual reform, but is a literary cliché taken over from earlier royal inscriptions as is the case of the greater part of this document of Neriglissar. In addition, the Gtn verbal form used in the section of the inscription cited also points to the same interpretation of this document.

From the Middle Babylonian Period, the kings might title themselves *šar mišarim*, ‘king of justice’, in the same manner Ḫammurabi had earlier.²⁴ A king could also designate himself ‘the one who loves justice’.²⁵ Moreover, they might say that *mišarum* prevails in the country and periods might be called *šanat mišarim*, ‘year of justice’, etc.²⁶ In the documents from Alalakh, we find a ‘month of justice’, *araḥ mišari*, which could perhaps be understood as a reference to the issuance of a *mišarum* act; but, of course, this example is rather ambiguous since it does not furnish further information.²⁷

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24. Thus Nebuchadnezzar I (1126–1105BCE); see W. J. Hinke, *A New Boundary Stone of Nebuchadnezzar I from Nippur* (BERes, vol. 4; Philadelphia, PA: Department of Archeology, University of Pennsylvania, 1907), 146, col. ii: 22. See also a bilingual of the same king published by F. M. T. de Liagre Böhl, ‘Eine zweisprachige Weihinschrift Nebukadnezars I’, *BiOr* 7 (1950), 42–46, obv. 6 (*lugal niġ.si.sá*; the Akkadian parallel is missing). Assurbanipal: I. Kohler and A. Ungnad, *Assyrische Rechtsurkunden* (Leipzig: Pfeiffer, 1913), no 15/6:3. Nebuchadnezzar II: F. H. Weissbach, *Die Inschriften Nebuchadnezzars II im Wādi Brisā und am Nahr el-Kelb* (WVDOG, 5; Leipzig: J. C. Hinrichs, 1906), pl. 37:26: ⁴NA-ku-dūr-ri-ú-su-r[r] LUGAL mi-šá-ri a-na-ku, ‘I, Nebuchadnezzar, am the king of justice.’ See also Langdon, *Neubabylonische Königsinschriften*, 172. As late as the reign of Antiochus the Great, it was possible to write as follows: LUGAL-ú-tu mi-šá-ri, ‘kingdom of justice’; see T. G. Pinches, *Cuneiform Inscriptions of Western Asia*, 5 (London: British Museum, 1884), pl. 66, no. 1:28, translated in F. H. Weissbach, *Die Keilinschriften der Achämeniden* (VAB, vol. 3; Leipzig: J. C. Hinrichs, 1911, 132, Anhang II).
25. ‘Who loves justice’: thus Sennacherib; see D. D. Luckenbill, *The Annals of Sennacherib* (OIP 2; Chicago, IL: University Press, 1924), 23:4-5, *na-sir kit-ti / ra-'i-im mi-šá-ri e-piš ú-sa-a-ti / a-lik tap-pu-ut a-ki-i*, ‘(he) who is the guardian of righteousness, who loves justice, who gives support, who comes to support the cripple’.
26. ‘Justice in the country’: thus a Neo-Babylonian astrological text, R. C. Thompson, *The Reports of the Magicians and Astrologers of Niniveh and Babylon* (London: Luzac, 1900), no 49, rev. 3: *kit-ti u mi-šá-ri ina KUR GAL-ši*, ‘there shall be right and justice in the country’. ‘The year of justice’: see a document dating from the Middle Babylonian period, H. V. Hilprecht, *Old Babylonian Inscriptions Chiefly from Nippur* (BERes, vol. 1; Philadelphia, PA: University of Pennsylvania, Department of Archeology, 1893), pl. 30, no 31, from the reign of Enlilnadinapli (1104–1101BCE). Some Neo-Babylonian evidence is found in astrological texts; see C. Virolleaud, *L’Astrologie chaldéenne* (Paris: Librairie P. Geuthner, 1908–12), Ishtar, no 2:20, *mu niġ.si.sá kur*; see also 1:23: MU NIĠ.SI.SÁ ina KUR GÁL.
27. Dating from the reign of Irkabtum (level VII, eighteenth century BCE). See D. J. Wiseman, *The Alalakh Tablets* (London: British Institute of Archaeology at Ankara, 1953), no. 33:27, [IT]U mi-ša-ri.

Andurārum

We find the term *andurārum* (Sumerian *ama.at.gi₄* or *ama.gi₄*) used as a technical designation in connection with royal acts, having social implications, from Entemena (c.2450BCE) to Esarhaddon (seventh century BCE).²⁸ *Andurārum* – the root is *dr* (Arabic *darra*, ‘to move freely’, etc.)²⁹ with the prefix *an* – is normally translated as ‘manumission’.

Until recently the earliest occurrence of *ama.ar.gi₄* was considered to be the use of this term as part of the so-called reforms of Urukagina (c.2375BCE), which, among other things, included freedom for the inhabitants of Lagash. The conclusion of this text runs (in Lambert’s translation): ‘Il fit laver les domiciles des habitant de Lagash de l’usure, de l’accapement, de la famine, du vol, des attaques, (et) il fit instituer leur liberté (*ama.gi₄.bi e.gar*). Urukagina fit sceller par Ningirshu cette déclaration, qu’il ne livrait pas au riche la veuve et l’orphelin.’³⁰ The precise extent of Urukagina’s reforms is not clear to us and is still much debated.³¹ Thus, Lambert says that *ama.gi₄ e.gar* here only implies the annulment of taxes. I am rather inclined to think that this designation includes the whole reform, since another text mentions the reforms in a general way: ‘[Lorsque Urukagina] eut reçu [la roya]uté de Girsu, il fit instituer la liberté’ (Lambert’s translation).³² Thus, *ama.gi₄ e.gar* is used of the reform by Urukagina in which he declares that before his own seizure of power, duties were imposed upon the inhabitants of Lagash as if they were slaves.

In granting freedom for his people, Urukagina did not, however, act without precedent. Recently, Lambert has edited a new inscription preceding by more than fifty years Urukagina’s reform. In this text, a ruler of Lagash, Entemena, also boasts of having liberated the inhabitants of Lagash, more explicitly described as follows: ‘Il fit restituer à la mère son enfant; il fit réastituer à l’enfant sa mère; il fit instituer la liberté des interêts’ (iii 10–iv 5, Lambert’s

28. The most important older inventory of the evidence is E. F. Weidner, ‘Ilushumas Zug nach Babylonien’, *ZA* 43 (1936), 114–23. Now it is better to refer to CAD, A/2, 115ff., though I am not quite satisfied with the description of *andurārum*. I think it is too simplified. In this connection I should like to draw attention to M. T. Larsen, *The Old Assyrian City-State and Its Colonies (Mesopotamia, vol. 4; Copenhagen: Akademisk Forlag, 1976)*, 63–80.

29. J. Lewy, ‘The Biblical Institution of *Derôr* in the Light of Akkadian Documents’, *Eretz Israel* 5 (1958), 21, with references.

30. For text, see E. Sollberger, *Corpus des inscriptions ‘royales’ présargoniques de Lagash* (Geneva: E. Droz, 1956), 48ff., edited and translated by Lambert, ‘Les ‘réformes’ d’Urukagina’, *RA* 50 (1956), 169–84; see esp. cone B+C, 183. German translation by J. Klima, ‘Urukagina, der große Reformier in mesopotamischen Frühgeschichte’, *Das Altertum* 3 (1957), 72ff.

31. In addition to the titles mentioned in the previous note, we may refer to the reply by I. M. Diakonoff. to Lambert in ‘Some Remarks on the “Reforms” of Urukagina’, *RA* 52 (1958), 1–15. See also C. J. Gadd in CAH, 3rd edn, vol. 1, pt. 2 (Cambridge: Cambridge University Press, 1971), 140ff.

32. Transcription and translation by Lambert, ‘Les “réformes”’, 182f. (cone A).

translation).³³ It is interesting that Entemena also claims to have granted freedom to the inhabitants in some cities which evidently were dependencies of Lagash at that time: Uruk, Larsa and Bad-tibira (v 4–6). It is perhaps a literary use of the term *ama.gi₄ e.gar* which was taken up several times later in history. The use of *ama.gi₄* in the inscriptions of Entemena also confirms the fact that this technical term in Urukagina's reform describes a social reform. It is very instructive that Entemena comments on the issuance of the *ama.gi₄* with 'Il fit restituer à la mère son enfant', since this is the real sense of the expression *ama.ar.gi₄* as already noted by A. Falkenstein.³⁴ Already Entemena's inscription seems, however, to point to an earlier development in the application of this term since it is also used in describing cancellation of interest (iv 4–5).³⁵

In the Neo-Sumerian period (Ur III), *ama.ar.gi₄* was used as a technical term for the manumission of individuals. Both manumission by private persons and by the palace administration are designated by *ama.ar.gi₄*.³⁶ It is not unlikely that we have here an original use of this term. A special case is noted by Gurney and Kramer. Among several fragments of laws belonging, apparently, to the Code of Ur-Nammu, one fragment mentions the setting free of a particular kind of slave. This points to the fact that *ama.ar.gi₄* and its Akkadian equivalent, *andurārum*, had a long tradition as part of the legal codes in Mesopotamia.³⁷

In the prologue to the Code of Lipit-Ištar, mentioned above, Lipit-Ištar of Isin refers to the promulgation of a social act. This mention includes the following:

Verily, in those [days] I procured ... the [fre]edom ([am]a.ar.gi₄bi ...
hé.bí.díb) of the [so]ns and daughters of [Nippur], the [so]ns and daughters

33. See Lambert, 'L'Expansion de Lagash au temps d'Entéména', *RSO* 47 (1972), 1–22. A preliminary study of the text was given by the same author in 'Une inscription nouvelle d'Entéména prince de Lagash', *Revue de Louvre* 21 (1971), 231–6; iii 10–iv 5: technical term: *ama.gi₄ (lagaš^{ski}) e.gar*.

34. See Falkenstein's translation, *Die neusumerischen Gerichtsurkunden* (Bayerische Akademie der Wissenschaften. Philosophisch-historische Klasse. Abhandlungen. Neue Folge Heft), 39, 40 and 44. *Veröffentlichungen der Kommission zur Erschließung von Keilschrifttexten*, Serie A/2. Stück, 1–3 Teil; Munich: Bayerische Akademie der Wissenschaften, 1956–7), vol 3, 91: 'Der zur Mutter zurückkehren'; *ama.ar.gi₄* = *andurārum*; see CAD, A/2, 115.

35. *ama.gi₄ še.ḥar.ka e.gar*; see Lambert, 'L'Expansion de Lagash', 6.

36. See esp. Falkenstein, *Neusumerischem Gerichtsurkunden*, vol. 1, 92ff. In this connection, it is important to distinguish between the terms *ama.ar.gi₄* and *šu.bar* during the Ur III period; *ama.ar.gi₄* seems to be a specialized term for particular occasions of manumission (from slavery because of debt?), whereas *shu.bar* (literally 'to open the hand') is a common word for release and manumission in general. The use of *shu.bar* is not confined to human beings but includes domestic animals as well as objects. See examples cited by Sollberger, *The Business and Administrative Correspondence under the Kings of Ur* (TCS, vol 1; Locust Valley, NY: J. J. Augustin, 1966); see glossary, 104, s.v. *šu.ba(r)*.

37. See below referring to the Code of Hammurabi §§ 117, 171, and 280. The fragments of the Ur-Nammu Code were edited by O. R. Gurney and S. N. Kramer in 'Two Fragments of Sumerian Laws' (AS 16; Chicago, IL, University of Chicago Press, 1965), 13–19; see esp. 13, § 1.

of Ur, the sons and daughters of [I]sin, the [so]ns and daughters of [Sum]er (and) Akkad upon whom ... slaveship ... had been imposed (... *nam.arad* [hu.m]u.ni.ib.aka).³⁸

In this case, the direct connection between the use of *ama.ar.gi₄* and the mention of slavery (*nam.arad*) is still retained, but the word ‘slavery’ is perhaps not meant literally.³⁹ This means that the prologue to the Code of Lipit-Ištar represents a stage between the use of *ama.ar.gi₄* as a designation for manumission and the general sense of a decree, issued to render assistance to the poorer part of the population.

Turning from the Sumerian term *ama.ar.gi₄* to the Akkadian equivalent, *andurārum*, we see that the proper connection between *andurārum* and manumission is still present in the Hammurabi Code (§§117, 171, 280) and in the Edicts of Samsuiluna and Ammi-Šaduqa. In the last case, at any rate, *andurāram šakānum* only concerns §§20–21 and is not used in a general sense as a designation for this social decree. However, one example is known and dates from the reign of Samsuiluna, where *andurārum* is used rather generally of the promulgation of a royal decree in a date formula from year two: ‘The year in which he established freedom for Sumer and Akkad.’⁴⁰

On the other hand, Kraus’s no. 47 does fall outside the use of *andurārum* hitherto mentioned, since it designates here a local introduction of exemptions from taxes imposed upon the fruit of date palms. Unfortunately, it is not possible to date this document more precisely than the first Babylonian Dynasty.⁴¹ We may also include the so-called *andurārum* established by the king of Assyria, Ilušuma (c.1930BCE), as a favour to the Akkadians⁴² and the decree of Irišum I (c.1906–1867BCE), concerning an *andurārum* applying to silver, gold, copper, tin, etc.⁴³ Among the documents from Mari, one example is known which

38. Thus, Kramer’s translation in *ANET* 3, 159; the Lipit-Ishtar Code, iii 56–70.

39. See further, É. Szlechter, ‘Le Code de Lipit-Ishtar (II)’, *Rd* 51 (1957), 177–96, especially 178.

40. Kraus, *Edikt*, 227, no. 36, *mu ... ama.ar.gi, ki.en.gi ki.uri in.ni.gar.ra*.

41. *Ibid.*, 230, no. 47; for text, see G. Dossin, *Lettres de la première dynastie babylonienne* (TCL 17; Paris, 1933), no. 14, translated by E. Ebeling, *Altbabylonische Briefe der Louvre-Sammlung aus Larsa* (MAOG, vol. 15, no. 1/2; Leipzig: Harrassowitz, 1942, 16; (AO 6322), *an-du-ra-ar ZÚ.LUM i-na KA.KA.SI.KI-ma / ša-ki-in i-na KÁ.DINGIR. RA.KI / ú-ul ša-ki-in*, ‘freedom for dates is established in KA.KA.SI^{ki}, but not established in Babylon.’

42. See Weidner, ‘Ilushumas Zug’, pl. 7 (on 120), transcription, 115:49ff. and Kraus, *Edikt*, 233, no 58, *a-du-ra-ar / a-ga-ti / à ma-ri-šu-nu / aš-ku-un*. M. T. Larsen, *Old Assyrian City-State*, 78ff., most convincingly refutes the idea of seeing any reference to a ‘political’ liberation in Ilushuma’s text (i.e. that Ilushuma conquered Babylonia). Ilushuma allows the Akkadians to trade freely in Assur.

43. Kraus, *Edikt*, 233, no. 59; see O. Schroeder, *Keilschrifttexte aus Assur historisches Inhalts*, vol. 2 (WVDOG, vol. 37; Leipzig: Hinrichs, 1922), no. 11, ed. and trans. by Ebeling, B. Meissner and Weidner, *Die Inschriften der altassyrischen Könige* (AOB, vol. 1; Leipzig: Quelle and Meyer, 1926), 12, no. 7:20–25.

implies that a loan is not cancelled in case an *andurārum* should be enacted.⁴⁴ From the Kingdom of Ḫana, referred to above, four references to *andurārum* are known in connection with transactions concerning land.⁴⁵ In the four documents from Ḫana, a fixed formula is included which promises the purchaser of the land that ‘no claim or release’ has been imposed upon the house (or the field).⁴⁶

In a text dated to the reign of King Ammirabiḫ of Ḫana, perhaps the last of the kings of Ḫana known to us (c. 1650 BCE), *andurāram šakānum* seems to correspond to the use of *mišaram šakānum* in *ana*, which I referred to above.⁴⁷ Thus, the evidence of *andurārum* dating from the first half of the second millennium BCE shows different usages of the word. First, *andurārum* is used in connection with manumission. Here it corresponds to the fundamental meaning of the Sumerian term *ama.ar.gi₄*. Second, by using *andurārum*, it is possible to cancel debts and declare land transactions null and void. Third, *andurārum* is, in some cases during this period, used generally of royal edicts of various contents. The purpose of the edict may have been either to initiate a social reform or to cancel various taxes. The interpretation of the scope of *andurārum* may also have fluctuated in different places. The inscription of Entemena mentioned above demonstrates that, as early as the Sumerians, the term *ama.ar.gi₄* was used in a way that was not restricted to slavery because of debt or cancellation of debt, but occasionally seems to have included cancellation of interest. Thus, it is now impossible to decide which among the different usages of *andurārum* should be considered the original: manumission or the cancellation of taxes, interest, etc. The general use of *andurārum* as a designation for a royal decree seems, however, to have been rather restricted during this period, at least in Babylonia proper, whereas people outside the central area – in Mari, Alalah, Ḫana or Assyria – more willingly adopted this usage, though they may have understood the extent of the *andurārum* differently. In Babylonia, the first and so far unique example of *andurārum*, used as a designation for a royal decree, comes from the reign of Samsuiluna (Kraus’s no. 36). Doubtless, this application of *andurārum* is secondary and has its origin not in the usage of the word in the Old Babylonian period, but in the Sumerian *ama.ar.gi₄*, as used, for

44. ARM 8 33:13f.: KÙ.BABBAR *šu-uá an-da-ra-ru-um / li-ša-ki-i[n]-ma ú-ul id-da-ra-ar*, ‘this money shall not be released if a liberation should take place.’ This inscription dates from the reign of Zimrilim (first half of the eighteenth century BCE).

45. Lewy, ‘Biblical Institution of Derôr’, 23ff.

46. For text, see F. Thureau-Dangin, *Lettres et contrats de l’époque de la première dynastie babylonienne* (TCL, 1; Paris: Paul Geuthner, 1910), no. 237 (AO 2673); transcription in M. Schorr, *Urkunden des altbabylonischen Zivil- und Prozeßrechts* (VAB, vol. 5; Leipzig: J. S. Hinrichs, 1913), 302f.; obv. 14ff.: É *na-az-bu-um / ša la-a ba-aq-ri-im / ù la an-du-ra-ri-im*. Lewy’s three other examples replace *bitum* by *eqlum*, ‘field’.

47. Kraus, *Edikt*, 233, no. 56, published by F. J. Stephens, ‘A Cuneiform Tablet from Dura-Europas’, *RA* 34 (1937), 183–90, esp. here 184, rev. 14–16, MU *am-mi-ra-bi-iḫ LUGAL an-du-ra-ra i-na KUR-šu iš-ku-nu*, ‘the year in which king Ammirabiḫ established “freedom” in his country’.

instance, in the inscription of Lipit-Ištar. In these inscriptions the use of *ama.ar.gi*₄ depended (presumably only in a literary sense) on its connection with slavery.

Tracing the evidence for the use of *andurārum* in later times, one first has to discuss examples from Nuzi. According to currently accepted opinion, *šūdūtum* is normally used at Nuzi as the designation for the proclamation of a royal decree which regulated real estate.⁴⁸ Surely it can be seen from the evidence offered by the documents from Nuzi that *šūdūtum* could be used as an exact equivalent to *andurārum* (or perhaps at Nuzi *andurārum* was also used as a designation for the *šūdūtum* acts). Thus, a document reads: ‘The tablet is written after the *šūdūtum*, after the *andurārum*, at Nuzi.’⁴⁹ A whole series of documents from Nuzi belongs to the category of the *tuppum ... šatir* agreements, including the example just cited. These tablets stress in their conclusions the fact that they were written down after the *šūdūtum* act (i.e. after the royal proclamation).⁵⁰ One example is found where *šūdūtum* not only corresponds to, but is replaced by, *andurārum*.⁵¹ Müller understands *šūdūtum* (= *andurārum*) at Nuzi as royal social edicts in line with the Old Babylonian *mišarum* acts.⁵² Yet, nothing can be found which definitely proves the *šūdūtum* and *andurārum* acts at Nuzi to have had exactly the same extensive social implications as the Babylonian decrees. First, all *tuppum ... šatir* stipulations are found in documents referring to real estate transactions. Second, although *šūdūtum* does refer to a royal decree, as can be seen in the following example: ‘The tablet is written after the new *šūdūtum* according to the royal command, at Nuzi’,⁵³ the three ‘official’ documents to which Müller draws attention are of no significance in this connection. The first, for instance, is nothing but a so-called decree concerning the court and the harem (*Hof- und Haremserlaß*) and only affects the slaves of the palace. For that reason, if this document is a *šūdūtum* decree, it is impossible to conclude

48. In regard to the evidence from Nuzi/Arrapkha, see Müller, I. H. Klengel (ed.) *Beiträge zur sozialen Struktur des alten Vorderasien: Schriften zur Geschichte und Kultur des alten Orients*, vol. 1 (Berlin: Akademie Verlag, 1971), 53–60. I have had no access to Müller’s unpublished dissertation, *Die Erlässe und Instruktionen aus dem Lande Arrapkha* (Leipzig, 1968). See also, referring to *šūdūtum* = ‘proclamation’, E. R. Lacheman, ‘The Word šudutu in the Nuzi Tablets’, in *Trudy dvadzata pjatogo Mezhdunarodnogo Kongressa Vostokovedov*, vol. 1 (Moscow, 1962), 233–8.

49. R. H. Pfeiffer, *The Archive of Shilwateshub Son of the Kings* (HSS, vol 9; Cambridge, MA: Harvard University Press, 1932), no. 102:30ff., *tup-pu i-na EGIR.KI šu-du-ti / i-na EGIR.KI an-du-ra-ri / i-na URU Nu-zi ša₁₀-ti-ir*.

50. The normal formula: *tup-pu i-na EGIR.KI šu-dū-ti (eš-ši) ... ša₁₀-ti-ir*, ‘the tablet has been written down after the (new) *šūdūtum*’.

51. E. Chiera, *Texts of Varied Contents, Excavations at Nuzi* (HSS vol 5; Cambridge, MA: Harvard University Press, 1929), no. 25:23ff., ... *tuppu / ina EGIR an-du-ra-ri / i-na ba-ab a-bu-ul-li / ša URU ma-ti-ḥa ša₁₀-tir*.

52. Müller, *Beiträge zur sozialen Struktur*, 58.

53. SMN 2684:47ff.: *tup-pi arki^{ki} šu-du-ti eš-ši ki-i-me qí-bi-i-ti ša šar-ri ... a-na āli Nu-zi sa-te-er* (!) (unpublished, but see Lacheman, *Trud*, 235).

at this point that the establishment of a *šūdūtum* at Nuzi depended on the Old Babylonian decrees.⁵⁴

Two documents from Nuzi mention the setting free of persons kept as pledges.⁵⁵ Perhaps these cases concern slaves (of debt?) manumitted according to the execution of an *andurārum/ šūdūtum* act.⁵⁶ On the other hand, it is certainly not impossible that they owe their new state of ‘freedom’ to a separate manumission.⁵⁷

In Western Asia, evidence for *andurārum* appears in the documents from the second millennium, but so far only at Alalakh and there, exclusively in the documents from level VII (eighteenth century BCE), which chronologically corresponds to the Old Babylonian period in Mesopotamia. Yet, in these cases, no proof has been found that they were more than separate manumissions. Therefore, they cannot be explained as evidence for the promulgation of social decrees of a more general character.⁵⁸

As far as the last mentioned two references to *andurārum/ šūdūtum* at Nuzi and the evidence from Alalakh are concerned, it is not certain that manumission originates in the issuance of a royal decree of general validity on analogy with

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54. R. H. Pfeiffer and E. A. Speiser, *One Hundred New Selected Nuzi Texts* (AASOR, vol. 16; New Haven, CT: American Schools of Oriental Research under the Jane Dows Nies Publication Fund, 1936), no. 51. The document opens thus: *ša-du-du an-nu-ú ša aweluti*^{MEŠ} *warad ékallim*^{lim}, ‘this is the decree concerning the slaves of the palace’. The other documents to which Müller has drawn attention in this connection are Lacheman, *Miscellaneous Texts from Nuzi*, vol. 2 (HSS, vol. 14; Cambridge MA: Harvard University Press, 1950), no. 9, and Chiera, *Joint Expedition with the Iraq Museum at Nuzi*, vol. 2 (Paris: Paul Geuthner, 1930), no. 195. See also A. Saarisalo, *New Kirkuk Documents Relating to Slaves* (StOr Fennicae, 5/3; Helsingfors: Societas Orientalis Fennica, 1934), 49.
55. Lacheman, *Economic and Social Documents* (HSS, 16; Cambridge, MA: Harvard University Press, 1958), no. 354:7 and Pfeiffer and Lacheman, *Miscellaneous Texts from Nuzi*, vol. 1 (HSS, 13; Cambridge, MA; Harvard University Press, 1942), 149:34f. The first one runs: (names) 5 SAL.MEŠ *an-nu-tu₄ i-na an-du-ra-ri i-te-lu* (names) 8 SAL.MEŠ *an-nu-tu₄ mi-du-ú*, ‘these five women have been taken away because of a liberation ...; these eight women have died’. The other: *i-na-an-na SAL i-na in(!)-du-ra-ri i-te-e-li(!) ú ša-a-na-am-ma SAL.MEŠ^m qa-i-te i-ri-iš-mi*, ‘now the woman has been taken away because of a liberation, and Qaite claims other women’.
56. Thus CAD, A/2, 116.
57. Müller and B. K. Ismail, ‘Einige bemerkenswerte Urkunden aus Tell al-Fakhkhâr zur altesopotamischen Rechts-, Sozial- und Wirtschaftsgeschichte’, *WO* 9 (1977), 14–34. They edit two new documents with references to *šūdūtum*. Both documents were excavated at Tell al-Fakhkhâr and belong to the same period and cultural environment as the Nuzi evidence. The first (IM 70872; *ibid*, 15f.) concerns the redeeming of a former freeman, now a slave, and the second (IM 70825; *ibid*, 26f.) deals with a case of a pledge. Both documents refer to the fact that the documents were written after the *šūdūtum*. Neither document, however, elucidates the actual form of the *šūdūtum* act and its implications.
58. See *Alalakh Tablets* 65:6f., ... *i-na an-da-ra-ri-im / ú-ul i-na-an-da-ar* see also CAD, D, 109, and refer also to AT 29:9ff., KU.BABBAR *ú-ul / us-sa-ab / ú-ul it-ta-ra-ar*, and nos 30:9; 31:9; 38:10; 42:6.

Ammišaduqa's decree. I referred above to the fact that *andurārum* in the Old Babylonian period could be used of individual manumission. It is applied in just this manner, for instance, in the Hammurabi Code §117: 'If a claim has "caught" a man, (and) he has sold his wife, son, and daughter or has been handed over to slavery, they shall serve for three years in the house of their purchaser or their creditor, (but) in the fourth year their freedom shall be established.'⁵⁹ Other examples are known which have their origins in the Old Babylonian administration of justice: 'Nin-šubur-tājar is Apil-ilišu's slave. Before Šamaš he set him free.'⁶⁰ In this case, as in some others, we find the contribution of the Sumerian usage of *ama.ar.gi*₄ (i.e. individual manumissions). From the Old Babylonian period, another example is worth mentioning: 'Ištar-rīti ... is a slave of Wedum-libur and Nin-utu-mu, his wife. Wedum-libur, her master, and Nin-utu-mu, her mistress, set her free.'⁶¹

In this study, we must attach more importance to the fact that *andurārum* was also used as a term describing royal decrees later than Old Babylonian times.⁶² Thus, the Kassite King Kurigalzu II (c.1345–1324_{BCE}) prides himself on the title, 'the one who established *andurārum* for the inhabitants of Babylon', though this may only be a literary cliché.⁶³ In Neo-Assyrian times both Sargon (II) and Esarhaddon boast of their promulgation of *andurārum* in favour of some parts of their empire. For instance, Sargon in his great 'ornamental inscription' asserts: 'I established freedom for Ur, Uruk, Eridu, Larsa, Kullab, Kisik (and) Nimidlaguda, and their stolen deities I returned to their place.'⁶⁴ More than once Esarhaddon mentions *andurārum* acts:

59. Col. iii: 54-67. See also in the same sense §§171 and 280.

60. (From Nippur) ^mNIN.ŠUBUR-ta-a-ar / IR ma-pil-i-li-šu / i-na ma-kha-ar ^dUTU a-du-ra-ar-šu iš-ku-nu; C. F. Keiser and J. B. Nies, *Historical, Religious and Economic Texts and Antiquities* (BIN, vol. 2; New Haven, CT: Yale University Press, 1920), no. 76:4. The text has been translated in P. Koschaker and Ungnad, *Hammurabi's Gesetz*, 6 (Leipzig: E. Pfeiffer, 1923), no. 1428.

61. ^mišdar-ri-i-ti ... / gemé we-du-um-li-gar (!) / ù nin.dutu.mu nin.a.ni / ^mwe-du-um-li-bur lugal.a.ni ù nin-^ditu.mu nin.a.ni / ama.ar.gi₄.a.ni / in.gar.re.eš, published in M. Çig, H. Kizilyay, and F. R. Kraus, *Altbabylonische Rechtsurkunden aus Nippur* (Istanbul: Milli Eğitim Basimevi, 1952), no. 7; see also as the first V. Scheil, 'Notules', *RA* 14 (1917), 139–63, here 151, no. 30. The document has been translated in Koschaker and Ungnad, *Hammurabi's Gesetz*, 6, no. 1427.

62. See esp. Weidner, 'Ilushumas Zug', 120ff., with references, and Lewy, 'Biblical Institution of Derôr', 30ff.

63. See A. Boissier, 'Document cassite', *RA* 29 (1932): 96, obv. 13, *ša-ki-in an-du-ra-ar ni-ši KÁ.DINGIR.RA.KI*.

64. For text, see H. Winckler, *Die Keilschrifttexte Sargons*, vol. 2 (Leipzig: E. Pfeiffer, 1889), pl. 35, no. 74: 136f., ... pa-nu-uš-šú-un ša ŠEŠ.UNUG.KI UNUG.KI NUN.KI / UD.UNUG.KI KUL.UNUG.KI ki-sik^{KI} URU^{URU}ni-mid-^dla-gu-da áš-ku-na an-du-ra-ar-šú-un ù DINGIR.MEŠ-šú-nu šal-lu-ti a-na ma-ħa-zi-šú-nu ú-tir-ma, translated in E. Schrader, *Sammlung von assyrischen und babylonischen Texten* (KB, vol 2; Berlin, 1890), 72, and in Luckenbill, *Ancient Records of Assyria and Babylonia* (Chicago, IL: University of Chicago Press, 1927), 35, §69.

To improve the position of their *šubaru* much more than before I had in mind and was my intention. Their tablets of freedom I wrote once more. More than before, I made them great, important, exalted, and glorified. From the duties on grain, on tenancy, on exploits, on the quay, and the passage in my country I freed them, and I established their freedom.⁶⁵

Compare:

Again I established freedom for the subdued Babylonians, for the privileged persons (and) for the released ones of Anum and Enlil. People that have been sold, who found themselves as slaves who were distributed among the foreign riffraff I gathered together, I looked upon the as Babylonians, (and) their stolen belongings I caused to be returned.⁶⁶

This dates perhaps from the reign of Assurbanipal. Another *andurārum* is referred to in the reports from a high official to the king: ‘The city (Babylon) be in ruins ... I got an order and its *andurārum* I established.’⁶⁷ It must, however, be stressed that in these Neo-Assyrian official examples, the actual content of the decree is rather obscure. To some extent, the Neo-Assyrian kings may have adopted the old practice of cancelling various duties as in Ilušuma’s inscription mentioned above, though still borrowing from the vocabulary of the royal Babylonian decrees in the Old Babylonian period.

In Neo-Assyrian private documents, we find some references to *andurārum* provisions mentioned as a possibility to be taken into consideration if an Assyrian was going to make transactions dealing with real estate or slaves. In some judicial contracts concerning these matters, a passage is included which declares that the money paid will have to be returned, if the item bought (either an estate or a slave) must be given up because of an *andurārum* act. Thus, in a sales document from Nimrud: ‘If those people leave (their condition of slavery) in an “amnesty”, Bel-āli will return the money to its owners’ (in Postgate’s

65. See R. Borger, *Die Inschriften Asarhaddons Königs von Assyrien* (AfO, Beih. 9; Graz: Im Selbstverlage des Herausgebers, 1956), 3, II:42ff. (III:12f: ... *an-du-ra-ar-šú-nu / a-āš-kun*); see also J. N. Postgate, *Taxation and Conscriptio in the Assyrian Empire* (Studia Pohl, Ser. Maior, 3; Rome: Pontificium Institutum Biblicum, 1974), 132, §1.4.1.

66. Thus, Borger, *Inscripfen Asarhaddons*, 25, episode 37:12ff. = VII: 12-25 (II. 16-17: *an-du-ra-ar-šú-nu / eš-šiš a-āš-kun*); see also *Ibid*, 94, II. 34f. (Sammeltext): ‘[The Babylonians] ... I gathered together / ... [to the naked (thus Borger)] I gave clothes [and] I established their *andurārum*’: ... *ki-i iš-ten ú-pa-ḥir-ma / [...u]-lab-biš an-du-ra-ar-šú-nu āš-kun*

67. R. F. Harper, *Assyrian and Babylonian Letters*, vol. 7 (London: Luzac, 1902), no. 702, obv. 9f., from Zakir to Assurbanipal, c.650BCE, URU *ḥe-pu-ú / [...] a-na-ku ul-te-šib u du-ra-aár-šú al-ta-kan*. The letter has been transcribed and translated in L. Waterman, *Royal Correspondence of the Assyrian Empire*, vol. 1 (Ann Arbor, MI: University of Michigan Press, 1930), 480f. Weidner, ‘Ilushumas Zug’, 122, dates this document to the reign of Esarhaddon.

translation).⁶⁸ Also: ‘If a *durāru* is established Silim-aššur (the creditor) shall see his money.’⁶⁹

Conclusion

Besides *mišarum* and *andurārum*, several other terms occur which can be summed up by the conception ‘royal grant of favour’.⁷⁰ I have chosen to disregard this evidence here, since it does not illuminate the connection between the Old Babylonian edicts and the biblical laws of the Jubilee and Sabbath Year.

On the other hand, it is very important, when establishing relations between the biblical evidence and the documents from Western Asia and Mesopotamia, that only *mišarum* and *andurārum* are used as loanwords in Hebrew. This much we may conclude: *mišarum* was not accepted as a term for the royal social edicts later than the fall of the First Babylonian Dynasty, whereas the earliest evidence for *andurārum* with this meaning presumably dates back to Samsuiluna, c.1700BCE, and the last known occurrence belongs, it seems, to the reign of Assurbanipal, c.650BCE. Since Hebrew *mīšarīm* is evidently a loanword from Akkadian, this borrowing must have taken place several hundred years before the Israelite immigration into Palestine, if it is to be understood as a designation of royal edicts in Palestine comparable to, for example, the Edict of Ammišaduqa. I think it is not worth the effort, however, to insist on this. It is another matter with *andurārum* since this word has developed differently as a designation for royal decrees. The evidence from Nuzi includes the latest occurrences from the second millennium of *andurārum*, no doubt referring to a form of royal decree, the contents of which were to some extent comparable to the *mišarum* acts. Thereafter, there is no evidence which conclusively points to a continuation of a similar practice before the Neo-Assyrian Empire. When Sargon, Esarhaddon or Assurbanipal, during the later history of this empire, mention *andurārum* decrees or decrees including *andurārum* provisions, they

68. See Postgate, *The Governor's Palace Archive* (London: British School of Archaeology in Iraq, 1973), 230f., no. 248 (ND 487/BM 13001) rev. 13á-16á (in Postgate's transcription): šum-mu U[N].MEŠ ša-tu-nu ina du-ra-ri ú-su-ú / ^mEN.URU kás-pu a-na EN.MEŠ-šú / ú-ta-a-ra. See also the broken text, cited in *ibid.*, 38, no. 10 (ND 243/IM 56826), obv. 8áff., [šum-m]u LUGAL (!) an-dura-ru / [i]-ša-kan^mla-mar-ia-a-nu ... (rest more or less broken).

69. šum-ma du-ra-ru šá-kin^m[i-lim-Aššur] / KU.BABBAR-šú i-da-gal; see C. H. W. Johns, *Assyrian Deeds and Documents*, vol 1 (London: George Bell and Sons, 1898), no. 629, rev. 13f., translated in Kohler and Ungnad, *Assyrische Rechtsurkunden* (Leipzig: E. Pfeiffer, 1913), no. 146; this document goes back to the reign of Esarhaddon (c.680BCE).

70. Here we may include *zakūtum*; see Kraus, in *Symbolae M. David*, 2 (Leiden: E. J. Brill, 1968), 9–40; *šubarum*, see Böhl, *Der babylonische Fürstenspiegel* (MAOG, 11, pt. 3; Leipzig, 1937), 18; and see the note above concerning Sumerian *šu.bar* during the Ur III period; *awāt šarrim*, *uššurum*, *šuddunum*, *šasūm*, see Kraus, *Edikt*, esp. 45ff. and *passim*.

may have deliberately chosen to use the old term *andurārum* – perhaps only as an expression of the ‘renaissance’ during the seventh and sixth centuries BCE.

Turning to the Old Testament evidence, Hebrew *derôr* is likely to be a loanword from Akkadian, since no independent West Semitic tradition of *andurārum* can be traced and the only examples date from Alalakh, from the eighteenth century BCE. The borrowing may have taken place in the course of the first half of the second millennium BCE or in the seventh or sixth century BCE. It is, however, methodologically improper to date the borrowing according to the oldest evidence alone, as J. Lewy does. Seemingly, this scholar confuses the principles of the *terminus a quo* with the *terminus ante quem*. The conclusive argument in this case must be the *terminus ante quem*, which, according to the evidence currently available, is 650BCE.

The investigation of the evidence of the Old Testament makes it rather difficult to imagine that the laws of the Sabbatical Year and the Jubilee Year rely on an early institution in Israel and Palestine. Everything points to the fact that these laws depend on social theory which originated late in Israel, but which also had its background in such very old laws as Exodus 21:2-6 and 23:10-11.⁷¹ The technical term for the Jubilee Year, *derôr*, is borrowed from Akkadian in the Neo-Assyrian period (which may also be the correct explanation of the missing prefix *an-* in the Hebrew word). The Edict of Zedekiah bears evidence to this fact (Jer. 34:8). This is not exceptional, since the Assyrians used *andurārum* (*durārum*) as a designation for royal decrees at the same time as the kingdom of Judah was a vassal of Assyria, and it was only a few years after the termination of this period of vassalage that Zedekiah established his *derôr*.

Thus, it is wrong in a study of the Babylonian decrees to refer uncritically to the so-called parallels in the Old Testament. Positively, we can only stress the ideological resemblance between the Babylonian social decrees and social laws in the Old Testament. Here we touch on a common characteristic of the ancient Near Eastern view of the duties of kings.

71. See Chapter 2, this volume; and for the details of Exod. 21:2-6, see Chapter 1, this volume.

The Greek ‘amphictyony’: could it be a prototype for Israelite society in the Period of the Judges?

1976

Several recent studies have tried to invalidate M. Noth’s thesis of an Israelite amphictyony in the Period of the Judges. However, most of them have ignored Noth’s treatment of the Greek amphictyonies and their impact upon a supposed Israelite league of twelve tribes. The purpose of this chapter is to correct this omission. A closer examination of the Greek amphictyony shows, in the first place, that there was only one amphictyony, that of Delphi; and, second, that the technical term was only used at a later date by the Greek and Roman authors to denote other leagues. After all, the Delphic amphictyony did not come into existence until the eighth century BCE and thus cannot be taken into account for the study of Israel’s organization in the twelfth or eleventh century BCE.

Martin Noth was not the first biblical scholar who pointed to parallels outside Israel as evidence of the existence of an Israelite system of twelve tribes in the Period of the Judges. Many years before Noth, Heinrich Ewald had argued that analogies to the Israelite system might be found elsewhere.¹ It ought to be easy to find parallels among Israel’s neighbours, but the only references appear in the Old Testament itself: in Genesis 22:20-24 (J), twelve eponyms of the Aramean tribes are listed. In Genesis 25:13-16 (P), twelve eponyms belonging to Ismaelite tribes are given. In Genesis 36:10-14 (J), twelve Edomite ones are presented. We may also include the lists mentioning the six ‘sons of Ketura’ in Genesis 25:2 (J) and Genesis 36:20-28 (J) and that enumerating Horite tribes in the mountains of Se’ir.² Noth emphasized that there must be some kind of historical reality behind these lists and he denied that later Israelite compilers should have had a special ideological interest in emphasizing the number twelve or the number six in these cases. Ewald already had, however, pointed to the fact that the material is not confined to the West Semitic cultural sphere. In the

1. H. E. Ewald, *Geschichte des Volkes Israel*, I. (3rd edn; Göttingen: Dieterichschen Buchhandlung, 1864), 528ff.; see M. Noth, *Das System der zwölf Stämme Israels* (BWANT, IV:1; Stuttgart: Kohlhammer, 1930; 2nd edn, Darmstadt: Wissenschaftliche Buchgesellschaft, 1966), 43 n. 1. Ewald’s results are, however, not accepted in detail by Noth.

2. Gen. 36:20ff. enumerates seven tribes. Noth (*System*, 44 n. 1) found reason to suppose that originally only six names were included in the list.

Greco-Roman world, the number twelve also appears as an integral element of tradition in connection with tribal leagues. Noth himself uses Ewald's proposal to show that it was in the classical world we find traditions, which might be used as sources of information about the system of the twelve Israelite tribes.

Noth's understanding of the Greek amphictyonies

According to Noth, the characteristics of the Greek amphictyonies were as follows: a fixed number of members – including six or twelve Greek states – chose a central shrine, which also became the centre of the common 'amphictyonic' administration. Here, they came together once a year for a feast with each member-state represented by official delegates. The purpose of the amphictyony was to look after common interests, international laws, and the joint defence of the central shrine.³

Thus, twelve Greek tribes established an amphictyony, the *terminus technicus* in Greek for leagues of tribes. In this amphictyony, the shrine of Apollo at Delphi ranked as the foremost centre. Among the other amphictyonies, Noth mentions the Boeotian League and its centre at Onchestos (though the number of participants are unknown to us), the Calaurian amphictyony, consisting of six members,⁴ Panionion in western Asia Minor, including twelve members, and Mykale with a membership of six states. In Italy, we also find evidence of amphictyonies of twelve tribes among the Etruscans, the Bruttii, possibly the Lucani and finally in Latium.⁵ There may also have been amphictyonies of twelve tribes in Illyria.

As mentioned above, Noth stressed that the maintenance of the cult at the central shrine and the protection of the integrity of the cultic place was a matter of common interest for the members of the amphictyony. On the other hand, it is a historical fact that several of the central shrines were there before the establishment of the amphictyonies around them. It must be stressed, therefore, that the intention behind the organization of the tribes into an amphictyony was not to create a new place of worship, common to all. It rather came into existence as a natural consequence of the political events at the time. Noth's thesis was that behind the system of twelve tribes alluded to in the Old Testament lies an Israelite amphictyony, including institutions and functions which parallel the Greco-Roman amphictyonies.⁶

According to Noth, some peculiarities attached to the Israelite 'amphictyony' may be elucidated through our knowledge of Greek amphictyonies. Just

3. Noth, *System*, 47ff.

4. The only source for Calauria, Strabo, mentions as many as seven members. Noth (*System*, 49–50) reconstructed an earlier list of seven member states, consisting of only six names. In this, he was able to draw support from Ulrich von Wilamowitz-Moellendorff.

5. In this case, the number twelve depends also on a reconstruction, since the classical sources all reckon with thirteen.

6. Noth, *System*, 59–60.

as in Hellas we find amphictyonies consisting of either six or twelve tribes, and just as the Delphic-Pylaeon amphictyony shifted from one religious centre to another, from the shrine of Demeter in Pylae to the shrine of Apollo at Delphi, we see an earlier Israelite amphictyony of six tribes converted to a league of twelve tribes and, in connection with this, a change of religion, when Yahweh became the God of Israel. This is Noth's explanation. The Yahwistic amphictyony of twelve tribes was identical with Israel and the word 'Israel' meant exactly that, no more and no less. However, the name of Israel seems to have been used earlier, as a designation for the previous amphictyony consisting of the six tribes of Leah.⁷ The question of the identity of the god of this previous institution was, however, left unanswered by Noth.⁸

In connection with the central shrine, we must suppose, according to the classical prototype, the existence of an annual feast of worship and the participation at the feast of delegates from the twelve member-states. 'Dem griechischen "Hieromnemon" entspricht das hebräische נשיא', says Noth unhesitating and the assembly of נשיאים mentioned in the Bible (e.g. in Num. 1:1-15) actually had its 'Sitz im Leben' within the framework of the amphictyony.⁹

There was an 'Amphiktyonenrecht' in connection with the central administration of the amphictyony. This amphictyonic law code in Israel was transmitted through the 'Book of the Covenant,' Exodus 21–23, or, in any case, through part of it. Beside the written code, differing from it, but working together with it, we must presuppose the existence of a common law, consisting of νόμοι ἄγραφοι. Both categories of laws were binding for the members of the amphictyony. It is precisely occasioned by a transgression of a νόμος ἄγραφος that we find the Israelite amphictyony coming into play. This was what took place after the crime in Gibeah, which resulted in a war between the Israelite tribes and the tribe of Benjamin in Judges 19–21.¹⁰ The outrageous injustice done by the citizens of Gibeah to the concubine of a Levite led to a holy war inflicted upon the twelfth member of the amphictyony, Benjamin, by the other eleven, because this tribe made common cause with the city of Gibeah. The holy war was an amphictyonic institution in Israel just as it was in Hellas.

The Greek amphictyony reconsidered

It goes without saying that it is a severe drawback in the discussion for or against the existence of an Israelite amphictyony that no Old Testament scholar has undertaken a more precise survey of the material from the Greco-Roman

7. This could be the explanation of 'Israel' at Mer-en-Ptah's 'Israel-stela': *ANET* 3, 376ff.

8. Noth, *System*, 93. Referring to the theophorical element in *Israel*, it seems natural to draw attention to the Canaanite deity El. Very often, *El* was identified with *Yahweh* in the period of the judges and, after that, during the Israelite monarchy. On the other hand, the meaning of the first part of the name has still not been satisfactorily explained.

9. *Ibid.*, 97. In Num. 1:1-15, a list of this assembly might have been transmitted.

10. *Ibid.*, 100ff. A transgression of this kind was termed בישראל; see, 104–5.

world, drawn on by Martin Noth.¹¹ In this section, I shall try to give a short summary of what may be said about the Greek amphictyonies as far as it may be of interest to Old Testament scholarship. I do not, however, claim to be exhaustive.

Ἀμφικτυονία is an often used designation for the sacred leagues between the Greek states, and differs in its basic structure and purposes from other political alliances, termed *συμπολιτεία* and *συμμαχία*. According to J. A. O. Larsen, *συμπολιτεία* refers to a federal state built up on nominally independent city states, and this political system has evolved from a more primitive and more loosely organized tribal state.¹² It is characteristic of a federation that all its members belong to one of the Greek tribes.¹³ *συμμαχία* is, as the designation indicates, an alliance of city states for military purposes. Alliances of such a kind were very often agreed upon for longer periods. As examples of symmachies, the Peloponnesian, Delian League and Second Athenian Leagues might be mentioned, as well as the Hellenic League created by Philip II of Macedonia.¹⁴

Ἀμφικτυονία was used for the first time by Demosthenes (fourth century BCE) and, on that occasion, was used as a *nomen proprius* for the sacred league, which had as its centre the shrine of Apollo at Delphi.¹⁵ The designation for the individual members, ἀμφικτύονες, was, however, used already by Herodotus and Pindar (fifth century BCE). Herodotus always uses this word to designate a

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11. The literature concerning the amphictyonies in Greece is mostly confined to the studies used by Noth: G. Cauer, 'Amphiktyonia', in Pauly-Wissowa, *Realencyclopädie der classischen Altertumswissenschaft*, I, 2 (Stuttgart: J. B. Metzler, 1894), 1904–35, and G. Busolt, *Griechische Staatskunde*, 2, 3rd edn (ed. by H. Swoboda, *Handbuch zum Altertumswissenschaft*, IV:i:1 (Munich: Beck, 1926), 1280–310. The most recent critical studies on the question of the amphictyony in Israel do not alter the situation in general; see G. W. Anderson, 'Israel: Amphictyony: 'am: Kāhāl: Edāh'', in *Translating and Understanding the Old Testament. Studies in Honour of H. G. May* (Nashville, TN: Abingdon, 1970), and C. H. J. de Geus, *The Tribes of Israel* (Assen: Van Gorcum, 1976). In his otherwise excellent study, de Geus follows the views put forward by F. R. Wüst, 'Amphiktyonie, Eidgenossenschaft, Symmachie', *Historia* III (1954/5), 129–53. According to Wüst, the Delphic amphictyony must have been founded in the sixteenth century BCE, and the name ἀμφικτυονία, with -υ- must have been the original, going back to a possible tribal name. Wüst also considers the Delphic amphictyony to be an organization at first established by a single tribe only. The attitude of the present writer regarding Noth's thesis of an Israelite amphictyony in the period of the judges is very critical. See my book (in Danish) *Israel i Dommertiden (Israel in the Period of the Judges), Tekst og Tolkning* 4 (Copenhagen: CEG Gad, 1972).
 12. J. A. O. Larsen, *Representative Government in Greek and Roman History* (Berkeley, CA: University of California Press 1955), 22–3. Continuity is secured since ἔθνος is used as the designation for the members of both categories of leagues. Another point of view has been put forward by Ida Calabi, *Ricerche sui rapporti tra le poleis* (Florence: Nuova Italia, 1953), 11ff. She does not accept the strict discrimination between the religious and the political alliances.
 13. J. A. O. Larsen has given an excellent survey of the history and institution of this federation in his *Greek Federal States* (Oxford: Clarendon Press, 1968).
 14. J. A. O. Larsen uses the term *permanent alliances* for these leagues. See his discussion in *Representative Government*, 47ff.
 15. Demosthenes XI:4; V:19.

member of the Delphian amphictyony; but in Pindar's odes, it is found together with *περικτίονες*, without this reservation.¹⁶ Not until a very late period does *ἀμφικτυονία* come into use to designate other leagues than the Delphic. So, Strabo (c.64/63BCE to 21CE) mentions the Calaurian amphictyony, whose central shrine was the temple of Poseidon at Calauria¹⁷ and the amphictyony at Onchestos at the Lake of Copais, which also included a temple of Poseidon as its centre.¹⁸ Pausanias (second century CE) possibly refers to an amphictyony in Argos.¹⁹

Ἀμφικτυονία is normally considered as deriving from *ἀμφί* and *κτιζω* and the meaning of the compound should be 'dwelling around' (i.e. around the common shrine).²⁰ It is, however, probable that the designation itself, *Ἀμφικτυονία*, was at first used exclusively to denote the Delphic League and was only secondarily attached to other institutions analogous to the Delphic, but centred around other shrines. The use of -υ- bears evidence of this. According to the legend, the founder of the Delphic amphictyony was *Ἀμφικτύων* a son of Deucalion, the Greek hero of the Flood, and his wife Pyrrha. Amphiktyon was the ruler of Thermopylae and founded there a league in which the neighbouring tribes were partners. The first centre of the league was the shrine of Demeter at Anthela. The name of *Ἀμφικτύων* may be interpreted either as a personification of *ἀμφικτυονία*, in which case the tradition referring to him must be considered an etymological legend – by far the most reasonable assumption – or we may discern a 'historical' person behind the saga, possibly the *heros eponymos* of a certain tribe, without any etymological connection to *ἀμφικτιζω*. In the latter case the connection between the amphictyony and Amphiktyon must be considered secondary.²¹ If the former is correct, there must be a dialectal difference between them (as implied by the explanation of -υ-).²²

Originally the amphictyony had its centre at Thermopylae at the shrine of Demeter in Anthela; but after the Crisean war (c.590BCE), the centre was moved to Delphi, since the city of Crisa (or Cirrha as some traditions name it) was completely razed and its territory donated to Apollo at Delphi as a sacral

16. Herodotus VI:58, IX:11; Pindar *Pyth* IV:66, *Nem* VI:40, *Isthm* IV:8. See, referring to *περικτίονες*, *Nem* XI:19, *Isthm* VIII:64, X:8-9.

17. Strabo VIII:C374.

18. Strabo IX:C412.

19. Pausanias IV:5:2; see Calabi, *Ricerche*, 20f. Nevertheless, it seems probable that the passage in Pausanias refers to the Delphic amphictyony.

20. See, accordingly, Calabi, *Ricerche*, 13, and Liddell and Scott, *Greek-English Lexicon* (9th edn; Oxford: Oxford University Press, 1925), 92 s.v.

21. See *Kleine Pauly Lexikon* I, 311.

22. Busolt, *Griech. Staatskunde*, 1280 n. 1. Busolt is not able to put forward an etymological explanation of the form including the -υ-. Ernst Meyer proposes to understand *ἀμφικτυονία* as an Attic (i.e. a literary form) and he calls *ἀμφικτυονία* for the original but local form (evidently without any attestation in literature, though an example of the derivation, *ἀμφικτίονες*, is known according to Liddell and Scott, s.v.); see Meyer's edition of Pausanias, *Beschreibung Griechenlands* (Stuttgart: Artemis Verlag, 1954), 686 n. 486.

domain.²³ Until Roman times, there were twelve members of the amphictyony, but the identity of the various participants might alter according to political events. The fact that the members are termed ἔθνη is very often enlisted as proof of the antiquity of the league, since the designation πόλεις for the members would have been more natural if the Delphic league had been a comparatively recent creation.²⁴ J. A. O. Larsen, in his study on the subject, referred to above, did draw attention to the use of ἔθνη as a designation for the individual members of Greek federal states and also for their predecessors through most of the classical period. The members of the Delphic amphictyony, called by their tribal names (e.g. the Thessalians, the Boeotians, the Dorians, the Ionians, etc.) may have been federal states themselves. After his victory at Actium, Augustus extended the membership of the Delphic amphictyony to include Nicopolis, the city recently founded by him; but, against all the rules, he gave it threefold representation.

Normally, each member chose two delegates. ἱερομνήμονες and the twenty-four ἱερομνήμονες formed an assembly together, whose main purposes were to supervise the sacral area at Delphi and arrange the Pythian games every four years. On the other hand, we have no information of any ‘amphictyonic legislation’ administered by the assembly of ἱερομνήμονες; but one of their functions was to manage the amphictyonic treasure and, if possible, to act as arbiters between the member states. Another group of amphictyonic officers was the *πυλαγόροι*, but no information has survived as to their function. The exact number of *πυλαγόροι* is unknown.²⁵ *Ἱερομνήμονες*, together with the *πυλαγόροι*, formed the *συνέδριον* of the amphictyony. The duty imparted on the member states was to protect the integrity of the central shrine and, if necessary, make preparations for retaliatory measures – that is, holy war against transgressors of the privileges of the shrine. Accordingly, in 356/355BCE, the Phocians, the tribe in whose territory Delphi was situated, seized the shrine by force but were utterly defeated and, together with the Spartans, their allies, were expelled from the amphictyonic assembly. The Phocian mandate was transferred to King Philip II of Macedonia, the man who made the total defeat of the Phocians possible.²⁶ On the other hand, the amphictyony does not seem to have played any part in the wars between the member states. Moreover, membership in the Delphic amphictyony did not exclude hostilities between members. Neither was it expected that the amphictyony should be the chief organizer of the common defence against foreign invaders, such as, for instance, the Persians. In times of distress, the shrine of Apollo was first of all the oracles to which people resorted for comfort.

23. Strabo IX:C418; Pausanias C:37:5. This is the *First Holy War*.

24. Nobody thinks that the league should be more recent than the eighth century BCE, and the date for the foundation is normally fixed to the early eighth century BCE.

25. See Busolt, *Griech. Staatskunde*, 1307.

26. Busolt, *Griech. Staatskunde*, 1296; see Diodorus Siculus XVI:60; Demosthenes XIX:65.66.123.275.325; XVIII 36.42; Aeschines II:9; III:80.

Twice a year the assembly of *ἱερομνήμονες* came together because of the amphictyonic feasts, in the spring at Anthela and in the autumn at Delphi.²⁷

As to the other amphictyonies, we know little more than their names and, in most cases, the number of members. Nothing is known about the amphictyony at Onchestos; but, in the case of Calauria, we are a little better off. In this amphictyony, there were seven members, six of which lay around the Saronian and the Argive bays, whereas the seventh, Orchomenos, was a city in Boeotia. All the members of the Calaurian amphictyony were city-states (in contradistinction to the Delphic amphictyony).²⁸ Some have tried to find evidence for yet another amphictyony for which Corinth served as the centre, but no substantial evidence seems to confirm this supposition.²⁹

Noth referred, in *Das System*, to an amphictyony consisting of twelve tribes in Western Asia Minor, the Πανιώνιον, a league of twelve Ionian cities on the coast of Asia Minor, for which the temple of Poseidon at Cap Mykale served as the central shrine.³⁰ J. A. O. Larsen dismisses this interpretation of the Panionion as an amphictyony. But he does argue that it was a loosely organized federal state which had emerged from an original Ionian kingdom in Western Asia Minor.³¹ The number twelve is perhaps not original in the case of Panionion. According to a tradition mentioned by Vitruvius, a Roman author from the time of Augustus, the thirteenth member, Μελίτη (or Μέλιη), where the first central shrine had been located, was annihilated and expelled from membership.³²

In the case of the Dorian Pentapolis, we have a different situation, since only five cities were participants. It was situated south of Panionion and its most important shrine was the temple of Apollo at Cape Triopion. Originally that league had six members, but one of them, Halicarnassus, had been expelled and no substitute was elected.³³

Among the Aeolians in the north-western part of Asia Minor a league of eleven city states had come into existence; but a former twelfth member, Smyrna, had shifted from the Aeolian sphere of influence to the Ionian. It is a special feature of these leagues on the west coast of Asia Minor that when a vacancy arose – whatever the reason – it was never filled, even if an application for membership should be put forward by another city (as, for instance, Smyrna to Panionion after Melite had been expelled).³⁴

27. Strabo IX:C420.

28. Calauria is identical to a tiny island outside the port of Troizen, Pogon. See a reference to Calauria in T. Kelly, 'The Calaurian Amphictyony', *American Journal of Archaeology* 70 (1966), 113–21. According to Kelly, the earliest possible date for the establishment of the temple at Calauria is c.680BCE.

29. Because of Pindar *Nem* VI:40–42; but see *Isthm* III:26; see also Cauer, in Pauly-Wissowa, *Realencyclopädie*, 1906, and Calabi, *Ricerche*, 17.

30. *System*, 49f. See also Calabi, *Ricerche*, 26ff. Sources: first of all, Herodotus I:141–3.148.170; VI:7.

31. *Representative Government*, 27ff.

32. Vitruvius IV:i:4; see also Busolt, *Griech. Staatskunde*, 1282f.

33. Herodotus I:144.

34. Herodotus I:145.

The Etruscan league of *duodecim populi* that encompassed the shrine of Voltumna at Volsinii seems proved by references in Livy's works.³⁵ However, Calabi may be correct in asserting that the account of this alliance of city-states and also of the league between Rome and Latium, in which there were thirteen participants, was influenced by the familiarity of Roman authors with the history and the institutions of the Delphic–Pylaeian amphictyony.³⁶

Conclusion

Discussion among biblical scholars for or against the possibility of an Israelite 'amphictyony' in the Period of the Judges would undoubtedly gain by a more precise definition of the word ἀμφικτυονία in the classical world. I have tried, in this chapter, to pave the way for a better understanding of the so-called parallels in Greece to the structure of Israelite society in the Period of the Judges. The material for the leagues in Greece shows first of all that it is hardly possible to date the foundation of any amphictyony earlier than the eighth century BCE. Second, it must be stressed that the earliest reliable evidence for the term ἀμφικτυονία appears rather late, in the fourth century BCE, when it was used as a proper name for the Delphic–Pylaeian league. Not till Roman times did the use of the term seem to have been extended to include other leagues, the organization of which does not have to be absolutely related to the Delphic amphictyony, except that they were characterized by having a sanctuary as their centre. The third point which should be stressed – and until now the only point often drawn into the discussion – is the fact that the number of participants alters from league to league. Even if six or twelve members seem normal, it is not a *conditio sine qua non* for a sacral league in the Greco-Roman world.

For these reasons, it is immaterial whether there is a word in Hebrew which may be considered an adequate translation of the Greek ἀμφικτυονία.³⁷ It is much more important that we make it clear that ἀμφικτυονία in Greek first of all refers to the unique feature of the sacral league, centered around the shrine of Apollo at Delphi. However, we also have to take into consideration that even that league did not come into existence until several hundred years after the conclusion of the Period of the Judges in Palestine.³⁸

35. Livy I:8.

36. Calabi, *Ricerche*, 22ff. On the alliances between Rome and Latium, see Diogenes from Halicarnassus IV:25:3-5; 26:1-4; see also Livy I:45.

37. See Anderson in *Translating and Understanding the OT*, 135ff.

38. An attempt to see an amphictyony in the Philistine Pentapolis, as has been proposed by B. D. Rahtjen, 'Philistine and Hebrew Amphictyonies,' *JNES* 24 (1965), 100–104, must be rejected. First of all, the chronological difficulties are not eliminated by Rahtjen. Second, Rahtjen seems to confuse the categories. The Philistine Pentapolis might be termed a συμπολιτεία or maybe a συμμαχία, but hardly an ἀμφικτυονία.

5

The chronology in the story of the Flood

1980

One of the most obvious starting points to a literary-critical analysis of sources of the story of the Flood is chronology. The first point to stress is, of course, the discrepancy between the information in Genesis 7:12 that the Flood prevailed for 40 days, and 7:24, which says that the waters increased over the land for 150 days. The classic literary critics saw here a proof of the existence of two completely different chronological systems and they wrote that these systems had been combined by the redactor in order to obtain one coherent chronology.

This chapter seeks to present a new hypothesis as to the number of chronological systems preserved in the Flood story: not two but three different chronologies. But before I turn to the thesis I must briefly deal with the traditional description of the chronological systems of J and P respectively.

The chronological system of J

The fragmentary state of the J sections in Genesis 6–8 is well known and needs no comment here. Below I shall mention some consequences of the defectiveness of the J version.

The dates in the fragments of J are:

- Genesis 7:4: seven-day interval to the coming of the Flood.
- Genesis 7:4: forty days as the duration of the Flood.
- Genesis 8:10: seven days from the first sending out of the dove to the second.
- Genesis 8:12: seven-day interval between the second and the third sending.

The fragments of J give a total of merely 61 days for the whole story.

Some scholars claim, however, that because J is only partially preserved, the original chronology of J included a span of time much longer than that indicated by the fragments left to us. Let me quote, for example, E. Nielsen, who suggests a total other than the 61 days preserved in J in Genesis 6:8.¹ He

1. E. Nielsen, *Oral Tradition* (SBT 11; London: SCM, 1954), 93ff.

suggests an original chronological system in an independent J tradition, according to which the Flood spanned no less than 148 days. His argument is based on an observation by U. Cassuto that the original J version must have included a section dealing with the construction of the ark after Yahweh had disclosed the coming of the Flood to Noah.² Evidence of such a period (absent in J) is the date in Genesis 7:11 – namely, 17.2.600: Noah’s 600th year, mentioned as the day the Flood started. The date is exactly 47 days after Noah’s birthday on 1.1.600. The J date in Gen 7.4 accounts for seven days, but still forty days remain. Cassuto, followed by Nielsen, argues that this was the period occupied by Noah in constructing the ark. This is not impossible since almost every known Flood story from this period includes a section dealing with the construction of the saving ‘instrument’ – ark, ship, etc. An interval of forty days is also in general accordance with the dates still in the J fragments: either periods of seven days or forty days (Gen. 7:4; 8:10, 12).

We get another forty days, if the date in Genesis 8:6 is not just a repetition of the information in Genesis 7:12 that the flood lasted for forty days. If this is not the case, then the forty days in Genesis 8:6 refer to the interval after the rain stopped (Gen. 8:2b) until the opening of the trap door.

Finally, Nielsen (with others) argues that we find evidence of another period of seven days not included in the extant parts of J. Traces of this period are to be seen in Genesis 8:10: ‘He [Noah] waited another seven days’ This ‘another’ (*’ôd*), in connection with the interval between the first sending out of the dove and the second, points to an analogous period between the opening of the trap door and the sending of the dove the first time.³

The reconstructed J chronology now has a total of 148 days: after Noah has been informed of the imminent coming of the flood, the following periods occur:

- forty days for constructing the ark;
- seven days to the coming of the flood;
- forty days as the duration of the rain;
- forty days to the opening of the trap door;
- seven days from the opening of the trap door to the first sending of the dove;
- seven days from the first to the second sending;
- seven days from the second to the third sending and Noah leaving the ark;
- the flood comes to an end.

2. Cf. U. Cassuto, *La questione della Genesi* (Florence: F. Le Monnier, 1934), 351 n. 2. Cassuto, of course, is denying that more than one author is present in the story of the Flood. Cf. also E. Nielsen, *Oral Tradition*, 97ff.

3. Nielsen, *Oral Tradition*, 100. Cf. also C. Westermann, *Genesis* (BKAT 1/1; Neukirchen: Neukirchener Verlag, 1974), 596ff.

The chronological system of P

- Genesis 7:6: Noah is 600 years old.
- Genesis 7:11: the flood starts (7.2.600).
- Genesis 7:24: the waters increase (150 days).
- Genesis 8:4: the ark is grounded (17.7.600).
- Genesis 8:5: the tops of the mountains appear (1.10.600).
- Genesis 8:13: the flood ends, the earth is dry (1.1.601).
- Genesis 8:14: the earth is dry (27.2.601).

This system apparently presents a totally different chronology than that preserved in J. Only one period of time is expressly mentioned, in 7:24, according to which the flood lasted not 40 days but also a rise of water that alone lasted for as much as 150 days.⁴ Otherwise, P emphasizes the importance of placing the individual events in the story on fixed dates of the year.

Attempts at a solution

Most scholars agree that we have two different chronological systems combined by a redactor, who has tried – we suppose – to minimize the differences between J and P without much success.⁵

Only a few favour another view of the chronological systems, including Nielsen in his *Oral Tradition*. Nielsen tries to demonstrate the inner coherence of all the dates preserved in Genesis 6–8. His starting point is the chronological system of P, which, according to him, is not really a coherent system since it falls apart in places. Evidence of this is the seeming lack of correspondence between 17.2.600 and 27.2.601. The explanation offered is that during the transmission of the text, a shift from a reckoning in lunar years to a reckoning in solar years had taken place. This implies that the chronology of P was adjusted according to the new reckoning in solar years. If so, Nielsen argues, then the interval between 17.2.600 and 17.7.600 described in Genesis 7:24 as a period of 150 days is, in fact, according to the reckoning in lunar months, only 147 days (or, to be exact, 147.5 days, a lunar month being only 29.5 days). The 150 days must therefore be understood as a round number, as proposed by Gunkel.⁶

4. Gen. 7:17 (in the style of P), claiming the Flood to have lasted only forty days, is a gloss trying to harmonize the difference between the chronologies of J and P. Cf. also Westermann, *Genesis*, 588, following J. Skinner, *JCC* (Edinburgh: T & T Clark, 1910), 165.

5. I have no intention of reviewing the various theses on the chronological system in the Flood story. Nobody has achieved a coherent review and for very good reasons, since most of the debate has been highly speculative and, strictly speaking, not very useful. A list of relevant (and irrelevant) literature is given by Westermann, *Genesis*, 580–81, and a short summary of some of the various theses may be found in S. McEvenue, *The Narrative Style of the Priestly Writer* (AnBi, 50; Rome: Pontefical Biblical Institute, 1971), 54ff.

6. H. Gunkel, *Genesis* (HCAT, 4. Aufl.; Göttingen, Vandenhoeck and Ruprecht, 1917), 147.

As to E. Nielsen's argument, I must say that I doubt whether we are entitled to be so certain of a shift in time reckoning from a lunar year to a solar year as the reason for the variation of Genesis 8:14. The normal calculation suggests that the span from 17.2.600 to 27.2.601, according to the reckoning of a lunar calendar, is only 354 days. If we now count according to the solar year (i.e. a year of 365 days), then we have to add the difference, eleven days, to the date 17.2.600, and thus we find 27.2.601 as the last day in the story of the Flood. However, why should it have been necessary to alter the date in the text? The interval between 17.2.600 and 27.2.601 in a solar year is not 365 days but 376 days according to the Hebrew manner of reckoning; so the date 17.2.601 is, in fact, more likely to have been used in solar year reckoning.

Turning Nielsen's argument upside down, I would like to propose that the original P was based on a reckoning in solar years. The final day originally given as 17.2.601 would not be 365 days after the 17.2.600, once a shift from solar year to lunar year had taken place, but only 354 days. Therefore, the difference between the lunar and the solar year, eleven days, was added to 17.2.601, which takes us to 27.2.601. The addition was made in order to preserve the span of time by disregarding fixed dates!

Hence, the 150 days mentioned in Genesis 7:24 as the duration of the increase of the waters are understood as five solar months each consisting of 30 days (disregarding the differences between the individual months),⁷ and thus there is no discrepancy between the 150 days and the dates 17.2.600 and 17.7.600 providing that 17.7.600 is both the turning point and the day the ark was grounded on Mount Ararat, as maintained by Gunkel.⁸ Nielsen used his calculation as a basis for his thesis that the chronological system of P is not to be isolated, but can only be understood in connection with the dates in J. In fact, the P system has been constructed with the J dates in mind.

The second part of Nielsen's argument is based on his introduction of the idea of so-called anticipatory dates.⁹ He thus bridges the obvious discrepancy between Genesis 7:24 (P), which states that the waters increased for 150 days, and 8:2b, according to which the rain stopped after only 40 days. He evidently does not want us to believe that the Semites think that $2 + 2 = 5$; but he argues that the 150 days are not calculations for the increase of the waters, but an anticipatory date indicating the whole duration of the flood.

Another anticipatory date, Nielsen argues, turns up in Genesis 8:14: 27.2.601.¹⁰ This date stands apart from the narrative itself. The following section dealing with sacrifice and promise is connected, not with 27.2.601, but with the date in Genesis 8:13 as 1.1.601, the New Year's Day. This suggestion, however, does not really explain the interrelation between the dates in Genesis

7. The reason for the rather schematic time-reckoning of P is likely to be that the chronology of P did not represent any cultic reality, but was only a theological construction. As to the cultic dependence of J, see below.

8. Gunkel, *Genesis*, 145.

9. Nielsen, *Oral Tradition*, 99.

10. *Ibid.*

8:13 and 8:14; nor does it offer any reason why two sentences saying very much the same thing could be allowed to stand.

The rest of Nielsen's argument is more traditional in its methods.¹¹ He makes calculations on the period from the moment the mountains appear above the waters, 1.10.600, to the date of the sending out of the dove the third time and on the period going back from the 17.2.600 to the day of the appearance of God to Noah:

1. From 1.10.600 to 1.12.600: sixty days:
 - (a) a period of forty days to the opening of the trap door;
 - (b) three intervals of seven days each between the opening of the trap door and the individual sending of the doves.
2. From 17.2.600 back to 1.1.600: forty-seven days:
 - (a) seven days respite, according to Genesis 7:4;
 - (b) forty days in which Noah builds the ark (J reconstructed).

Ultimately, he argues, it is possible to place all dates in the course of one year presupposing that 1.1.600 is both Noah's birthday and New Year's Day. Then we have to believe that the Flood story presupposes that the old calendar, according to which the New Year commenced in autumn, was still in use.¹² Thus, the Flood begins in the month of December and lasts for the rest of that month and also covers the whole of January (i.e. the two months receiving the heaviest precipitation in Palestine).

Nielsen's conclusions are threefold:

1. The author of the story of the Flood, Genesis 6–8, has tried to fit it into a definite chronological scheme.
2. If this author is P, it appears that P was never an independent written source, at least in the Flood narrative, since the coherence between J and P demonstrates that the P dates cannot fully be understood except in correlation with J dates.
3. P is not a traditional redactor, but is virtually writing a new narrative.

I do not, however, find this solution satisfactory. First of all, and contrary to his opinion, the P dates may be understood without recourse to the dates in J, since they are not contradictory apart from the J dates as argued by Nielsen; I refer to his argument for an interval of 150 days between 17.2.600 and 17.7.600. Second, the calculation from 1.10.600 to 1.12.600 is irrelevant, since the last date is neither mentioned nor alluded to in the narrative; it is a scholarly invention. Finally, I must stress that Nielsen does not reconcile the difficulties presented by the conflicting dates in Genesis 8:13 (1.1.601) and 8:14 (27.2.601). His supposition of an anticipatory date is gratuitous even though it might make

11. *Ibid.*, 100.

12. *Ibid.*, 101.

sense when dealing with the differences between Genesis 7:24 (150 days) and 7:4 (40 days). Both dates, 1.1.601 and 27.2.601, are in P. No serious scholar has ever disputed this. We therefore have to find another explanation for the discrepancy.

A new solution: three chronological systems

Two different methods of dating are used in the story of the Flood, one of which uses precise dates and the other periods of time. The first of these shows some inconsistency since there seems to be two kinds of dates:

- 1.10.600 and 1.1.601; and
- 17.2.600, 28.2.601, duplicating 1.1.601.

The fundamental point is whether P would want to retain both dates in Genesis 8:13-14. What kind of redactional principle lies behind the juxtaposition of those dates?¹³

The solution must, in fact, reintroduce one of the main conclusions of literary criticism: that the story of the Flood is compiled by a redactor on the basis of two independent written sources. In this context, we have to forget the question of oral tradition. The kind of dating preserved in the story, especially in P, clearly indicates written sources as the form of transmission. The redactor worked in the style of P, which has made it difficult to demonstrate convincingly which part of the story belongs to P and which belongs to the redactor. We may provisionally designate the redactor as RJP. I find the presence of this redactor evident because of Genesis 8:13-14, where both verses are written in the style of P. Furthermore, the correlation between the dates 27.2.601 and 17.2.600 is clearly presupposed in Genesis 8:14. Yet, another date is dependent on 17.2.600 – namely, 17.7.600, which is the result of a simple calculation: 17.2.600 + 150 days = 17.7.600. An inner coherence between 17.2.600, 17.7.600 and 27.2.601 seems obvious, but this alone does not indicate whether the three dates in question owe their existence to P or to RJP.

13. No scholar has ever succeeded in bringing forward a reasonable explanation of this obvious duplicate. The nearest is perhaps Westermann, *Genesis*, 603–4, who argues that the two dates duplicate each other. According to Westermann, the many, highly speculative comments on these two verses owe their existence to the fact that the two verses have been secondarily joined. Isolated from each other, they say exactly the same. The two dates, claims Westermann, depend on different layers in the school of P. However, thereafter Westermann's remarks on this problem leave us in the dark. How the normal explanation works may be seen, for example, from a modern translation such as the New English Bible: 'And so it came about that, on the first month of his six hundred and first year, the waters had dried up on the earth ... the surface of the ground was dry. By the twenty-seventh day of the second month the whole [sic!] earth was dry.' This is simply not a correct translation, but a crassly harmonizing interpretation.

What, then, is the reason for the strange date for the commencement of the Flood: 17.2.600? One strand in the P material points to 1.1.601 as the last day in the story. Accordingly, we would expect to find 1.1.600 as the starting point: in fact, we have 17.2.600. In this case, the solution is obviously nearly the same as that proposed by Cassuto. 17.2.600 depends on other dates in the story, one preserved, one not. The one preserved is the seven days of respite, Genesis 7:4; the one lost is the forty days during which Noah constructed the ark: all in all, forty-seven days. As mentioned above, both dates clearly belong to the J tradition and the conclusion must be that the date in P-style, 17.2.600 (Gen. 7:11), is dependent on the presence of the J tradition (as pointed out by Nielsen). The second conclusion is that all three dates, 17.2.600, 17.7.600 and 27.2.601, are dependent on the presence of J (i.e. they all presuppose the joining of J and P). Or, expressed otherwise, the three dates are the results of putting together J and P and they represent the chronological system or framework of RJP.

As a control of this hypothesis, I point to the fact that we have dates in the Flood story which do not presuppose the union of J and P (i.e. 1.10.600 and 1.1.601)! It is impossible to deduce 1.10.600 from the other dates in the rest of the narrative. Instead of 1.10.600 (Gen. 8:5), we should, by analogy with Genesis 8:4, expect 17.10.600. This date, however, is not present in the narrative. To understand its absence we must refer again to the case of 17.2.600 and 17.7.600. 17.2.600 is dependent on the chronological system of J, now only partially preserved. This means 17.7.600 owes its presence to 17.2.600, or rather to the mention in Genesis 7:24 of the 150 days as the period in which the waters increased. No information is given regarding the period between the grounding of the ark and the appearance of the tops of the mountains except the fixed dates of 17.7.600 and 1.10.600. No necessary connection exists which forces the date 1.10.600. Therefore, the redactor did not need to deal with such an interval. He retained the date 1.10.600 because it was already in his source material.

We have three dates, therefore, which owe their existence to the union of J and P: 17.2.600, 17.7.600 and 27.2.601. Independently, there is a third system present in which the Flood ends on 1.1.601, after the mountains appeared on 1.10.600. We have dealt with the preservation of the date in Genesis 8:5, 1.10.600, and now turn our attention to Genesis 8:13. The date 1.1.601 is obviously a variant of the one in Genesis 8:14 and is not connected in any way to J's chronology. We saw that the reason for keeping 1.10.600 was the redactor's intention of including the dates in his source material. I think the same reasoning is responsible for the presence of 1.1.601. The redactor preferred to keep the information already in P. On the other hand, he tried (without real success) to reconcile the intention of the chronological system of P with the J material.

In maintaining this, I draw attention to the fact that the flood takes place in one year according to the present framing of the story, starting on 17.2.600 and coming to an end on 27.2.601. This frame owes its existence to RJP. Alternatively, we have another date for the last event in the story – namely, 1.1.601. That R evidently wrote in the traditional style of P indicates that we should expect the P Flood story also to have lasted one year. Since it comes to an end at 1.1.601, it presumably started on 1.1.600, not on 17.2.600. Perhaps we must admit that

the date 1.1.600 is missing altogether. If so, this date was not in the P source, since the redactor does include the other dates from his source, even when they contradict his own system. There is, however, another possibility of finding the missing date elsewhere in the narrative. I am hinting at the statement in Genesis 7:6: 'He (Noah) was six hundred years old, when the waters of the flood came upon the earth' (P). The meaning could, of course, be simply that the Flood started on a certain day during the 600th year of Noah's life. However, this is not likely. It is more reasonable to consider the date in Genesis 7:6 as suggesting that the Flood started in 1.1.600. The chronological system of the P source may therefore be reconstructed as follows:

- (1.1.600.) Noah is 600 years old. He is told to enter the ark. The Flood starts.
- 150 days. The waters increase.
- (1.6.600.) The ark is grounded (this date might not have been present in P, since it is not preserved).
- 1.10.600. The tops of the mountains appear.
- 1.1.601. The Flood ends, etc.

This reconstruction of the dating system of P differs fundamentally from any reconstruction of the J chronology, whether it follows a minimum or a maximum estimate. The implication is that when RJP decided to include the Flood narrative from his various sources in the primeval story, he made a deliberate attempt to advance the fixed dates of P in the year. By doing so, he lost congruity with the calendar year, but maintained a chronological period of the same duration. The reconstruction of RJP may be described thus:

$$(1.1.600) - [47 \text{ days (from J)}] - 17.2.600 - [150 \text{ days (from P)}] - 17.7.600^{14} - (1.10.600 [\text{from P}] - 1.1.601 [\text{from P}]) - 27.2.601^{15}$$

This solution may also have implications for our understanding of the chronological system in J. If we go back forty-seven days from 17.2.600, we reach (in J) not the birth of Noah in year 600, but the cultic New Year (placed, with Nielsen, in the autumn). Beginning with the New Year, the Flood events unfold over the next 148 days, including – unlike P – the construction of the ark and a period of seven days thereafter. It is impossible to stretch the duration of the Flood according to J in order to cover the period until the next New Year, but it is more likely, as indicated by Nielsen.

14. As P (1.6.600?) + the difference of 47 days taken from J.

15. I.e. the date of P. 1.1.601 + the difference from J of 47 days + the 11 days added as a result of the shift in reckoning the year.

‘Hebrew’ as a national name for Israel

1979

In an article a few years ago I tried to place the first law of the ‘Book of the Covenant’ (Exod. 21:2ff.) in a cultural and sociological setting, belonging to the second half of the second millennium BCE.¹ The argument in that article depended on the assumption that the sociological designation *Ḥab/piru*, known from Near Eastern sources, is etymologically identical with Hebrew עברי. This assumption has often been contested on the basis of philological considerations by a number of scholars (‘-p-,’ not ‘-b-’), most recently E. Lipiński in a response to my article. However, the arguments do not carry enough weight to alter the fact that the evidence now favours the reading of the word as *ḥabiru*, equally with *ḥapiru*.² I will therefore maintain the reading *ḥabiru* and strive to offer an adequate etymology for the term עברי/*ḥabiru*. The most likely explanation rests, of course, on an association with עבר, meaning ‘to transgress’ (a border or the like). The etymology thus suits the modern view of the *ḥabiru* as referring to fugitives, as proposed by, among others, M. Liverani.³ The environmental setting of the law on the Hebrew slave, Exodus 21:2ff., is further supported by the connection with the term חפשי/*ḥupšū*. There is no doubt that חפשי/*ḥupšū* was a designation for a specific social group in Western Asia during the Late

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1. See Chapter 1 of this volume. This was followed up by two other articles, reprinted as Chapters 2–3 of this volume.
 2. Cf. E. Lipiński, ‘L’Esclave Hébreu’, *VT* 26 (1976), 120–23. Lipiński seems to have passed too lightly over my notes in *VT* 25, 138 [n. 41], referring to the argument of Bottéro, in *RLA* IV, 14–27, especially §3, 22–3, in which he argues that the rendering of the second syllable by -BI- is from an Assyriological point of view by far the most probable. The identification of *ḥabiru* and Hebrew is now also supported by H. Cazelles, ‘The Hebrews’, in D. J. Wiseman, *Peoples of Old Testament Times* (Oxford: Oxford University Press, 1973), 1–28 [21ff.].
 3. This implies, of course, that any consideration of a connotation with עפר ‘dust’, as has been recently repeated by M. C. Astour, in *IDB* supplemental vol (1976), 384, must be ruled out. It will hardly be necessary to resort to any other equivalent, such as the Hurrian *ewri*, *epri* or *ibri* (thus, Cazelles, in Wiseman, 19; cf. also J. Lewy, ‘Origin and Signification of the Biblical Term “Hebrew”’, *HUCA* 28, 1957, 1–13, 8ff.). For *ḥabiru* as fugitives, cf. M. Liverani, ‘Il fuoruscitismo in Siria nella Tarda età del Bronzo’, *Rivista Storica Italiana* 77 (1965), 315–36, but cf. also the discussion in J. Bottéro, *Le problème des ḥabiru* (RAI IV; Paris: Imprimerie nationale, 1954), 191ff.

Bronze Age.⁴ The interesting point is that legislation, most likely originating in the Canaanite world, has been adopted by the Old Testament and, as preserved in Exodus 21:2ff., in a nearly unchanged form. Similarly, we have clear evidence that this law was accepted by the Israelite tradition during the seventh or sixth century BCE at the latest, since the law in Exodus 21:2ff. is cited and has been interpreted elsewhere in the Old Testament, in Deuteronomy 15 and Jeremiah 34.⁵ The same law also most likely supports the law dealing with the Jubilee Year in Leviticus 25,⁶ though it is noteworthy that in Leviticus 25 the term ‘Hebrew’ is absent. We may ask whether the reason for this omission was that ‘Hebrew’ was still not a generally accepted national self-designation for the Israelites at the time of the priestly redactor. If this is the case, we may assume that the term ‘Hebrew’ is only mentioned in Deuteronomy 15 and Jeremiah 34, because these passages quote Exodus 21:2ff. and not because the term had come into widespread use as a national name by the time of King Zedekiah.

This preliminary treatment of the use of ‘Hebrew’ in the Old Testament goes to show that we are obliged to find other means if we are to define when and how ‘Hebrew’ became an Israelite national name in a more precise manner, if it is at all possible to do so on the basis of the Old Testament material.

Ḥabiru: A social term

There is no reason to continue probing the question of whether *ḥabiru* is a sociological designation or not.⁷ It is clearly such a designation, but its actual meaning in Palestine during the Late Bronze Age is still much debated. In Western Asia, *ḥabiru* designated a para-social group on the border of the normal social system – if such people were allowed to live at all within the context of an established society. They have often been understood as ‘outlaws’ by modern scholars, but

4. Cf. *VT* 25, 139ff. The criticism put forward by T. Willi, *Die Freiheit Israels. Philologische Notizen zu den Wurzeln ḥpš, 'zb und drr*, in *Beiträge zur alttestamentlichen Theologie, Festschrift W. Zimmerli* (Göttingen: Vandenhoeck & Ruprecht, 1977), 531–46, 534 n. 13, surprises me a little. Willi’s argument is that my understanding of *ḥpšul/ḥofšī* ‘setzt eine kaum zulässige Gegenstellung israelitischer sozialer Verhältnisse mit demjenigen mesopotamischen Stadtstaaten [!] voraus ...’. I am somewhat confused as to Willi’s conception of Mesopotamia since most of my evidence belongs to the Canaanite/Amorite world (primarily Ugarit, Alalakh and El Amarna letters).

5. See Lemche, *VT* 26, 43ff., 51ff.

6. *Ibid.*, 46ff.

7. See especially Bottéro, in *RLA* IV, 23ff. Further sources are mentioned in my article in *VT* 25, primarily on 138–9. Apart from Bottéro’s contribution to the *RLA*, the best general treatment of the problem may still be that of M. Weippert, *Die Landnahme der israelitischen Stämme* (FRLANT 92; Göttingen: Vandenhoeck & Ruprecht, 1967), 66–102. Some interesting points of view have also been put forward by M. Rowton in his series of articles on the subject of nomadism in the ancient Near East, especially: ‘The Topographical Factor in the *abiru* Problem’, *AS* 16 (1965), 375–87; ‘Dimorphic Structure and the Problem of the ‘*Apiru*-‘*Ibrîm*’, *JNES* 35 (1976), 13–20; but also ‘Dimorphic Structure and the Parasocial Element’, *JNES* 36 (1977), 181–98.

this is perhaps not precise, as they are at times under the sway of the law within a state, not outside it.⁸ The designation 'fugitive' may be more correct since it covers *ḥabiru*, who live within the society, as well as *ḥabiru* living as outlaws, beyond the control of the establishment. If we accept the translation 'refugee' as the one which most satisfactorily describes the concept of *ḥabiru*, it also points to the fact that a *ḥabiru* normally was of foreign extraction (i.e. an alien in the state where he had found a place). Because of that status, his juridical position differed from that of normal residents in the state in question.⁹ The law in Exodus 21:2ff. may be an example of a method used by the Canaanite city-states to reintegrate the foreign *ḥabiru* within the social system of the state and thus give them a better juridical position.¹⁰ When a *ḥabiru* was manumitted from the status of slave into the status of *ḥupšu*, he had to some extent a better defined place in society which may have opened up a way to full integration within the society. I have argued elsewhere for understanding *ḥupšu*/חפשי as originally meaning 'clients'.¹¹ This does not imply, however, that the translation of Hebrew חפשי with 'free', in other parts of the Old Testament other than Exodus 21:2ff., need be incorrect. There is much to be said in favour of the assertion that during the first part of the first millennium BCE the word had a more imprecise meaning, since, after all, the specific social conditions of the Late Bronze Age no longer existed.¹²

Turning again to the Near Eastern sources from the second millennium, when Rib-Adda complains bitterly of the deception of his *ḥupšu* in his reports to Egypt, there is implied, according to my interpretation, a strike among the

8. Among others, Weippert, *Landnahme*, 62. As to *ḥabiru* living under the law, we may refer to texts from Alalah, Ugarit, Boghazköy and, especially, the contracts from Nuzi (Bottéro, *ḥabiru*, no. 49ff.).

9. See Liverani, 'Il fuoruscitismo', 317. Cf. also M. Heltzer, 'Problems of the Social History of Syria in the Late Bronze Age', in Liverani, *La Siria nel Tardo Bronzo* (Rome: Centro per le Antichità e la Storia dell'Arte del Vicino Oriente, 1969), 31–46, 34. Lewy, in *HUCA* 27, 8ff., argues that the term denotes an alien – more specifically, a resident alien. This is a far too narrow definition since, in many occurrences, the *ḥabiru* was not just a resident, but living outside the state territory, and a rendering like Lewy's does not pay due attention to the ideogrammatical rendering of the term as SA(G).GAZ and its connotation with *šaggašum*, 'murderer', and *ḥabbātum*, 'robber'.

10. This was my argument in *VT* 25, 129ff.

11. *Ibid.*, 139ff., with documentation.

12. So far, I follow T. Willi in that *ḥofšî* at first denoted a special status of the ex-slave, but I see no reason to accept the thesis that this term should have its '*Sitz im Leben*' in the '*Obligationsrechts*'!, a theory which is not supported by the Old Testament evidence. It is hardly necessary to presume any financial reason as the primary motive of the Hebrew, who sold himself as a slave. More likely, it was prompted by a wish to obtain social security. However, later on, *ḥofšî* evidently lost some of its original meaning, as may be seen from the rather 'neutral' examples in, for example, Job 3:19; 39:5; Ps. 88:6 and Jes. 58:6. As already pointed out in my article in *VT* 26, 45, it was not a perfect situation for a slave to be set free, if he was not provided with the means of self-support in connection with such manumission. Amendments to this situation, which also testify to the later neutral understanding of *ḥofšî* as 'free', are provided by the application of Exod. 21:2ff. in Deut. 15:13, 18.

clients of the state who are in charge of the tillage of the public estates or, more precisely, such clients had now decided to return to their former life as *habiru*.¹³ Because of this deception, the state and kingdom *in casu* Byblos are now faced with disaster. The propaganda offensive, which the kings of Amurru directed against the *habiru* (including the members of this social group in Rib-Adda's own state), gives us a fairly good impression of the general conditions in Byblos during the Amarna period.¹⁴ The *habiru* are seduced by the clarion call from the kings of Amurru to run away again, and these kings also direct their activity against the former *habiru*, now called *hupšu*, whose status as clients to the King of Byblos they are persuaded to abandon and, thus, revert to their former position as *habiru*. It is possible to speak of a social revolt in Byblos against the local dynasty, although the revolutionary party was not yet an integrated part of society.

In accord with this, we now need to deal with current discussions of the supposed transition from a system of city-states during the Late Bronze Age in Palestine to another quite different social pattern emerging at the very beginning of the Iron Age (i.e. the origin of Israel and, more specifically, the role of *habiru* in this process). It is well known that supporters of the so-called sociological explanation of Israel's settlement in Palestine assume that the process described in the Old Testament was, in fact, an internal process, as an immigration of a group originating outside Palestine lead to a radical transformation of the society within Palestine.¹⁵ According to Mendenhall and other scholars, there might have been only a single group from outside the land, a 'Moses group'. This group, nevertheless, was the foundation of the later Israelite understanding of the nation's origin.¹⁶ What actually happened during the 'Israelite settlement', Mendenhall will explain, is an internal social revolt directed against oppression in the city states in Palestine during the Late Bronze Age. The subdued peasants, according to Mendenhall the *habiru*/Hebrews, reacted to oppression and created a new kind of society, Israel, which had as its basic ideology the ideas of liberty, equality and fraternity, quite different from the Canaanite states.¹⁷

13. *EA* 77, 36–7 (the context is rather broken); 81, 33 (if you accept Knudtzon's reconstruction); 118, 23–4 (broken); 118, 37–8; 125, 27–8; but cf. also 85, 12 (LU.MEŠ *hu-up-ši-ja*); 112, 12; 114, 57; 117, 90; 130, 42.

14. Cf. further M. Liverani, 'Implicazioni sociali nella politica di Abdi-Ashirta di Amurru', *RSO* 60 (1965), 267–77, and P. Artzi, "'Vox Populi'" in the El-Amarna Tablets', *RA* 58 (1964), 159–66; cf. also H. Klengel, *Geschichte Syriens im 2. Jahrtausend v.u.Z.*, II (Berlin: Akademie Verlag, 1969), 253ff., 276ff.

15. As originally put forward by G. E. Mendenhall, 'The Hebrew Conquest of Palestine', *BA* 25 (1962), 66–87; cf. also *BARe* III (1970) 100–20; cf. also the same author's *The Tenth Generation* (Baltimore, MD: Johns Hopkins University Press, 1973), especially ch. 5: 'The *'apiru* Movements in the Late Bronze Age', 122–41, and the lecture of N. K. Gottwald in Edinburgh 1974, 'Domain Assumptions and Societal Models in the Study of Premonarchic Israel', *VT* supplement 28 (Leiden: E. J. Brill, 1975), 89–100.

16. *BA* 25, 73f.

17. *BA* 25, 79ff. *The Tenth Generation*, 127ff. As to the revolt as the peasants' revolt, see *BA* 25, 73.

This is not the right place to deal with Mendenhall's thesis in detail, but I would like to stress some points. The idea of a peasant's revolt, within the context of the city-states of the Late Bronze Age, is highly questionable and evidence of it can only be found in a few instances related to the development of the society in the central highlands of Palestine.¹⁸ First and foremost a superficial reading of the sources from the Late Bronze (i.e. the Amarna letters) and Early Iron Ages or, better, the sources which deal with that period – namely, the Old Testament's historical books (including the books from Joshua to 2 Samuel) – demonstrates that the same general system of city-states existed in the Iron Age as in the Late Bronze Age and, by and large, the same social structures survived in those city-states during the Iron Age.

Normally, these city-states were still ruled by kings, evidently supported by an oligarchy consisting of well-to-do merchants and landowners.¹⁹ In Palestine proper, some of the city-states which existed during the Iron Age came into the hands of a new element of the population, without doubt the newly arrived Sea Peoples, among whom the Philistines surely played a leading role. They brought with them a new material culture, which is clearly discernible from an archaeological point of view.²⁰ In the beginning, the domain of the Sea Peoples in Palestine seems to have been confined to the coastal plain, south of Mount Carmel, but, during the so-called period of the judges, they established strongholds north of Mount Carmel and eastwards in Beth-Shean and the Jordan Valley. In the end, they also tried to gain control of the central Palestinian highlands.²¹

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18. Around Shechem, as referred to in ĪR-Hepa's letters from Jerusalem, *EA* 289, 21ff. But this example of *habiru* movements may also be understood quite ordinarily as a description of para-social elements strangling a city, or of a city crumbling under the pressure of para-social elements.
19. This holds good for the general situation on the plain. In the mountains, the situation may have altered to some degree due to the establishment of an Israelite confederation. Even in this part of Palestine, however, city-states known from the el-Amarna letters continued their existence. First of all, of course, Jerusalem, which was only conquered by David, but even Shechem during this period as it is reflected by Judges 9's Abimelek story, may be considered a Canaanite city-state ruled by a king. On the plain, many city-states, as, for example, Lachish and Eglon (Josh. 10:5), seem to have been in existence around 1200BCE, as reflected by the Book of Joshua, though leaders are summed up in v. 6 as 'all the Amorite kings in the Mountains' (כל מלכי האמרי ישבו ההר). We may also mention Gezer (Josh. 10:33) and, in regard to the situation in the North, we may refer to Joshua 11: Hazor, even though the narrative in Josh. 10–11 is considered rather late and consisting of various independent traditions, put together at a rather late date (cf. M. Noth, *Joshua*, 60–61). Nevertheless, it shows that it was common knowledge among the Israelites that the Canaanites were organized in a system of city-states ruled by kings.
20. I am, of course, hinting at the so-called Philistine pottery, even if this designation is imprecise; cf. N. K. Sandars, *The Sea Peoples* (London: Thames and Hudson, 1978), 166ff.
21. For example, the general view, as put forward by M. Noth, *Geschichte Israels* (2nd edn; Göttingen: Vandenhoeck and Ruprecht, 1955), 150–51. This may be supported by the fact that not much Philistine pottery has been found (as, e.g., at Beth-Shan). What is actually found there is very late; see Sandars, *The Sea Peoples*, 172.

This process has, of course, nothing to do with a sociological evolution or revolution as understood by Mendenhall and others. On the other hand, there seems to be some reason, on the basis of the evidence in the Amarna letters and Old Testament, to assume that groups of *ḥabiru* in the central highlands, or parts of it, established a new society: a kind of tribal society called Israel. We should not look for the reason for this tribal society in sociological conditions, but rather in their topographical environment.²² There is, however, no evidence indicating a *ḥabiru* domination of the plains.

What was the origin of these *ḥabiru*? What kind of people were they? If we retain the definition of ‘fugitives’ or ‘refugees’ (as proposed above), it is logical to assume that many of them were, in fact, people who had run away from the city-states, including the cities on the plains to the west and north of the central highlands. As has often been pointed out, this could also be the explanation for the continuity in the cultural revolution during the transition from the Late Bronze Age (if we leave out of account some sort of material decline).²³ On the

22. In the mountains, topological conditions allowed the establishment of only a few city-states such as Jerusalem and Shechem. Even a small town must have at least some additional agricultural land to survive. In central Palestine, the mountains are interspersed with several small valleys but only in a few instances does the terrain leave enough space for bigger cities to grow up, as in the case of Shechem. The topological factor, on the other hand, does not allow for larger city-states because of difficulties in communication. We rather need to assume the existence of a territory known as *ḥabiru* land around the city-states in the mountains, but outside their control. So even if a city-state may claim a large territory, in reality, it has control only over a part of it. The first entity to create a large, coherent state in the central mountains was Israel, since it was not a city-state but a ‘national state’, which differentiation G. Buccellati has done a lot to elucidate (*Cities and Nations of Ancient Syria*; Studi Semitici 26; Rome: Istituto di Studi del Vicino Oriente, 1967). Some of the most informative recent contributions to understanding the importance of the topological factor have come from M. Rowton, in *AS* 16 (1965), 375ff., but cf. also ‘The Woodlands of Ancient Western Asia’, *JNES* 26 (1967), 261–77, and ‘The Physical Environment and the Problem of the Nomads’, in J.-R. Kupper (ed.) *La Civilisation de Mari* (RAI, 15; Paris: Société d’édition Les Belles lettres, 1967), 109–21. How the process of amalgamation of the different *ḥabiru* elements into tribes may have taken place can be illustrated by examples cited in Rowton, *JNES* 36, 183ff. It is also very interesting to compare this with the rise of the medieval Arabic tribe *Mawali*, cf. Rowton, *JNES* 36, 194.

23. The most recent summary of evidence may be by J. Maxwell Miller, in Hayes and Miller, *Israelite and Judaeon History* (London: SCM, 1977), 252–62. Cf. also K. M. Kenyon, *Archaeology in the Holy Land* (3rd edn; London: Thomas Nelson, 1970), 209. She points to the fact that a change in material culture occurs at the transition from LB I to LB II rather than later in the shift from LB to EI; but, even so, it is still the same culture, showing merely a ‘marked deterioration’. Cf. also R. Amiran, *Ancient Pottery of the Holy Land* (New Brunswick, NJ: Rutgers University Press, 1969), 191f. She refers to the fact that ‘from MB I onwards, the development of the material culture ... is continuous, gradual, and evolutionary until the end of the Iron Age or even later’, even as she also points to a shift in fabrication techniques during the Early Iron Age and the formation of a new ‘set of ceramic Ideas’ which she ascribes to the appearance of Israelites in Palestine, but which might just as well be attributed to an evolutionary process of new

other hand, it is of no real consequence in this context whether the establishment of the tribal system in the highland had as its background a Mosaic or a Yahwistic movement. It is, however, important to keep in mind that the system had only a very limited extension and that it did not imply a fundamental social revolution in the rest of Palestine.²⁴ The *ḥabiru*/Hebrews gained control over the city states on the plains only during the reigns of David and Solomon.²⁵

The conclusion to this section must therefore run along the following lines: the Amarna letters tell us that gangs of *ḥabiru* were very active in the area, which, during the period of the judges, was known as Israel, a territory extending from modern Jenin in the north to Ramallah in the south (with possibly a northern offshoot in the highlands of the northern Galilee).²⁶ Some scholars may stress the fact that the Amarna letters describe Shechem as a (the?) centre of activity of the *ḥabiru*, though this could be due to mere coincidence since the source material is, after all, limited, whereas Shechem also played an important role, according to the Old Testament, as a centre of the tribes in the mountains – specifically, in the life of the tribes of Ephraim and Manasseh.²⁷ The Old Testament, however, clearly demonstrates that the inhabitants of the mountains described themselves as Israelites, not Hebrews (in every case, that is, where tribal names were not used). We may now ask whether they also used the designation 'Hebrew' as a national name. An answer to this question can only be found in the Old Testament.

Hebrew in the Old Testament

It is an extraordinary fact that the use of the term Hebrew in the Old Testament, except for a few instances, is confined to a fraction of literary compositions. It is not widespread in the historical sections in the Old Testament. We must deal with the exceptions. The first is Genesis 14:13. Here Abraham is titled העברי. We may assume that the term is used here with a national significance, but the section as a whole is undoubtedly very late, post-exilic and inapplicable as a source of historical information about conditions during the second millennium BCE.²⁸ The second exception is Jonah 1:9. Here the prophet calls himself an עברי.

techniques.

24. It was, of course, not an 'amphictyony', in the sense of M. Noth, as recent criticism has clearly demonstrated. See, among others, A. D. H. Mayes, *Israel in the Period of the Judges* (SBT SS, 29; London: SCM, 1974), and in Hayes and Miller, *Israelite and Judaeon History*, 299–308. I have tried to demonstrate the impossibility of using the Greek amphictyony as a prototype in Chapter 4, this volume.
25. As demonstrated by the inclusion of the Canaanite city-territories in Solomon's administrative division of his kingdom in 1 Kings 4.
26. To cite only the references which doubtlessly deal with the situation in the mountains: EA 246; 254; 272; 286–90.
27. We need only refer to the study of E. Nielsen, *Shechem* (Copenhagen: CEG Gad, 1955).
28. Cf. the recent review of the older discussion of the historicity and date of Gen. 14 by J. A. Emerton, 'Some False Clues in the Study of Genesis XIV', *VT* 21 (1971), 403–39. Cf.

Again, this bears a national meaning; but, once more, the evidence belongs to the post-exilic period.²⁹

I have already dealt with the first body of pre-exilic evidence in Exodus 21:2ff., the law concerning the question of Hebrew slaves and the citations from that law in Deuteronomy 15 and Jeremiah 34. In the first place, the term Hebrew is used as a sociological designation and, in the other examples, the word is dependent on Exodus 21:2ff. It is not, therefore, possible (on the basis of these examples) to date a shift in the understanding of the term Hebrew. Finally, three groups of occurrences are discernible in the historical books of the Old Testament. The first group belongs to the Joseph Story,³⁰ the second to the so-called 'Paschal Legend' of Exodus 1–15³¹ and the third is confined to the first Book of Samuel.³²

also the treatment of this chapter by T. L. Thompson, *The Historicity of the Patriarchal Narratives* (BZAW 133; Berlin: Walter de Gruyter, 1974), 187–95. and J. Van Seters, *Abraham in History and Tradition* (New Haven, CT: Yale University Press, 1975), 196–308, both of whom consider the chapter a very late addition to the patriarchal narratives. C. Westermann in his *Die Verheißungen an die Väter* (FRLANT 116; Göttingen: Vandenhoeck and Ruprecht, 1976), 60, points to an affinity to the proto-history, Gen. 1–11, rather than to the rest of the patriarchal narratives. Lewy, in *HUCA* 28 (1957), 6–7, seems to use Gen. 14:13 as a point of departure or as the origin to the later Jewish understanding of 'Hebrew' because of the LXX translation: ὁ περᾶτης. This holds true as regards the main manuscripts, though some late Greek minuscules vary, but they are of no consequence here. This indicates that even in the Hellenistic period it was not obvious that the term Hebrew was not an ethnic name, but an appellative noun. This opens up the possibility of understanding the term 'Hebrew' in Gen. 14:13 in line with other occurrences, denoting 'foreigners'. Abraham may have been called thus, because he was a fugitive from Mesopotamia, foreign to the people of the land. We should not, however, stress this point too far.

29. Jonah 1:9 וְאֵנִי עֵבְרִי is the only example in the Old Testament, where an Israelite (or Judaeen) calls himself a 'Hebrew'. Even in this case, there is a hint of the ancient understanding of Hebrew as 'fugitive', since Jonah may declare himself a refugee from his own country in accord with the fictitious setting of the scene. Otherwise, K. Koch, 'Die Hebräer von Auszug aus Ägypten bis zum Großreich Davids', *VT* 19 (1969), 37–81, 43–44. Koch thinks that Hebrew is used in Jonah 1:9 as a reminiscence of the old Philistine designation of the Israelite population in the mountains, as testified in the first book of Samuel. However, he stretches the continuity in usage a bit too far when he supposes that the sailors from Jaffa were Philistines by descent and that the old tradition from the great old days of the Philistine sway over most of Palestine was still alive. We must note, however, that there is simply not enough evidence in the Old Testament to support his thesis. To draw any conclusion on the basis of such scanty material is, at best, rash.
30. Gen. 39:14, 17; 40:15; 41:12; 43:32.
31. Exod. 1:15, 19; 2:7, 13; 3:18; 5:3; 7:16; 9:1, 13; 10:3. Cf. also Exod. 2:6.
32. 1 Sam 4:6, 9; 13.3, 7(?), 19; 14.11, 21; 29.3. An additional example is found in 1 Chron. 24:27, but as a personal name. This occurrence is of no use in this argument. The use of the personification עֵבֶר for עֵבְרִי (as used in the genealogies of Genesis 10:21, 25, normally ascribed to J; but cf. also Num. 24:24, evidently a 'Zusatz' to the Bileam texts) is treated by Koch, in *VT* 19, especially in regard to Gen. 10:21, 71ff. However, these genealogies should be let out of consideration from the start, since they cannot be taken as evidence for real knowledge of the origin of the Semitic peoples, but only as expres-

It is striking that 'Hebrew' in the Joseph Story is never used by the Israelites as a description of themselves, either of a group characterized as the sons of Jacob or of individual persons such as Joseph. Egyptians describe Joseph as a Hebrew three times. In Genesis 39:14, 17, Potiphar's wife applies the designation to Joseph, implying a clearly derogatory understanding of the term: a person so base as a Hebrew has dared violate her. In Genesis 41:12, Pharaoh's cupbearer calls Joseph a Hebrew *נַעַר עִבְרִי*. On the basis of these examples, we cannot decide with any certainty whether Hebrew is used in a national (i.e. ethnic) or sociological sense. If the three examples are isolated as single occurrences and placed in the fictitious setting of the Joseph Story (i.e. Egypt) during the middle part of the second millennium BCE, there is no doubt that Hebrew is understood as a social designation. The same argument is valid when we deal with the other examples in the Joseph story. In Genesis 40:15, Joseph, who does not declare himself a Hebrew, describes how he was kidnapped from the country of the Hebrews *מֵאֶרֶץ הָעִבְרִים* (= Palestine, from an Egyptian perspective). Therefore, the compound *אֶרֶץ הָעִבְרִים* is used only in a geographical sense. It is not to be considered a national name, but it may be a description of the area in question as a more or less lawless territory, compared to Egypt.³³ Finally, in Genesis 43:32, the reason for Joseph's reluctance to communicate on more friendly terms with his family is presented in a general way as the normal Egyptian disapproval of intercourse with Hebrews at table. The application of Hebrew in this context could be ethnic as well as sociological, but it primarily speaks to Egyptian xenophobia.

sions of rather late compilers' reflections on the problem of the relationship between various Semitic peoples of only limited historical value. Altogether, the use of the name *עִבְרִי* in the Old Testament is not a clue to understanding *עִבְרִי* but, vice versa, the evolution of the concept *עִבְרִי* may be answerable for the introduction of the personification *עִבְרִי* and, for that reason, the best we can do is exclude the personification *עִבְרִי* from the discussion.

33. Accordingly, it is possible to compare the use of *אֶרֶץ-הָעִבְרִים* in Gen. 40:15 with references to *ḥabiru* territories in the second millennium, even though evidence is scanty; cf. Bottéro, *ḥabiru*, no. 161 (RS 17238): ... *eqli* (LÚ) SA.GAZ (*il*) *šamši* Cf. to this H. Schmökel, *Geschichte des alten Vorderasien* (HO; Leiden: E. J. Brill, 1957), 232–34, and to the problem of the identification of the *ḥabiru* territories Rowton, *AS* 16, 382ff. Another view of Gen. 40:15 has been put forward by D. B. Redford, 'The "Land of the Hebrews" in Gen. XL 15', *VT* 15 (1965), 529–32; see also the same author, *The Biblical Story of Joseph* (VT supplement 20; Leiden: E. J. Brill, 1970), 201ff. He compares Gen. 40:15 with very late Egyptian evidence (a demotic papyrus in Vienna), quoting the term '*ybr*' to mean '(the land of the) Hebrews'. Therefore, *אֶרֶץ-הָעִבְרִים* is simply an anachronistic insertion into the context. Koch (*VT* 19, 51–2) uses the reference brought to light by Redford without considering that this is, in fact, a very late first millennium datum, which is hardly allowable to use as evidence for anything in the late second millennium. This is a striking example of the type of historical argumentation which mars Koch's otherwise excellent article, but which, on the other hand, demonstrates the difficulties of equating biblical data with ancient Near Eastern documents. Evidently the *ebr* land in the Egyptian text can only be used in support of a late dating of the Joseph Story, or this part of it, not of an early date, and so far Redford's own application of the datum is correct from a methodological point of view.

It seems that it is not possible, on the basis of the five occurrences of the term Hebrew in the Joseph Story, to point to a single use which can definitely be termed 'national'. It is similarly very characteristic that the designation is only used in the case of a confrontation with Joseph or the other sons of Jacob with the Egyptians in order to describe these people from the Egyptians' perspective or as the name by which they are known to the Egyptians. It is interesting that it is possible to reach a provisional conclusion of this kind without recourse to a discussion on the subject of dating the Joseph Story or of establishing a division of sources within the story. If we were to suppose that the fictitious setting of the Joseph Story in the middle of the second millennium BCE was correct, the application of the term 'Hebrew' does not differ much from the use of *ḥabiru* 'pr:w in 'contemporary' Egyptian sources.³⁴ If it is, however, more reasonable to date the story to the time of David or Solomon,³⁵ or even later (e.g. the exilic or late pre-exilic period),³⁶ we cannot draw a conclusion regarding the 'national' application or 'sociological' understanding on the basis of material in the Joseph Story. On the other hand, there does not seem to be any reasonable possibility of a solution to the question of a correct dating by using the traditional analyses of literary criticism, which trace the presence of the traditional Pentateuchal sources J, E and P in the Joseph Story, since this would imply that both J (Gen. 39:14, 17; 43:32) and E (Gen. 40:15; 41:12) made use of the term Hebrew.³⁷

In the second composition, dealing with the sojourn of the Israelites in Egypt, the so-called 'Paschal Legend' in Exodus 1–15, it is possible to discern three different applications of the designation 'Hebrew'.³⁸ In Exodus 1:15, 19; 2:7 we

34. Bottéro, *ḥabiru*, no. 181–93. The oldest reference dates from the beginning of the fifteenth century BCE. Cf. also the survey of the evidence by S. Herrmann, *Israels Aufenthalt in Ägypten* (SBS, 40; Stuttgart: Katholisches Bibelwerk, 1970), 55ff. To some degree, Herrmann puts his questions to the evidence a little differently since he, correctly, notes that it is an astonishing fact that, apart from Gen. 14:13 and Exod. 21:2, all references to the Hebrews in Genesis and Exodus apply to Israelites in Egypt. He disregards, however, the fact that all evidence is collected in two separate narratives: the 'Joseph Story' and the 'Paschal Legend' and is not distributed here and there in the Tetrateuch, where we find references to the Israelite sojourn in Egypt.

35. Among other scholars, G. von Rad, 'Josephgeschichte und ältere Chokma', *VT* supplement 1 (Leiden: E. J. Brill, 1953), 120–27, and *Das erste Buch Mose. Genesis* (ATD, 2/4, 9th edn: Göttingen: Vandenhoeck and Ruprecht, 1972), 359f.

36. This is the argument in Redford's study in *VT* supplement 20. Redford stresses the point that no reminiscence of the Egyptian society in the second millennium is extant in the Joseph Story, but what there is dates from the Saitic period or even later and, therefore, the termini for the composition of the story are between the conclusion of the seventh century and the third quarter of the fifth century BCE (242).

37. Cf. also the conclusion of Redford's study on the Joseph story. Redford claims the existence of different layers in the Joseph story, a 'Reuben-version' and a 'Judah-version', but none of them are comparable to the traditional Pentateuchal sources, J, and E, and they are only present in the Joseph story (252).

38. I am not going to involve myself in the discussion of the coherence of Exodus 1–15. As to the designation of Exodus 1–15, see J. Pedersen, 'Passahfest und Passahlegende', *ZAW* 52 (1934), 161–75 (cf. also Noth, *Überlieferungsgeschichte des Pentateuch*,

find a collective mention of 'Hebrew women', העבריות, and in 2:6 of 'Hebrew children', ילדי העברים. The second usage is only discernible in one instance, Exodus 2:13, according to which Moses tries to reconcile two Hebrews who are quarrelling. Finally, the third usage consists of the designation of Yahweh as 'The God of the Hebrews', יהוה אלהי העברים, Exodus 3:18; 5:3; 7:16, 19; 9:1, 13; 10:30.

Should any example of Hebrew be considered 'national' as an Israelite self-determination, we may look upon this third application in Exodus 1–15 as the most likely candidate. Yet even in this case it is not so much the Israelites who are called Hebrews as Yahweh, their God, who is designated.³⁹ When examining this formula, we should note that all examples are collected in pericopae dealing with the ten plagues of Egypt, all are literarily identical and all consist of Yahweh's words to Moses, telling him how to introduce Yahweh to Pharaoh as, for example, in Exodus 3:18: ואמרתם אליו אלהי העברים. As to the other usages in this part of Exodus, all examples of 'Hebrew women'⁴⁰ and 'children' have been put into the mouths of Egyptians and never into the mouths of Israelites. Likewise, when, in Exodus 2:13, Moses is confronted with two Hebrews, he acts as a high-ranking Egyptian and not as an Israelite. This implies that even

Stuttgart: Kohlhammer, 1948, 71ff.). We find criticism from a literary point of view in, for example, G. Fohrer, *Überlieferung und Geschichte des Exodus* (BZAW 91; Berlin: Walter de Gruyter, 1964); see also Fohrer, in Sellin and Fohrer, *Einleitung in das Alte Testament* (Heidelberg: Quelle and Meyer, 1965), 128–9. He ascribes the references to Passover, the Massot festival and the 'Weihung' of the first-born in Exod. 12:1–20, 24–27a; 13:3–16 to the presence of the sources D and P.

39. I do not think that this designation has anything to do with the reference to 'the gods of the *habiru*' in the Near Eastern sources, in this case mostly from the archives of Boghazköy (Bottéro, *habiru*, no. 75–86). Cf. also the discussion in Bottéro, *habiru*, 81ff. It is evident that the אלהי העברים, even if it is formally a parallel to the DINGIR.MES SA.GAZ = DINGIR MEŠ *habi-re-e-eš*, is only a presentation of Yahweh as the God of Israel, known to the Egyptians as the God of the Hebrews. Compare with the sequence in Exod. 5:1ff. Moses presents Yahweh to the Egyptians as the God of Israel, leading to the question from Pharaoh: 'Who is that Yahweh' and then we get the definition of Yahweh as the 'God of the Hebrews'. Other scholars including Koch, *VT* 19, 53, attribute the different titles of Yahweh to the presence of different sources so that Yahweh, the God of the Hebrews, is used exclusively by J, whereas E uses other designations. While this is a generally accepted argument in Pentateuchal criticism, as such, the case may nevertheless be otherwise if one reckons with a coherent strain of traditions, collected in the more or less independent work of the 'Paschal Legend'. Therefore, there may be good reasons for interpreting the use of 'God of the Hebrews' versus 'God of Israel', etc., on line with the usage of different designations, Israel and Hebrews, in 1 Samuel (see below). If the composition of J can be fixed to the time of the united monarchy, J has probably preserved or kept in mind an old designation for Yahweh, even if that cannot be proven. If J or the so-called J, to quote H. H. Schmid, *Der sogenannte Jahwist* (Zürich: TVZ Verlag, 1976) on this section of Exodus, 44ff., belongs to the seventh century BCE or even later it is still possible to suppose the preservation of old usage, but after all much more likely that the difference of usages is due to the compiler's deliberate literary work.
40. העברי. The feminine is in the Old Testament only used in Exod. 1–2 and in Jer. 34:9, in the reflection on the law from Exod. 21:2ff., cited in Jer. 34:14.

though we may consider this an example of a Hebrew meeting Hebrews, it does not, after all, explain much since Moses's role, in this case, reflects an Egyptian's.

Accordingly, we find the same characteristics inherent in the use of 'Hebrew' in Exodus 1–15 as in the Joseph Story. The Hebrews are always also Israelites – whether individuals or in a collective. In each case, Israelites are confronted with Egyptians and the term is not used of Israelites in other contexts. For this reason, it is also interesting to note that the framing story of Exodus 1–15, as prefaced by Exodus 1:1 (P) ואלה שמות בני ישראל, never uses 'Hebrews' except where Israelites are placed in relation to Egyptians.

Still, the designation Hebrew in the 'Paschal Legend' must also have some kind of national significance. Except for the single example in Exodus 2:13, which deals with individuals, all examples are collective, describing how Israel, according to the Old Testament, lived in exile in Egypt for several generations. The definition of Yahweh as 'the God of the Hebrews', which corresponds here to 'Yahweh, the God of Israel' is also used in the 'Paschal Legend' (e.g. in Exodus 5:1) or as 'the God of the fathers, Abraham, Isaac and Jacob', Exodus 3:16; 4:5, etc., also points to a national application of Hebrew.⁴¹ Even though the use of the designation in Exodus 1–15 must therefore be termed 'national', it does not also imply that the designation was used as a national title of honour since, after all, traits of the sociological understanding during earlier periods would still influence usage. In all of these examples the Israelites are Hebrews because they are confronted by the Egyptians among whom they lived as fugitives (foreigners) and were treated as slaves, two fixed ideas in the later Israelite understanding of the origin of the nation.⁴² Thus, in the 'Paschal Legend' we are confronted with Hebrew in a transitory meaning. On the one hand, this is a national designation; on the other, it is a national designation still influenced by the sociological understanding of the term during the second millennium. On the basis of only the 'Paschal Legend' it is not possible to date a shift of emphasis from a sociological designation to a national one, but it might provide us with a clue to determining a *terminus ante quem*.⁴³

41. Accordingly, a naive comparison with *habiru* gods (see note 39) is ruled out. The designation of Yahweh in this section at times varies – for example, in Exod. 3:15: יהוה אלהי אבותיכם, whereas in 5:15 יהוה אלהי ישראל, both places are traditionally ascribed to E; but see note 39.

42. As reflected in the so-called '*Kleine Credo*' of Deut. 26:5ff. and elsewhere in the historical and prophetic literature as in Deut. 5:15, Jer. 34:13, etc. It should be noted that 'Hebrew' is not used in any of these connections with Egypt, not even in Jer. 34:13.

43. Depending on the date of this section of Exodus. Nevertheless, this is a much debated question. The dating of the composition of the Pentateuchal sources varies from the traditional tenth to ninth century BCE (the perhaps latest investigation leading to this result is that of P. Weimar, *Untersuchungen zur Redaktionsgeschichte des Pentateuch*, BZAW, 146; Berlin: Walter de Gruyter, 1977, especially 164), to the seventh century BCE (H. H. Schmid, *Der sogenannte Jahwist*) or even later. I am not going to engage this discussion here, but the uncertainty shows that it is risky to decide on an absolute date of an ethnic

In many respects the use of Hebrew in the first Book of Samuel demonstrates a striking similarity to the use in the Joseph Story and the 'Paschal Legend'. As opponents of Israel, the Philistines have the same role as the Egyptians. In 1 Samuel 4, the introduction to the Ark narrative, Hebrew is used twice to designate the enemies of the Philistines (1 Sam. 4:6, 9) in quoting Philistine references to their adversaries. Precisely the same usage also appears in 1 Samuel 13–14. In these chapters, as well, Hebrew is used in opposition to the Philistines, 13:3(?), 19; 14:11, 21. On the other hand, we have clear evidence that these adversaries of the Philistines called themselves either Israel or Israelites. Thus, 1 Samuel, without doubt, points to an identification of the terms Israel and Hebrew by the Philistines.⁴⁴ The problem is whether they used the designation in a national sense rather than Israel and as something different from Israel, or whether the designation still had some sociological meaning.

Some references are what we may characterize as neutral applications, which tell us nothing that will enable us to solve the problem of distinguishing an ethnic from a sociologically based designation. This applies to 1 Samuel 4:6, where the Philistines call the camp of their opponents *מחנה העבריים*. Another passage in this group of neutral usages is 1 Samuel 13:19. In Israel, weapons are in short supply because the Philistines would not consent to allow smiths to deliver them to the Hebrews. Again, in 1 Samuel 14:11, a Philistine outpost identifies individual foes coming against it as Hebrews. In each instance, 1 Samuel proceeds to inform us that all such Hebrews are, in fact, Israelites. Thus, in 1 Samuel 4:1-5, the Israelite camp is just the same as the one called

understanding of Hebrew from the material in Exodus 1–15. The possibilities confine us to the period of the Israelite monarchy. It is also dangerous to rely on so-called historical remembrance in these sections even if the resemblances to Egyptian sources mentioning 'aprw are striking. On the other hand, it is impossible to accept the remarks put forward by Koch, *VT* 19, 63, that the Egyptian use of 'aprw during the nineteenth dynasty altered very much from older Egyptian usage. As his only really positive argument, Koch mentions an interval of 130 years. This is not very convincing, since among the very different Near Eastern sources dealing with the *habiru*, the designation seems to vary very little during a period of nearly 1000 years and the term seems to be used as a description of essentially the same phenomenon, independent of place or time.

44. J. Weingreen ('Saul and the *habiru*', IV WCJS, 1967, 63–6) tries to separate the terms Hebrew and Israelites. The Hebrews are foreigners, trying to help Israel to defeat the Philistine onslaught. Possibly they were used as mercenaries or professional soldiers by Saul. Weingreen's point of departure is 1 Sam. 13:7: *וַעֲבָרִים עָבְרוּ אֶת הַיַּרְדֵּן*, but only after a small textual correction, which is quite likely (supported, e.g., by H. J. Stoebe, *Das erste Buch Samuelis*, KAT, VIII/1; Gütersloh: Gütersloher Verlagshaus Gerd Mohn, 1973, 255); but, nonetheless, he builds his thesis on insecure ground. No other example in 1 Sam supports this thesis since, in all other examples, it is more reasonable to look on the Hebrews as properly Israelite. Weingreen did not acknowledge the special use of 'Hebrew' in the Old Testament's historical parts, as used by foreigners of Israel and not by the Israelites themselves (regarding 1 Sam. 13:3; cf. note 45 below). In conclusion of the argument, it needs to be asked why David should be called a Hebrew in 1 Sam. 29:3. Even if Judean by birth, he, nevertheless, represents Israel as a fugitive from Saul, the King of Israel.

by the Philistines ‘the camp of the Hebrews’. In the same manner, in 1 Samuel 4:9-10, the Hebrews, beaten at Aphek, are Israelites. The problems of 1 Samuel 13:3-4 are, however, much more intricate. If we follow older commentaries and translations and adopt the Masoretic Text: וישמעו פלשתים ושואל תקע בשופר לאמר וישמעו העברים פשעו העברים ושואל תקע בשופר בכל-הארץ ולאמר, it should be amended to וישמעו פלשתים ושואל תקע בשופר בכל-הארץ ולאמר, partly on the basis of the Septuagint.⁴⁵ According to the Masoretic version, Saul addresses the Hebrews, urging them to support the uprising against the Philistines, but in the verse immediately following 1 Samuel 13:4, such Hebrews are termed כל ישראל. We have the same phenomenon in 1 Samuel 13:3-4 as in 1 Samuel 4:1-5 and 4:9-10, even though some scholars assume that כל ישראל in 1 Samuel 13:4 must be added to the reference to Hebrews in v. 3. I find it impossible to agree with Koch that 1 Samuel 13:3-4 proves that the designations Hebrews and Israelites are not used to refer to the same political entity in 1 Samuel.⁴⁶ Finally, the problem of the correct reading of 1 Samuel 13:3 remains, and, for that reason alone, we should not build too many hypotheses on the basis of this single verse.⁴⁷

There still seems to be other occurrences in 1 Samuel, which give us better information for solving this problem. According to 1 Samuel 4:9, the Philistines pulled themselves together before the battle, thanks to the admonition that they not become slaves to Hebrews, much as the Hebrews had been formerly slaves to Philistines פן תעברו לעבדים כאשר עבדו לכם. It is, however, not entirely certain that the designation is a sociological expression, since it could refer to a former Israelite state of dependence on Philistines. Additionally, we need to reckon with the possibility that the wording of v. 9 could be dependent on v. 8, referring to wonders achieved by God in Egypt for the sake of Israel (with the tacit implication that Israelites were slaves there). On the other hand, it is more likely that v. 8 is, in fact, redactional and a reason for its inclusion in this may be the reference to the Ark of the Covenant and the God of Israel in v. 6-7.⁴⁸ In this

45. See J. Wellhausen, *Der Text der Bücher Samuelis* (Göttingen: Vandenhoeck and Ruprecht, 1871), 80–81, and the older commentaries by K. Budde, *Die Bücher Samuel* (KHCAT, VIII; Göttingen: Vandenhoeck & Ruprecht, 1902), 84f., W. Caspari, *Die Samuelbücher* (KAT, VII; Leipzig: Deichertsche, 1926), 154, and S. R. Driver, *Notes on the Hebrew Text and the Topography of the Books of Samuel* (Oxford: Clarendon Press, 1913), 98. The actual emendation may alter from author to author; but, essentially, all come to the same result.

46. See Koch, *VT* 19, 46–7.

47. As stressed by the older commentators (cf. note 45). The Masoretic Text tradition seems rather stable. The MT is furthermore supported by the targum, and the Vulgate, and to some extent also by the Peshitta, though the Peshitta places both העברים and כל ישראל on a line making both subjects to the verb ישמעו, and leaving out לאמר in v. 4. It is still problematic to explain the Greek ἡθετηκασιν as a mere scribal corruption of an originally Hebrew ישמעו and to some extent the *lectio difficilior*. Whether the Greek text represents an independent Hebrew tradition as its ‘Vorlage’ or is dependent on a corrupted Hebrew version is not clear.

48. Cf. also H. Timm, ‘Die Ladeerzählung (1 Sam. 4-6; 2 Sam. 6) und das Kerygma des deuteronomistischen Geschichtswerks’, *EvTh* 26 (1966), 509–26, 521.

connection, 1 Samuel 14:21 offers better information. Hebrews and Philistines are not in direct confrontation, but this is a marginal note (not necessarily a gloss) referring to the desertion of Hebrews in Philistine service to Israel. It is natural to compare this phenomenon with the complaints of Rib-Adda to Pharaoh on the subject of the desertion of his *ḥabiru* to Amurru in an Amarna letter.⁴⁹ On the basis of this instance, we should probably understand Hebrew in 1 Samuel 14:21 as a sociological designation in a cultural setting corresponding to conditions of the Late Bronze Age.⁵⁰ But since it is, of course, impossible to isolate this single example from the other applications of Hebrew in 1 Samuel, we cannot with absolute certainty make any decision as to the precise meaning of the designation Hebrew during this period on the basis of 1 Samuel 14:21.⁵¹

The same reservations apply to the last reference to Hebrews in the first book of Samuel, 1 Samuel 29:3. In this section, the Philistines denote David and his fellows as Hebrews, even though the latter are ready to oppose Saul of Israel in the company of the Philistines. At first glance, the designation seems to define David and his men as renegades who have deserted Saul, their king, as is bluntly stated in the following section.⁵² But the designation could still be interpreted as 'national'. David is a Hebrew to the Philistines because he is an Israelite or a former subject of the Israelite king.⁵³ And with that we

49. Cf. the references in note 14 above.

50. See, for example, Stoebe, *Das erste Buch Samuelis*, 264ff., as well as (of course) Weingreen, 'Saul and the *ḥabiru*', 64–5, neither of whom identify Hebrews with Israelites: Stoebe because of philological arguments put forward by R. Borger, 'Das Problem der "*apīru*" ("*abiru*")', *ZDPV* 74 (1958), 121–32, 129. Cf. also Stoebe's somewhat confusing representation of the *ḥabiru* problem, which concludes in the statement that the designation '*ḥabiru*' '*die semitischen Beduinen (!) der verschiedenen Wanderungswellen (!) bezeichnen*' (249).

51. A. Alt, 'Die Ursprünge des israelitischen Rechts', *KS*, I (1953), 278–332, 292 n. 3, considers these Hebrews slaves because of debt on a line with his interpretation of the law of Exod. 21:2ff. But cf. Koch (*VT* 19, 48), who rightly contests Alt's view. We must keep in mind that, first, we have no information in 1 Sam. 14:21 as to the motives the Hebrews may have had for serving under the Philistines; and, second, the law in Exod. 21:2ff. does not deal with slavery because of debt at all. Seemingly, Alt has been influenced by the claimed parallel with the Codex Hammurabi §117, which clearly deals with debt slavery.

52. On the other hand, we may compare the description in 1 Sam. 22:2 of David as a leader of the desperate elements in the country; but it is noteworthy that the term 'Hebrew' is not used there, whereas the phenomenon described does compare well with the view generally accepted of Hebrew/*ḥabiru* as outlaws or fugitives.

53. Koch (*VT* 19, 45) contests this identification because King Achish of Gath does not use the name of 'Hebrew' but calls Saul 'King of Israel'. Nor does he acknowledge the possibility that the narrator has put another term in the mouth of Achish because of this Philistine king's later, special association with David and Israel, which marks him as different from other philistines. This passage in 1 Sam. 29:1ff. and 1 Sam. 27:12, where Achish also uses 'Israel', is redactional and part of the composite work, 'The Story of David's Rise'. It merely demonstrates that the author of this work normally does not use 'Hebrew', not even as a Philistine designation for Israelites. Compare this with 2 Sam. 5:17 and even more explicitly 1 Sam. 17:10. Evidently, Koch over-stresses his point

come to an end to this very preliminary discussion of the designation in the Old Testament.

Conclusion

According to an overwhelming number of Old Testament examples, 'Hebrew' is not used by Israelites as a designation for themselves, not even in a national sense. A single group of texts stands out against the general application – namely, examples from the tale of the ten plagues of Egypt, which defines Yahweh as the God of the Hebrews. However, Yahweh is given this epithet only in addresses to Pharaoh. Therefore, not even this narrative disturbs the general impression. In fact, we are faced with a strange kind of duplicity when we look at the use of the term Hebrew in the Old Testament. On the one hand, it is not illegitimate to argue that all the allusions to 'Hebrews' in the Old Testament can be interpreted in a sociological sense, if only the singular references were torn out of their context. On the other hand, that very context forces us to stress that, in every instance, 'Hebrews' are Israelites (with the possible exception of Exodus 21:2ff.). This doubtless implies that there is a correspondence between the two designations within the biblical tradition. It is, therefore, possible to argue that Israelites themselves acknowledged that non-Israelites (i.e. Philistines and Egyptians) described them as 'Hebrews'. However, why should a tradition have survived in the later Israelite literature that their neighbours, or some of them, used to call them Hebrews when they hardly ever used such a designation themselves? It is not possible to point to a single unambiguous evidence of such usage, though it is possible to assume that even as 'Hebrew' in, for example, 1 Samuel was used in a national sense, it is only because this designation has been attached to Israel as a national entity in the Old Testament tradition. According to the Old Testament, the society called Israel is defined by others as a 'Hebrew' society. For that reason, there is no basis in the Old Testament for the assumption that the designations 'Hebrew' and Israelite refer to different entities, with the sense that Hebrews should signify a different, more comprehensive group than Israel. It is quite another problem whether *habiru* of the Late Bronze Age in Palestine were historical predecessors of Israel. We do not find a clear answer to that question in the Old Testament.

The following may be concluded from the evidence in the Old Testament. There must have been a historical remembrance in later Israel that their own society, during the first days of its existence, had been interpreted by its neighbours or its opponents as a society of *habiru*. This does not, however, imply with any certainty that the origin of Israel was, in fact, from a *habiru* society, even though the Old Testament could apparently be used to support, for example, the thesis of G. E. Mendenhall and others concerning the beginning of Israel. It is necessary to compare the application in 1 Samuel with other sources for the

when he uses 1 Sam. 29:3 as an example of a Philistine differentiation between Israel and 'Hebrews'.

history of Israel during the period of the judges, both biblical and extra-biblical. The extra-biblical material consists, first and foremost, of the stele of Merenptah dating from the very beginning of the so-called period of the judges (or perhaps from the last days of the period of the settlement).⁵⁴ However, evidence from the Amarna letters from the Late Bronze Age should also be included. I have made some use of that evidence above. I simply note here that in 1 Samuel the Philistines define the inhabitants of the central Palestinian mountains as Hebrews. This must be considered both a sociological and a national designation because these inhabitants of the mountains had an identity coherent enough to allow them to present themselves as a society with its own name, Israel. The stele of Merenptah seems to confirm this view. According to the inscription on the stele, Israel is reckoned among the enemies of Pharaoh and it is the name of the society which is used, not the designation *ḥabiru*-land or the like. In this connection, we may compare it with the earlier stele of Seti I from Beth-Shean. In that inscription, the Egyptians do not make use of the name Israel, but the possibility exists that it was already a political reality. On the other hand, the inscription speaks of a punitive expedition directed against groups of *ḥabiru* in Palestine. Without further proof, we cannot identify these *ḥabiru* with either Israel or the predecessors of Israel, even if they perhaps did inhabit the same area, or part of it, as the Israelites did in later days, since we still have to reckon with the possibility of changes in the composition of the population during the interval of almost eighty years between the erection of the stele of Seti I and Merenptah's inscription. The stele of Seti I may bear evidence of alterations in the population because it tells us of some tribal entities no longer extant in Old Testament days.⁵⁵ The stele of Merenptah also seems to testify to the fact that Israel had a society different from the city states on the plain because the inscription uses the foreign people determinative for Israel and not, as in the other cases in this section of the stele, the foreign nation determinative.⁵⁶ Compared with 1 Samuel, it demonstrates that the Philistines did not see Israel as a regular state, but rather considered it another and more loosely organized kind of society different from their own. Therefore the designation 'Hebrews' is used of the Israelites, although it is not certain that Israel at its origin was a regular society of *ḥabiru*. We should emphasize, however, that, as it appeared to foreigners, the designation was comparable to the *ḥabiru* who played a very active role during the Amarna age in Palestine in the same area as later Israel. This territorial coincidence could be the reason for the designation 'Hebrew' being attached to Israel by neighbouring peoples such as the Philistines. What kind of society Israel actually was is unknown, but it was not an amphictyony

54. *ANET* 3, 376–8.

55. *Ibid.*, 255; but see W. F. Albright, 'The Smaller Beth-Shan Stele of Sethos I (1309–1290 bc)', *BASOR* 125 (1952), 24–32. 'apiru of Mount Yarumtu', most likely a territory in the vicinity of Beth-Shan, possibly identical with biblical יתמד ען תמד, Josh. 19:21; cf. Albright, *BASOR* 125, 28.

56. Note, however, the reservations by J. A. Wilson in *ANET* 3, 278 no. 18.

consisting of twelve tribes, as once proposed by M. Noth.⁵⁷ Nevertheless, there is clear evidence that as early as the Early Iron Age, Israel was the name generally used for at least those tribes inhabiting the central Palestinian highland between the Valley of Jezreel to the north and the city-state of Jerusalem to the south, as demonstrated by the books of Judges and 1 and 2 Samuel. The application of this name may be compared with the use of the name of Israel on the stele of Merenptah, which must be considered the *terminus a quo* for a 'national' identity of Israel.

Finally, we must conclude that the self-attribution of 'Hebrew' as a national name for the Israelites belongs to a development that is later than the periods of the judges and early monarchy. It may be that the designation was not used as a national name at all during the time Israel was an independent state. The use in Jonah may be the earliest use of the term as a national reference by an Israelite; therefore, the development of 'Hebrew' as an honorific national name belongs to the post-exilic period.

57. M. Noth, *System der Zwölf Stämme Israels* (Stuttgart: Kohlhammer, 1930). As to the present writer's views, see the résumé of my book in Danish, *Israel i Dommertiden* (Copenhagen: CEG Gad, 1972), in O. Bächli, *Amphiktyonie im Alten Testament (TZ Sonderband VI)*; Basel: Friedrich Reinhardt Verlag, 1977), 4f. and *passim*.

Rachel and Leah: on the survival of outdated paradigms in the study of the origin of Israel

1987

My recent monograph, *Early Israel*, includes a short excursus devoted to 'the Study of Israelite History from J. Wellhausen to A. Alt'.¹ This chapter, which was originally conceived as part of that monograph, offers material for the judgement of scholars such as Julius Wellhausen, Eduard Meyer and Hugo Gressmann, to name but a few.

The ten scholars, whose works on early Israelite history are evaluated below, have something to contribute to the modern discussion of early Israel, or, better, their influence has never ceased. Perhaps their results are no longer very important; but the impact of the intensive study of early Israelite history around the turn of this century is still heavily felt in many newer histories, even in such a major work as Herbert Donner's *Geschichte des Volkes Israel und seiner Nachbarn in Grundzügen* (yet in a much lesser degree in J. Alberto Soggin's *A History of Israel*).² I return to this topic in the final part of this chapter and try to offer some examples of such continuity regarding a topic, which was apparently created by the appearance of Albrecht Alt's studies on the Israelite settlement and state formation.

The works of Alt, and later of his student Martin Noth, mark the summit of the classical tradition of biblical scholarship; but, at the same time, they have contributed to the downfall of this scholarly tradition. It is my intention to demonstrate that although Alt, in his investigation of the Israelite settlement process, which was followed as it was by the massive historical analyses of Martin Noth, marked a break with previous research, which, however, was never complete. In fact, many facets of the earlier scholarship lived on to dilute the methodological stringency of Alt's work. This classical substratum of outdated opinions thereby contributed both to the dissolution of the reconstructions of Alt and Noth and to the development of the much more radical modern

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1. N. P. Lemche, *Early Israel Anthropological and Historical Studies on the Israelite Society Before the Monarchy* (VT supplement, 37; Leiden: E. J. Brill 1985), 62–5.
 2. H. Donner, *Geschichte des Volkes Israel und seiner Nachbarn in Grundzügen*, 1–2 (ATD. Ergänzungsreihe, 4, 1–2; Göttingen: Vandenhoeck and Ruprecht, 1984–6); J. A. Soggin, *A History of Israel From the Beginning to the Bar Kochba Revolt, AD 135* (London: SCM, 1985).

assessments of Israel's early history, which, from a religious point of view, are generally very conservative.

Any review of previous scholarship must be selective and arbitrary if we do not go back to Richard Simon or Jean Astruc. Nevertheless, the admittedly arbitrary point of departure of 1878 and the publication of Julius Wellhausen's *Prolegomena*³ is motivated by the general acknowledgement that this work initiated a new era in biblical studies, the repercussions of which are still acutely felt. Of course, earlier scholars of the calibre of Heinrich Ewald and Abraham Kuenen must be left out of consideration, since they have only little to contribute to the on-going debate on the origin of Israel and, I may add, have had hardly any serious influence on this discussion during the last fifty years.⁴

Julius Wellhausen

For some generations, it has been commonplace to disclaim the importance Wellhausen had because of his acknowledged Hegelian philosophy of history. Wellhausen was under the spell of Hegel to such a degree that it was assumed that his own understanding of the development of ancient Israel and its history was determined by a philosophy which was – thereafter – largely abandoned. Accordingly, we generally do not find serious disagreement in the evaluation of Wellhausen's work in Anglo-Saxon, German or even Scandinavian surveys, although Wellhausen's impact upon biblical scholarship is generally not underrated.⁵ The study of the relationship between Wilhelm Vatke and Wellhausen by

3. *Prolegomena zur Geschichte Israels*. Originally published as *Geschichte Israels I* (Berlin: Georg Reimer, 1878). The edition used here is the English translation edited with an introduction by W. Robertson Smith (Edinburgh: Adam and Charles Black, 1885; reprinted New York: Meridian Books, 1965).

4. To be honest, it is sometimes said that the most important contribution of Ewald was that he introduced Wellhausen to the study of the Old Testament in Göttingen during the 1860s. Metaphorically, Ewald has been swallowed up by his gifted pupil. On the other hand, this was the destiny of most scholars in the Old Testament field between 1800 and 1878. Cf. the characterization by H.-J. Kraus of the impact of the appearance of *Prolegomena*: 'In diesem kristallklaren, methodisch bis in die letzte Fragestellung hinein durchsichtigen und hinreißend geschriebenen Werk stieß die seit de Wette maßgebende historisch-kritische Forschung siegreich vor.' Cf. H.-J. Kraus, *Geschichte der historisch-kritischen Erforschung des Alten Testaments* (2nd edn; Neukirchen: Neukirchener Verlag, 1969), 260.

5. Only a few illustrative examples are mentioned here. In German literature, the view of Wellhausen as a Hegelian is pronounced in the first edition of Kraus's *Geschichte der historisch-kritischen Erforschung des Alten Testament* (Neukirchen: Neukirchener Verlag, 1956). In the second edition, the treatment is rather different. As a *pars pro toto* of the evaluation in most studies of American origin we may mention W. F. Albright, *From the Stone Age to Christianity* (2nd edn; New York: Doubleday, 1957), 88, repeated as late as in his *Yahweh and the Gods of Canaan* (London: Athlone Press, 1968), 1: 'Wellhausen's Hegelian View of Religious History ...' (cf., however, also the appendix to 1 n. 3 on 430). The Scandinavian judgement is expressed by J. Pedersen, 'Die Auffassung vom Alten Testament', *ZAW* 49 (1931), 161–81.

Lothar Perlitt, published in 1965, has, on the other hand, made it clear that this traditional evaluation of Wellhausen's roots in the philosophy of his own time is totally misconceived.⁶ Perlitt explains that Wellhausen was not a partisan of the Hegelian philosophy. To the contrary, he was opposed to Hegel's schematic philosophy of history and, although Perlitt warns against a hasty identification of Wellhausen as a *romanticist*, it is obvious that his place among scholars was rather with such as Herder than among the adherents of the Enlightenment's optimistic view of history, an understanding which found its ultimate manifestation in the historical-philosophical writings of Hegel.⁷

A thorough assessment of the published works of Wellhausen on ancient Israel and the Old Testament will likely show that Wellhausen was not continuing a direction going back to the Enlightenment, with its optimistic idea of the development of man. On the contrary, he adhered to the classical conception, according to which man is originally placed in a golden era and later becomes entangled in inferior situations. It, of course, never interested Wellhausen to write general works with a historical-philosophical content since he was ever concerned with a particular culture – in this regard, Israelite culture and, otherwise, Arab civilization. It was, however, characteristic of this great scholar that he did not base his work in preconceived ideas of the development of the Israelite nation without having a textual basis. Before the appearance of his *Prolegomena* and his later *Israelitische und jüdische Geschichte*, he started with extensive analyses of the history of the transmission of the Old Testament text, particularly the sources of the Hexateuch.⁸ If the more comprehensive character of the work of Wellhausen is not acknowledged, it is impossible to reach a proper assessment of his scientific importance.

Wellhausen subdivides the history of the Israelite tradition into three successive phases, which he defines respectively as the Jehovistic, Deuteronomistic

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6. L. Perlitt, *Vatke und Wellhausen* (BZAW, 94; Berlin: Walter de Gruyter, 1965). The study of Perlitt forms the background of the changed view on Wellhausen in Kraus's *Hist-Krit. Erforschung* (2nd edn), although Kraus only reluctantly acknowledges the fact. It is also Perlitt who is cited by Albright in *Yahweh and the Gods*, 230. Albright expresses an opinion which, had he had the time, would have induced him to change his opinion of Wellhausen's philosophical standing.
 7. *Vatke und Wellhausen*, 178. Here Perlitt presents the following pedigree of Wellhausen's understanding of the Israelite development: Lessing, Herder, Goethe, Schleiermacher, the Idealistic philosophy, de Wette and Ranke. He offers a circumstantial account of the relevance of this list of names in the section devoted to Wellhausen (*Vatke und Wellhausen*, 153–243, *passim*). His including Wellhausen among 'die historischen Romantiker' is on 212ff. According to Perlitt, Wellhausen considered himself congenial to scholars such as Theodor Mommsen and especially his personal friend Ulrich Wilamowitz-Moellendorf, to whom he dedicated his *Israelitische und jüdische Geschichte* (Berlin: Georg Reimer, 1894; here cited after the 9th edn, Berlin: Walter de Gruyter, 1958).
 8. Cf. Wellhausen, *Die Composition des Hexateuchs und der historischen Büchern des Alten Testaments* (4th edn; Berlin: Walter de Gruyter, 1963), which originally appeared as a series of articles in 1876–7; cf. *Composition*, 1.

and Priestly phases,⁹ a division which he sees reflecting a stratification of the tradition's material in a series of layers, which corresponded to the cultural-historical development of ancient Israel. The *Prolegomena* is based on this understanding of tradition. On this foundation, Wellhausen evaluated the description of the Israelite cult in the various layers of tradition.¹⁰ In general, he described a development from an individualistic to a collectivistic cult.¹¹ An example of this is the description of the cult as decentralized in the Jehovistic sources, whereas the Deuteronomistic sources describe a centralized cult as the goal of religious development. In the priestly source, however, the centralized cult is an established fact and it is transposed to the earliest period of Israel's history. The priestly source also presupposes (in its legislation) that the cult is centralized. Thus, the legislation is separated from its individualistic origin and become armchair theory.¹² This does not imply that because the priestly legislation is obviously late and must be considered the final result of the juridical speculation in the Old Testament, all laws in the Old Testament are equally late, an objection which has often been raised against Wellhausen. Of course, he acknowledges the existence of older Israelite legislation. This law was, however, in his view, transmitted orally.¹³

Wellhausen's description of other aspects of Israelite religious life follows the same line. When he discusses festivals and their place in the stratified tradition and development of the priesthood, he assumes that there was no priesthood in most ancient Israel. A proper priesthood only arose *pari passu* with the ongoing centralization of the cult.¹⁴

Though we do not see a pronounced denial of the Mosaic tradition, as such, in Wellhausen's works, he sees this tradition as developing along the same lines as the cult. These remarks also apply to the monotheism of the Mosaic tradition. Wellhausen does not think there was an early monotheistic Israelite faith. On the other hand, he does not deny that Yahweh was the God of Israel from the very first.¹⁵ Naturally, Wellhausen was not prepared to accept early Israelite religion

9. *Prolegomena*, 6–10. Jehovistic, i.e. in the terminology of Wellhausen the collection of J and E, cf. *Prolegomena*, 8 n. 2.

10. *Prolegomena*, Part I, 'History of Worship', 17–167.

11. Cf. also Peritt, *Vatke und Wellhausen*, 173–85, Part II 'Geschichte und Entwicklung', and by Wellhausen the chapter devoted to the question of the cult, 17–51, 'The Place of Worship', etc.

12. On the priestly legislation and its character, cf. *Prolegomena*, *passim*. An example of this development: cf. Wellhausen's treatment of the sabbatical legislation, *Prolegomena*, 112–20. On the whole there is a very large degree of agreement between Wellhausen's evaluation of these laws (JE in the Book of Covenant, Exod. 21:2-6 and 23:10-11; D in Deut. 15 and RQ in Lev. 25) and the one I present in Chapter 2, this volume. I was, alas, not aware of this at the time.

13. Cf. *Prolegomena*, 392ff., Ch. X, 'The Oral and the Written Torah', §1 and 2.

14. On the sacrifices, *Prolegomena*, 52–82; on the on the festivals, 83–120; and on the priests, 121–51.

15. *Israelitische und jüdische Geschichte*, 23. On the question of the Mosaic 'monotheism', cf. the same work, 28ff.

as a very special religion, which was not comparable to others. The appearance of Israelite monotheism was attributed rather to later developments in Israel as a whole, with special emphasis on the imprint of the Exile.

I have no intention to comment on all of Wellhausen's ideas. If we turn our attention, however, to his description of Israel before the monarchy, we are in for a surprise – if our starting point is with his analyses of the history of Israelite literary traditions and Israelite religion. Wellhausen's reconstruction of the early history of Israel is not at all revolutionary. For scholars, a century after the appearance of his *Prolegomena*, it is rather dull and uninspiring. His historical reconstruction does not try to deconstruct early Israelite history. Rather, his description is best described as a critical or rationalistic paraphrase of the Old Testament tradition, with occasional modifying remarks. Sometimes, he touches up some stories in a harmonizing fashion, much as may be found in homiletic books. Wellhausen's paraphrase of the episode of Abimelech offers an obvious example.¹⁶ On the other hand, it is quite characteristic of his view of tradition that he accords no historical value to the patriarchal stories. He merely reckons them to be the product of a much later period and transposed into the early days of the nation.¹⁷ Nevertheless, the division of the tribes of Israel in the patriarchal narratives still forms the basis of his historical reconstruction of the process of settlement in his history in the period of the judges.¹⁸

According to Wellhausen, the origin of Israel as a nation preceded its settlement in Palestine. Israel was the conglomerate of three different groups. The first group consisted of Israelites who formerly lived in Goshen on the border of Egypt. The other group inhabited the desert of Sinai in the environs of the so-called place of revelation. These two groups integrated with each other before meeting the third group, which had migrated to Transjordan many years before.¹⁹ Wellhausen considered all of them to be nomadic.²⁰ Nevertheless, he clearly distinguished between them and, for example, the Midianites. The Midianites were camel-nomads, true children of the desert, real predatory camel-nomads, whereas the Israelites were small-cattle nomads.²¹ The conquest of Cisjordan, according to Wellhausen, followed a course very much the same as is delineated in later scholarly literature devoted to the settlement of Israel. Wellhausen accounted for several attempts to conquer the area and followed the subdivision of the Israelite tribes in the Old Testament into Leah and Rachel tribes, although he also considered the existence of the so-called co-wives to be important as indicators of other tribes in Palestine.²² However, only the conquest of Palestine by the Rachel tribes under the command of Joshua is considered the proper

16. *Ibid.*, 41–3.

17. *Ibid.*, 10.

18. *Ibid.*, 14.

19. *Ibid.*, 13–14.

20. *Ibid.*, 39; cf. also 10ff.

21. *Ibid.*, 39.

22. *Ibid.*, 14–15.

Israelite occupation of Palestine. This occupation, however, was also partial, since a greater part of Cisjordan was not affected by the entry of the Israelites. Thus, the maritime regions and the great cities were not included in Israelite territory. The subjugation of these areas occurred only later.²³

As mentioned above, the description of the origin of Israel is not to be considered remarkable (at least not in our eyes). We may blame Wellhausen for ignorance of the discovery of the great Near Eastern cultures in his own time, but the reason for this is hardly important. The focus on only one entity, Israel, was a deliberate choice to escape oversimplifications. He expressly argues that to write the history of a nation there must be a national entity, and that a culture or a nation can only be understood on the basis of its own premises.²⁴ That Wellhausen was not totally wrong may be seen in the light of the later Babel-Bibel discussion.

Comparative material of a social-anthropological character does not seem to have played any role in Wellhausen's studies of ancient Israel and such sources are not cited in his *Israelitische und jüdische Geschichte*. This lack of interest in such matters is deceptive. Scholars who attack Wellhausen for this should be more cautious in light of his study of Arab civilization and history.²⁵ I have already suggested that Wellhausen distinguished between different types of nomads, although he could hardly know that such division is dependent on the question of the domestication of the camel and the historical appearance of a camel-Bedouin type of nomadism.

His acquaintance with etymology is also evident in his description of the familial ties of the first Israelites in *Israelitische und jüdische Geschichte* and his account of such links is not entirely antiquated.²⁶ In fact, Israelites were not first and foremost members of a people or nation – and this is one of the differences between Wellhausen and several modern exponents of sociological methods in biblical studies; the Israelite understanding of the world was decided by blood-ties and connections between the individual Israelite and his family, his clan and his tribe. These ties of blood determined his horizon at every level, and they formed the system according to which he arranged his world in order to distinguish between friend and foe. The nation did not mean very much to the Israelite except as the outer boundary of blood-ties. As I have indicated in

23. *Ibid.*, 35f.

24. *Ibid.*, 10: 'Die Geschichte eines Volkes läßt sich nicht über das Volk selber hinausführen, in eine Zeit, wo dasselbe noch gar nicht vorhanden ward.'

25. In this connection, it is necessary to remember that Wellhausen had already given up his theological chair in 1882 because of the turmoil created by the appearance of the *Prolegomena*. For the remaining years of his academic career he taught Semitic philology at Göttingen. His main works on this topics are *Reste arabischen Heidentums* (Berlin: Georg Reimer, 1887) and *Das arabische Reich und sein Sturz* (Berlin: Georg Reimer, 1902).

26. *Israelitische und Jüdische Geschichte*, 20ff. Wellhausen's description of the social and religio-sociological conditions is generally – even without a proper sociological method – much more valuable than his historical analyses.

my book *Early Israel*, this idea is not far from modern socio-anthropological notions of ethnicity.²⁷

Wellhausen was, however, wrong on one point – namely, that this system of social organization was favourable to individualism. This is not the case; it rather points to collectivism, though at a local level. The difference between Wellhausen’s understanding of individualism and the modern discussion of collectivism is, nevertheless, not a fundamental one. It merely delimits the system of social references among so-called primitive peoples. We may conclude that Wellhausen was basically correct. Primitive cult is individualistic. However, it is not the concern of a single person, but a group of peoples.

Bernhard Stade

Wellhausen’s *Prolegomena* was a monumental work. His book on the history of Israel was not. The reason why he never wrote a ‘Geschichte Israels’ of the size and quality of his *Prolegomena* may be that another scholar, Bernhard Stade, had already published the first volume of a monumental history of Israel in 1887 and Wellhausen by and large subscribed to these views.²⁸ If we were to discuss the history of Israel and its origin in the so-called Wellhausen school between 1878 and 1926, it would be enough to evaluate the work of Stade, especially when compared to the work of Hermann Guthe.²⁹ From the golden age of literary criticism, we might also mention Carl Steuernagel’s little study of the settlement of the Israelite tribes in Canaan.³⁰

In his *Geschichte Israels*, Martin Noth opens his reconstruction of Israelite history with the Period of the Judges. In the school of Wellhausen, however, it was normal to consider the Period of the Judges to be a prolegomena to the monarchy. In concord with this view, Stade gives the impression that the history of Israel did not begin before the introduction of the monarchy. The prehistory and early history of Israel during the period of settlement and the judges is placed under the head of a more comprehensive section called ‘Israel under the monarchy’, with the subtitle ‘The history of the people of Israel from the beginning of the monarchy to the destruction of Jerusalem by the Babylonians’.³¹ This implies that Stade considered the Period of the Judges to be only a kind of

27. Cf. Lemche, *Early Israel*, 241–2.

28. B. Stade, *Geschichte des Volkes Israel* 1 (Berlin: Grote, 1887). This work appeared in a series of instalments between 1881 and 1885. Cf. also Wellhausen’s reception of the first two instalments, in *Deutsche Literaturzeitung* 3 (1882), 681f., cited by H. Engel, *Die Vorfahren Israels in Ägypten* (Frankfurter Theologische Studien, 27; Frankfurt a/M.: Knecht, 1979), 44 n. 124.

29. H. Guthe, *Geschichte des Volkes Israel* (Tübingen and Leipzig: Mohr, 1899), here cited after the 2nd edn (1904).

30. C. Steuernagel, *Die Einwanderungen der israelitischen Stämme in Kanaan* (Berlin: C. A. Schwetschke und Sohn., 1901).

31. Stade, *Geschichte des Volkes Israel* 1, 45–703. Cf. the Frontispize, 45.

idé fixe, which went back to the monarchy; but it is his intention to emphasize (in accordance with Wellhausen) that Israel, as a national entity, was no older than the monarchy. Therefore, the Old Testament picture of pre-monarchical Israel is not to be dated before the monarchy.³² No unity existed before that date, especially no system of twelve tribes. Such a system has, according to Stade and Wellhausen, played any practical political role, as it is impossible to describe any moment in Israel's history where all twelve tribes existed simultaneously.³³

I am not going to deal with Stade *in extenso*, and therefore I do not comment on his second main work, his Old Testament theology,³⁴ and shall confine my remarks to his *Geschichte des Volkes Israel*. The general outlook of this exhaustive work is easily appreciated since Stade accords, on most points, with the views of Wellhausen and draws on the same corpus of sources as Wellhausen had. Questions of detail are immaterial since most of his arguments are dated. The fundamental disagreement between Stade and Wellhausen regarding the origin of Israel is that Stade speaks of a prolonged Israelite sojourn in Transjordan before settlement in the Cisjordan. During their stay east of the Jordan, Israelites changed occupations from nomads to farmers.³⁵ Even such a difference of opinion is apparent only because the brevity of Wellhausen's description disguises his proper sociological evaluation of the period.

Stade is, however, totally in agreement with Wellhausen when he argues that the Israelites, or the Hebrews – as he also calls them, though without any idea of the sense of this term (his history was published the year before the discovery of the Amarna letters) – were originally nomads who wandered the steppe between the desert and the sown.

More important is the difference of opinion between Stade and Wellhausen in regard to the character of Israelite settlement in Cisjordan. Stade claimed that Israelite settlement should not be viewed as a single mass invasion into Cisjordan or even as a sequence of conquests, reflected by the existence of such tribal groups as Leah and Rachel tribes. He is much more on the wavelength of Albrecht Alt when he argued that we speak of a process of settlement described as an infiltration from Transjordan into Cisjordan, a process of long duration. Stade, however, did not consider these invaders to have been small-cattle nomads. According to him, they were farmers or, better, surplus members of the Transjordanian agricultural community. Such surplus was the result of an Israelite transition to agriculture, including the establishment of permanent settlements in the Transjordan. Settlement in the Cisjordan was, accordingly, the outcome of an emigration, provoked by a growing population, regulated by the emigration of the surplus population.³⁶

32. *Ibid.*, 174.

33. *Ibid.*, 145–8.

34. *Biblische Theologie des Alten Testaments* (Tübingen: Mohr, 1905). Cf. on this the survey in Kraus, *Historisch-kritische Erforschung*, 283–8.

35. Stade, *Geschichte des Volkes Israel* I, 134–5.

36. *Ibid.*

Hermann Guthe

I have already described Hermann Guthe's *Geschichte des Volkes Israel* as a crude expression of Wellhausen's view of the development of ancient Israel. On the other hand, in Guthe's *Geschichte* we see the immediate impact of the discovery of the Amarna letters from Egypt. Guthe also drew heavily from the extra-biblical ancient Near Eastern world than his predecessors. Although Guthe's *Geschichte* is, methodologically, a less stringent work than Stade's, it resembles, nevertheless, more than Wellhausen's or Stade's works do, what we today are prepared to consider a proper history of Israel. Several aspects of Wellhausen's approach to Israel's history are weakened by Guthe who is prepared to accept a far larger role of the Mosaic tradition in history than Wellhausen had. Another expression of Guthe's 'optimistic' view of biblical sources was his belief that the patriarchal narratives are valuable sources, not as narratives about individuals, but as indicators of a history of Israelite tribes.

Guthe inaugurates what can be seen in full bloom in Carl Steuernagel's research. We are met by the conviction that the patriarchal narratives are reflections of real historical conditions, on the one hand, not in a patriarchal period as such, but within the historical Israel during the transition from settlement to a Period of the Judges. On the other hand, a specific methodology is developed, according to which Guthe and other scholars can extract historical information from the patriarchal narratives. As a consequence, when a character belonging to the patriarchal age acts as a father or as a grown up, he represents the tribal society as a whole, whereas women who appear in the narratives reflect the existence of smaller tribal groups (for example, the Leah versus Rachel tribes). A marriage may be interpreted as a fusion of tribes, either between tribes of the same rank or, in the case of co-wives, between tribes of unequal rank, and children mark subdivisions into new tribes.³⁷ In this manner a grid was created suitable to sources, supposedly pertinent to the origin of an historical Israel.

Guthe's own description of the early history of Israel is rather commonplace, influenced as he was by knowledge of the Arab-Bedouin culture of his own day.³⁸ Hebrews or Israelites – it is not obvious whether Guthe identified the two entities, though I am inclined to think he did so³⁹ – were originally nomadic shepherds, living in the desert regions south-east of Palestine's agricultural zone. They were close kin to the Arameans.⁴⁰ The Israelite settlement must be understood as an example of the penetration of such shepherds into the settled regions. This penetration was not a one-day affair but must be subdivided into

37. Guthe, *Geschichte des Volkes Israel*, 4–6.

38. Guthe himself cites the two most important studies from the nineteenth century AD which are devoted to the Bedouin culture: J. L. Burchhardt, *Notes on the Bedouins and Wahabys* (London: H. Colburn and R. Bentley, 1831), and C. M. Doughty, *Travels in Arabia Deserta* 1–2 (Cambridge: Cambridge University Press, 1888), cf. Guthe, *Geschichte des Volkes Israel*, 15.

39. Guthe, *Geschichte des Volkes Israel*, 20ff. See also 56ff.

40. *Ibid.*, 15ff.

several stages. Guthe was able to draw on information from the Amarna letters and considered the Hebrews mentioned there to be identical with the Leah tribes. He placed the settlement of this tribal group just after the turn of the fourteenth century BCE. The decisive conquest occurred 100 years later, carried out by the Rachel tribes or, more precisely, the tribe of Joseph under the command of Moses and Joshua. The Joseph tribe penetrated the area from a point in the Sinai Peninsula after having been converted to Yahwism at the ancient Yahweh sanctuary at Kadesh.⁴¹

It is characteristic of Guthe that he tries to reconcile Wellhausen's understanding of the development of Israel with information contained in the Old Testament itself, and, in doing so, he weakens the ideas of Wellhausen because under the influence of the rapidly growing external evidence, he is inclined to retain more and more of the Old Testament tradition as historical. He was thereby confronted with another problem: that he did not possess a satisfying understanding which would enable him to distinguish between sources with useful information and secondary sources. Consequently, Guthe's approach to his sources must necessarily be arbitrary. He chose texts which gave sense to his theories and tacitly bypassed other passages in the Old Testament which did not suit this picture of historical development. The result is that he presented a historical reconstruction of the early history of Israel which does not derive from either Wellhausen or the Old Testament. Guthe was trapped by a dilemma which made its impact upon all studies of the history of Israel from the beginning of historical-critical scholarship (i.e. the dilemma of how to define criteria for the source material for the investigation).

Carl Steuernagel

The name of Carl Steuernagel has already been mentioned in this survey. If we look at the study of Steuernagel on the Israelite settlement,⁴² it is obvious that we are presented with the literary-critical method in its purest form. On the one hand, Steuernagel builds on previous literary-critical analyses, including his own studies on the Pentateuch and the Book of Joshua, on the basis of which he believed it possible to distinguish Jahwistic and Elohist sources.⁴³ On the other hand, his handling of these strata conforms to his era and he does not possess any presuppositions which might enable him to evaluate the textual evidence as

41. §16–17 and 56–63, respectively, called 'Der erste Angriff auf der Westjordanland', and 'der zweite Angriff auf das Westjordanland'. On Moses and the place of revelation, cf. §7: Moses (an Egyptian personal name), 27–30, and on the Sinai event, which Guthe placed at Kadesh Barnea, §9: 'Bedeutung des Aufenthaltes bei Kadesh', 36.

42. Carl Steuernagel, *Einwanderungen* (1901).

43. These analyses were followed up in his commentaries *Das Deuteronomium* (HKAT, 1,3,1; Göttingen: Vandenhoeck and Ruprecht, 1898; 2nd edn, 1923), and *Das Buch Joshua* (HKAT, 1,3,2; 2nd edn, Göttingen: Vandenhoeck and Ruprecht, 1921). Cf. also his account in his introduction, *Lehrbuch der Einleitung in das Alte Testament* (Tübingen: Mohr, 1912).

historical sources. This is apparent in the first section of his study on the settlement. Even though he admits that the tradition about the earliest Israel is legend, he nevertheless argues that it is possible through critical analysis to distinguish primary themes from secondary elaborations, and use the former as historical information.⁴⁴

Steuernagel began his investigation with an analysis of the genealogical system in the Old Testament. He presented a model for interpretation which has been important to many scholars working on this theme since.⁴⁵ Steuernagel unhesitatingly postulates that the existence in the Pentateuch of three different kinds of genealogical lists is to be taken as proof of the existence of three different stages in Israel's development.⁴⁶ Dealing with the genealogies, he also applied a model for his interpretation, borrowed from Guthe, according to which he saw it possible to combine the genealogical information in the form of a trustworthy history. He began with the existence of four tribes, named after the four apical mothers: Leah, Rachel, Bilha and Zilpa. The names of these represented more than merely four main groups of tribes; they were also the names of four primary Israelite tribes, from which twelve tribes sprang after the settlement.⁴⁷ It was, however, not these four primary tribes, but a fifth, the tribe of Jacob, which was the real tradent of the tradition. The tribe of Jacob alone had been in Egypt and had fled from Egypt under the command of Moses, later to be united with other tribes living in the Sinai – namely, the Rachel and Leah tribes. The centre of this union was Kadesh Barnea. Later, the tribe of Leah left the other tribes. As time passed, the tribes of Rachel and Jacob fused and left Sinai to travel to Mesopotamia via the Transjordan. They were eventually forced by Arameans to leave Mesopotamia and return first to northern Gilead and later to the Cisjordan.⁴⁸ Meanwhile, Leah's tribe penetrated the country from the south after its departure from Jacob and Rachel.⁴⁹

Steuernagel offers an exact date for these events. In doing so, he refers to Egyptian sources, especially the Amarna letters and Merenptah's 'Israel-stele',

44. Steuernagel, *Einwanderungen*, 1.

45. *Ibid.*, 1–11.

46. System I (i.e. 1st stage): Reuben, Simeon, Levi, Juda, Issachar, Zebulon, Dinah, Naphtali, Gad, Asser, Joseph. System II: Reuben, Simeon, Juda, Issachar, Zebulon, Dan, Naphtali, Gad, Asser, Joseph, Benjamin. System III: Reuben, Simeon, Juda, Issachar, Zebulon, Dan, Naphtali, Gad, Asser, Ephraim, Manasse, Benjamin. Cf. *ibid.*, 3. This tripartite system is still present in G. Fohrer, *Geschichte Israels* (Heidelberg, 1977), 46f., cf. also Fohrer, 'Altes Testament – "Amphiktyonie" und "Bund"?'', *ThLZ* 91 (1966), 801–16, 894–904, repr. in his *Studien zur alttestamentlichen Theologie und Geschichte* (BZAW 115; Berlin, 1969), 84–119, 100f.

47. On the primary tribes, cf. Steuernagel, *Einwanderungen*, §§11–21: Lea; 21–28: Rachel, and 28–31: Bilha and Silpa.

48. On the Jacob tribe, *Einwanderungen*, §6, 35–41, and further §9, 56–65. On Jacob in Egypt, 100.

49. *Ibid.*, third section. On the Amarna Letters, §16, 115ff. Steuernagel was only able to dispose of a few proof sheets of Knudtzon's edition of these letters, cf. *ibid.*, 116. On the 'Israel-stela', cf. *ibid.*, 113.

which had been discovered and translated only a few years before the appearance of Steuernagel's study.⁵⁰ The Exodus must, he suggested, be placed in the second half of the fifteenth century BCE. The settlement of the Leah tribe took place at the beginning of the fourteenth century BCE, coinciding with the departure of the Jacob–Rachel tribe for Mesopotamia. The united Rachel–Jacob tribe was again in Transjordan about 1860 to 1360 and crossed the Jordan River circa 1340BCE.⁵¹

There is no reason to detail the incredible amount of information in Steuernagel's historical reconstruction. He goes into the smallest detail in his description of the prehistory of Israelite tribes. I have mentioned a few points of his method but will not forget the importance of his conviction that the twelve tribes did not emerge before the Israelite settlement in Palestine.⁵² More relevant to us is his view on the relation between the patriarchal traditions and the settlement narrative in Joshua. Steuernagel wrote his study during a period which was not yet influenced by the firm conviction that the patriarchs belonged to a period earlier than the Late Bronze Age. Therefore, according to Steuernagel, who considered the patriarchal narratives legends, they must reflect conditions no earlier than the Late Bronze Age and tell us the same story as the traditions in Joshua, though the wording is different, and it is possible to extract information from each stratum.⁵³ The Jahwist was unaware of the later settlement of the Rachel–Jacob tribe in central and northern Palestine, and only informs us of the conditions – his is only a fragmentary report – of the settlement of the Leah tribe in the southern part of the country.⁵⁴ On the other hand, the narratives in the Book of Joshua relate the settlement of the Jacob–Rachel tribe, and Steuernagel considered this corpus of narratives – as most scholars then did – Elohistic. Even in the Pentateuch, the Elohist only refers to the Jacob–Rachel settlement.⁵⁵ Accordingly, Steuernagel tried to harmonize the differences between the conquest stories in Joshua and the Jacob traditions in Genesis.⁵⁶

I see no reason to evaluate all of Steuernagel's theories about the settlement. They are mostly dated, though some of his central ideas, such as the division

50. Cf. W. Spiegelberg, 'Der Siegeshymnus des Merenptah auf der Flinders Petrie-Stele', *ZAS* 34 (1896), 1–25.

51. Steuernagel, *Einwanderungen*, §16, 123–5.

52. *Ibid.*, 7f.

53. In reality, Steuernagel is only interested in the Jacob tradition. Only occasionally does he direct a few remarks to Abraham connecting him with traditions which belong to the southern part of Palestine. On the possibility of a historical identity between the events contained in the Jacob tradition and conquest stories in Joshua, cf. *ibid.*, 86ff.

54. *Ibid.*, §11: 'Die Erzählung des Jahwisten', 70–83.

55. *Ibid.*, §12: 'Die elohistischen Überlieferung im Buche Joshua', 83–98, §13: 'Die elohistische Überlieferung im Buche Numeri', 98–111.

56. The problem is the direction of the immigrants. Jacob came from the north, crossed the Jordan at Adamiye, travelled on to Shechem and thereafter to Bethel. Joshua came from the south, crossed Jordan at Jericho and travelled via Bethel to Shechem. On the other hand, Steuernagel maintains that Josh. 3 contains remnants of an old tradition, according to which Joshua had crossed the Jordan at Adamiye, cf. *ibid.*, 88.

between a Leah and a Rachel group of tribes, are still very much in vogue, as is his understanding of the temporal sequence of the stages of settlement. Steuernagel's study is perhaps the very best example of how a seemingly excellent and logical reconstruction of the early history of Israel, based on extant source material, tampers with the data and becomes thereby an exponent of the arbitrary and wanton biblical research at the turn of this century. On the one hand, we have a scrupulous endeavour to extract historical information from Old Testament sources; but, on the other, we have these same sources brutally dismissed whenever they vary with the governing theory of the investigator. It is without doubt possible to demonstrate that, in this case, the outline of Steuernagel's settlement must have been conceived before his analysis of the source material.⁵⁷ The result is that a strange fissure appears as Steuernagel stubbornly retains a historical nucleus of biblical narratives including the Bible's chronology,⁵⁸ while trying to describe a development which cannot be reconciled with the Old Testament picture of the origin of Israel.

It must be stressed, finally – and it is necessary to say this bluntly – that this kind of approach owes its existence to his particular methodology, a very rigid literary-critical analysis, conducted in a mechanical way. This method has never been able to exert relevant historical information from the sources because it was never constructed to do so. It is not a historical method, but a literary approach. Another point is – and here Steuernagel and his contemporaries are not to be blamed – the confused knowledge of the sociological groups which may have been active when Israel came into being.

There is one instance in which Steuernagel becomes uncertain, when he is confronted with the problem of the *ḥabiru*; but here he is able to refer to the incomplete state of the edition of the Amarna letters in his possession.⁵⁹ He seems to consider *ḥabiru* to be simply nomads and he identifies *ḥabiru* of the Amarna letters with the Leah tribe. It goes without saying that he considered the mention of the *ḥabiru* in the Amarna letters as evidence of the settlement of the Leah tribe in the days of Amenophis IV.⁶⁰ He was very traditional in his view of the role of nomads in the Near East, and, as a result, he manipulated the various nomadic tribes – which may never have existed apart from in his own mind – as if they were chess pieces. He never demonstrated any understanding of the life and culture of nomadic societies.

57. A couple of examples: Leah is secondary in comparison with Rachel in connection with Jacob. For that reason, the tribes of Leah were never amalgamated with the Jacob tribe as the Rachel tribes had been. This reconstruction pays homage to the fact that Rachel was Jacob's favourite spouse, but at the same time it forgets that Leah was Jacob's first wife! Second, in the evaluation of the Jacob tradition in Genesis 31–33 and 35, all the passages about Esau are considered '*freie Dichtungen*'; Steuernagel, *Einwanderungen*, 57. Third, the geographical information in Exodus 1 has no value at all; *ibid.*, 114.

58. *Ibid.*, 124. Steuernagel stresses that the 480 years between the temple of Solomon and the Exodus are historically correct, and not only 12 × 40 years.

59. *Ibid.*, 116.

60. *Ibid.*, 116ff.

Eduard Meyer

Just as persistent in the use of the information contained in the genealogical systems in the Old Testament was Eduard Meyer in his *Die Israeliten und ihre Nachbarstämme*.⁶¹ The methodology of Meyer and the results obtained in his work are, however, extremely different from the viewpoint expressed by Steuernagel. Meyer does not endeavour to reconcile information in the genealogical lists with the narrative sections in the Old Testament, which concern the prehistory of Israel. The immense scope of Meyer's vision enabled him to write a well-known history of the ancient Near East that is still worth reading today. We are unlikely to meet such a self-conscious approach to ancient historical sources elsewhere. This remark is valid whether we consider earlier scholarship or the state of the discipline today. As a rule, Meyer considered the historical value of the Old Testament sources to be unexceptional, except for genealogical information. When he turned to that, he generally presented a much more varied evaluation of them than, for example, the awkward conclusions of Steuernagel, although both scholars used the same source material. Whereas Steuernagel and others seem inclined to consider the information in the genealogical systems to be very old, Meyer ostensibly argued for an understanding of the kinship information, which suggests that the lists tell us as much about the period in which they were compiled as about the past. Meyer thus stressed that the genealogical lists are rather fragile sources on which to build a prehistory of Israel. On the other hand, it is obvious he considers the genealogies the best source we possess.

In his approach to Old Testament source material, Meyer built upon the results of classical literary criticism. The results of this method were acknowledged by him as beyond dispute, but not necessarily in its mechanical shape. Meyer understood the Hexateuch to be stratified into the usual layers of Jahwistic and Elohist tradition, followed by a Deuteronomistic usurpation of the Book of Joshua and the addition of Deuteronomy and finally concluded by the Priestly redaction of what was left after the Deuteronomists had severed Joshua from the Hexateuch. He also considered it likely that both the Jahwistic and the Elohist layers should be subdivided into more than one stratum. He did not, however, subscribe to the ideal solution of classical literary criticism, but argued in favour of a variant explanation, according to which the basic outline of the Hexateuch

61. E. Meyer, *Die Israeliten und ihre Nachbarstämme* (Halle: Max Niemeyer, 1906; repr. Darmstadt: Wissenschaftliche Buchgesellschaft, 1967), including a contribution by B. Luther (especially on the Jahwist). The presentation in the second volume of Meyer, *Geschichte des Altertums* II 2 (Stuttgart: J. G. Cotta, 1931; repr. Darmstadt: Wissenschaftliche Buchgesellschaft, 1965), is mainly a short resume of the content of *Die Israeliten*, but here the conclusions are perhaps more pointed. This implies that the appearance of Alt's study on the settlement in 1925 had no consequence for Meyer's historical reconstructions. Perhaps it is fairer to suppose that he did not have the time to adopt his own account to the new viewpoint.

was formed by the Jahwist. The Jahwist was not interlaced at a later stage by a redactional process with a corresponding volume of Elohist material. The Elohist was more likely a redactor of the Jahwistic corpus. Thus, Meyer underscores the idea that the Elohist, in every respect, presupposes the existence of the Jahwist, but also that the Elohist sometimes supplements the Jahwistic stratum with its own reformulation of the Jahwistic tradition, and, at times, with traditions of his own. Finally, in order to appreciate Meyer's evaluation, it is important to notice that he considered the Elohist of Israelite origin (c. 800 BCE), whereas the Jahwist, in his eyes, was a Judean (c. 900 BCE).⁶²

As already mentioned, Meyer's starting point was the genealogical information in the Old Testament *in toto* and not merely in the three different versions of the twelve tribe lists. He did not, however, consider this system of the twelve tribes to be valuable historical information. He claimed that the lists of tribal eponyms were not earlier than the Hebrew Kingdom. He also disclaimed the possibility of any relations of the tribal lists to historical realities which might have triggered the appearance of the various systems. Thus, the so-called Dinah tribe is fictitious. Dinah, the daughter of Jacob, is nothing but a literary device invented by the author of the narrative in Genesis 34.⁶³ In the same fashion he denied that the tribal system in the lists of the twelve tribes is a source of very old historical facts. This was partly due to the fact that it is impossible to name a period in the history of Israel when all twelve tribes existed at the same time, and partly because systematization in accord with the four apical mothers is a product of art. It should not be harmonized to agree with historical information about the prehistory of various tribes.

It is possible, though, because of various genealogical data (which are dispersed throughout the Old Testament, but especially frequent in Genesis) to describe the general cultural situation of Israelite tribes and their relations to neighbouring tribal entities. The central sections in the study of Meyer are devoted to this kind of investigation and we expressly draw attention to the chapter devoted to the 'southern tribes', which is very brief.⁶⁴ At the same time, Meyer is not naively arguing that the information contained in the sources is very old and he does not disregard the importance of the literary context or the age of this context, which is important in dating the particular information. Only on this basis does he draw conclusions about the history of the tribes.

62. The dates of J and E are clearly marked out in Meyer, *Geschichte*, 200. On the question of E's dependence on J or on the possibility that E was, in fact, trying to amend J, cf. several dispersed remarks in Meyer, *Die Israeliten*: e.g., 17, on Exodus 3–4, 43, on the Israelites in Egypt, and cf. especially B. Luther, *Die Israeliten*, 169. See also Meyer, *Geschichte*, 200, where the whole problem is clearly expressed.

63. Meyer, *Die Israeliten*, 422f. Meyer does not attribute any historical value to the narrative in Gen. 34. Should there be a historical nucleus, this is hardly anything but a reflection of Abimelech's dealing with Shechem in Judges 9. Genesis 34 is also at variance with Genesis 35, where Jacob is depicted as living peacefully at Shechem; cf. *Die Israeliten*, 419.

64. *Ibid.*, 299–471.

On the basis of his meticulous analytical approach, Meyer presents us with a detailed picture of Judah and the tribes which formed the Judean group. One important point is that it is not possible to demonstrate any political or cultural relationship between southern and northern tribes before the early history of the monarchy around 1000BCE.⁶⁵ Although the tribe of Judah originally settled the mountainous region to the south of Jerusalem and the north-western part of the Negeb,⁶⁶ from a historian's point of view, this tribe was comprised of several smaller tribal entities of non-Judean origin. Meyer distinguishes between three categories of tribes incorporated within greater Judah. The first category consisted of Simeonite groups, but even though the tribe of Simeon had fused with Judah in the historical period, it survived as a member of the fictitious system of twelve tribes in its own right and was considered a true son of Jacob.⁶⁷ The second category enclosed small tribes such as Caleb, Jerahmeel and Othniel. From a genealogical point of view, these tribes were considered to be of Edomite origin or they were counted among the other tribes in the south and not among the Judeans, even as, from a political point of view, they belonged to a Judean tribal system.⁶⁸ The third category comprised the tribe of Levi. Levi was the name of a class of priests in the historical period. Meyer, however, with Steuernagel, considered the Levite priests to be scattered remnants of a Levite clan or group which in the past had lived around Kadesh.⁶⁹ Judah, itself, penetrated the country to the south, perhaps during the twelfth century BCE, as the vanguard of a greater invasion, in which several tribal groups took part. Hence, all of the above-mentioned tribes settled in the south along with Edomites.⁷⁰ In the Old Testament, we have no important sources pertaining to this settlement of Judah. Among the settlement narratives in the Old Testament, there is not one which tells of the arrival of Judah.⁷¹

That there are no demonstrated relations between the southern and northern tribes before the reign of King Saul must have consequences for our understanding of how the system of twelve tribes was drafted on the basis of apical mothers. This system must be fictitious because the Leah tribes are divided between northern and southern tribes. Meyer's explanation of the settlement of

65. *Ibid.*, 40; cf. Meyer, *Geschichte*, 215.

66. Meyer, *Die Israeliten*, 437; *Geschichte*, 236.

67. On Simeon, Meyer, *Die Israeliten*, 409–428.

68. On the acceptance of foreign elements in Judah, *ibid.*, 444f.

69. On Levi, *ibid.*, 424ff. Meyer considered the relationship between Simeon and Levi (Genesis 34; 49:7b) to be very old. He points to a settlement in the most southern part of Palestine. Simeon and Levi was the original and true tribes of Leah (Levi is nothing but an ethnicon formed on the basis of the PN Lea; *ibid.*, 426). On the connection between Levi and Kadesh, cf. *ibid.*, 424; cf. also *ibid.*, 446ff.; on Moses and his connection with Kadesh and Levi (theories based on the analysis of the Mosaic tradition, *ibid.*, 1–103; cf. also Meyer, *Geschichte*, 206ff.)

70. Meyer, *Die Israeliten*, 446.

71. Perhaps better formulated: in the Old Testament, there was no historical narrative which has any value whatsoever as a source of information about Israelite settlement; cf. Meyer, *Geschichte*, 213.

the northern tribes must therefore depart from the traditional one based on the dividing line between the Rachel and Leah tribes. According to Meyer, it is an indisputable fact that no northern tribe arose except in Palestine. The northern tribes did not exist prior to the settlement itself.⁷²

Only one tribe took part in the settlement: the *tribe of Israel*.⁷³ The original area of settlement of this tribe was the mountainous region in central Palestine or, to be more precise, the Mountain of Ephraim. This area was the centre of the centrifugal process during which the tribe of Israel or Joseph (Meyer was, indeed, rather irresolute as to the true name of this tribe) dispersed to the north and to the south, but also to the east to Transjordan. This process called the various tribes into being; but the process itself never materialized in the establishment of a rigid system of tribes before the monarchy. The situation was always fluid and none of the tribes stopped their formative processes. Fission and fusion were common features of all of the tribes during the Period of the Judges.⁷⁴ The process was near its end as the Song of Deborah was composed, although not totally closed. This is a reasonable argument in favour of a date for the settlement itself far back in the history of Palestine. According to Meyer, the Song of Deborah belonged to the twelfth century BCE and the settlement of the Israelites must be placed several centuries earlier.⁷⁵ As a matter of fact, the description in the Amarna letters of troublesome political conditions in central Palestine during the fourteenth century BCE bears evidence of the beginning of this Israelite settlement.⁷⁶

The socio-political condition of the pre-monarchical period was considered by Meyer as heroic. Israel was ruled by a tribal aristocracy and thus it appears in the sources until the emergence of the monarchy. Consequently, Meyer considered the social structure of the Israelite tribal society to have been highly stratified. Society was governed by rich landowners, a natural result of the gradual process of settlement, which in the case of Israel was closed rather early.⁷⁷ To the south, Judah was still half nomadic in the Period of the Judges.⁷⁸ This social structure created problems for political coherence in an Israelite tribe and especially in the higher levels in the hierarchy. It influenced the relationship between neighbouring tribes. A common political authority was normal in

72. Meyer, *Die Israeliten*, 506.

73. *Ibid.*; cf. also Meyer, *Geschichte*, 217: 'Die Israeliten sind in Palaestina eingedrungen als ein kriegerischer Wanderstamm mit fester militärischer Organization'.

74. Meyer, *Die Israeliten*, 287ff., on the process which led to the fission of the House of Joseph. Joseph himself was the cause of much problem for Meyer, as he acknowledged himself in *ibid.*, 293. On the individual Israelite tribes, cf. *ibid.*, 510–42.

75. The date of the Song of Deborah, cf. *ibid.*, 496.

76. *Ibid.* Meyer was even prepared to maintain that the original Israelite 'Bedouins' settled already at the end of the fifteenth century BCE. Cf. further Meyer, *Geschichte*, 214. The identity between the *habiru* and the Hebrews was also commonplace for Meyer, and he considered the *habiru* to have been nomads; Meyer, *Die Israeliten*, 225.

77. On the daily life of the Israelites after the settlement, cf. Meyer, *Die Israeliten*, 475. His description of the hierarchical social structure, cf. *ibid.*, 504.

78. *Ibid.*, 475.

a tribe, although its importance was curtailed. However, between the various tribes, there were no permanent political relations but only small-scale leagues or provisional alliances.⁷⁹

Meyer admitted that, at least in theory, the amount of historical information in the Old Testament about the origin of Israel was rather scanty; but, in his reconstruction of early history, he refused to draw on the so-called historical narratives in the Old Testament. At any rate, the value of these historical narratives is slight or non-existent and basing a reconstruction of Israel on such material was illusory.⁸⁰ These sources express retrospectively an idea of the emergence of Israel as a national entity which belonged to a much later period (i.e. to the early period of the monarchy).

This evaluation is also valid for the traditions about the patriarchs. In these narratives, source material of a very different kind is included, even demythologizations of pre-Israelite heroic narratives about persons who might once have been gods (e.g. Jacob, Joseph, Isaac and Esau).⁸¹ The literary context of the narratives about the patriarchs which are placed at the beginning of the national history, before the settlement of Israel under Joshua, forced the later history writers – *in casu* J – to move the patriarchs out of Palestine again. For that reason, J composed the Joseph history. This story is literary fiction and nothing else, and it draws heavily on motifs borrowed from Egyptian fairy tales.⁸²

A similar evaluation is presented concerning the narratives about the Israelites in Egypt and the Exodus, as well as the settlement. The settlement narratives are nothing but a late writer's (E) collection of traditions which originally belonged to the same milieu as the heroic narratives in the present Book of Judges. As historical sources for the Israelite settlement, they have no value at all, or so Meyer thought.⁸³ The real problem is that the narratives are much later than the events which form their themes. Although this is generally acknowledged, we

79. Cf. *ibid.*, 507f. The changes in this system began with the rise of the monarchy.

80. Cf. *ibid.*, 226. The earlier historical sources in the Old Testament concern events of the late twelfth century BCE. The oldest source is the Song of Deborah. In this connection, it is important to notice that Meyer was prepared to accept that there are traces of an old history book, but he is very imprecise here and never defines clearly what was the importance, the content or the extent of this work. It is reasonable to think that he only described traditions about the Period of the Judges, among which Meyer includes the Abimelech narrative in Judg. 9, the original version of the narrative about Gideon's election to be king, Judg. 8:22ff. and the report on the migration of the Danites, Judg. 17. Cf. also Meyer, *Die Israeliten*, 226, on Abimelech and Gideon, and cf. *ibid.*, 478f.

81. Cf. *ibid.*, 472: 'Hinter den abgeblaßten Gestalten des Esau, Jakob, Laban erkennen wir die aus Göttern hervorgegangenen riesigen Heroen der Urzeit.' The main treatment of this subject is *ibid.*, 249ff.

82. As concerns the story of Joseph, Meyer refers to the analysis of Luther in *ibid.*, 141ff. On the Egyptian motives which are used in this story, cf. *ibid.*, 151. On the purpose of the Joseph Story, cf. *ibid.*, 229.

83. This opinion is most pregnantly expressed in Meyer, *Geschichte*, 213: 'Diese ganze Darstellung [the conquest narrative in the Book of Joshua] steht in krassen Widerspruch zu den Zuständen, die wir beim Einsetzen wirklich geschichtlicher Kunde überall finden, und ist historisch völlig wertlos.'

must stress the fact that this implies that they are of no use as historical sources without a critical pruning. Meyer, however, argues that this procedure is, indeed, unscholarly; it is merely an arbitrary rationalization.⁸⁴

Meyer's approach is very important even today, especially when we try to extract historical information from the source material in the Old Testament, although his warnings against the tendency (Meyer himself says fashion) of rationalization land on stony ground. The majority of Old Testament scholars have, since his day, continued in the very practice he denounced. This does not mean that his methods were infallible. A case in point is his use of the genealogies (although reasonable in itself and demonstrating an awareness of the fundamental problems involved) to produce a rational reconstruction of the earliest history of Israel. In his application of the genealogical material, Meyer was not very different from his contemporaries, because his evaluation of these sources was determined by his preconception of the different sociological stages of humanity and of the theory of development from one stage to the next. Meyer was just as convinced of the nomadic prehistory of Israel, as Wellhausen and Stade had been, not to speak of Steuernagel. His reconstruction is determined by the old-fashioned classical interpretation of the Semites as nomads who were always on the point of settling down in the civilized country in order to reach the supposed higher status of agriculture. If this general view of the social development is wrong, Meyer's analyses, which are based on the genealogical information in the Old Testament, must be corrected, but this does not imply that they are totally without value.

Franz Böhl

That Meyer's evaluation of the sources is relevant for our discussion is demonstrated by other contemporary reconstructions of the early history of Israel. The general impression is, however, that scholars of this period tried to incorporate the growing pile of sources from the ancient Near East as direct or indirect information about the origin of Israel. It was hardly possible that the evaluation and application of such sources were correct. Experience tells us that new evidence only finds its proper reception over time. This is also true for evidence for early Israel.

A fine demonstration of this postulate is Franz Böhl's study *Kanaanäer und Hebräer* of 1911.⁸⁵ From a methodological point of view, this monograph was a model study and counted as such by most scholars. Yet, a modern scholar will

84. Meyer returns to this problem at several occasions, most pointedly in *Die Israeliten*, 50. Cf. also 421 on his evaluation of the understanding of Genesis 34 among his contemporaries, and his contemptful remark on 424: 'Überhaupt ziemte sich den im Alten Testament überlieferten Sagen gegenüber eine viel größere Zurückhaltung, als sie gegenwärtig von den theologischen Historikern geübt zu werden pflegt.'

85. F. Böhl, *Kanaanäer und Hebräer. Untersuchungen zur Vorgeschichte des Volkstums und der Religion Israels auf dem Boden Kanaans* (BWAT 9; Leipzig: J. C. Hinrichs, 1911).

soon recognize that nearly every conclusion or thesis is wrong, imprecise or distorted. Many owe their existence to the fact that Böhl adhered to some now dated assumption which he shared with most every scholar of the time – for example, his uncritical acceptance of the classical theory of evolution and especially the idea of human races and their respective importance for determining relationships between peoples in or outside ancient Palestine. The main reason for the apparent errors in Böhl's study is, however, that he was a pioneer in the study of West Semitic peoples and among the first to sort out chaotic source material in a systematic way.

Böhl presents a survey of the sources about the Canaanites, Hittites and Amorites, respectively, and various other groups mentioned in the Old Testament. These are not cited in a haphazard way, but the sources are cited correctly and arranged in proper categories, distinguishing citations from cuneiform, Egyptian, Phoenician and Greek documents (the last mentioned were still considered an important source around the turn of this century), as well as Old Testament references.

The value of his conclusions varies widely. Böhl presents some relevant observations concerning the Canaanites and the picture of Canaan in the Old Testament, whereas his evaluation of Hittites has no value.⁸⁶ Nor is his presentation of the Amorites of much value and the same must be said of his evaluation of other peoples mentioned in the Old Testament, especially Hebrews, a term he, like most scholars of his day, considered to refer to ethnicity.⁸⁷ Accordingly, he misunderstood the role of the Hebrews, which he attributed to a large tribe, spread over a large area of the Near East.⁸⁸ On the other hand, he was cautious enough to argue that even though we are entitled to speak of a kind of identification between Hebrews and Israelites, the two groups did not overlap. According to the Old Testament, Hebrews were never totally identified with Israelites.⁸⁹ His description of the Israelite settlement in the decades just before the Amarna

86. On the Hittites, cf. *ibid.*, 12–30. The main reason for his unsatisfactory treatment of the Hittites is, of course, that in 1911 it was impossible to read Hittite inscriptions. This explains why Böhl, for example, in *Kanaanäer*, 28, speaks about the presence of a northern Arabian or south Palestinian tribe of the name Ḫatti, which should appear in Neo-Assyrian documents. Böhl approaching the observation expressed in J. Van Seters article, 'The Terms "Amorite" and "Hittite" in the Old Testament', *VT* 22 (1972), 64–81; namely, that the Old Testament use of the terms 'Amorite' and 'Hittite' parallels Neo-Assyrian usage, where Ḫatti is the name of the northern part of Syria west of the Euphrates, whereas Amurru is the name of the southern part of Syria. Cf. also Böhl on the designation Amurru, *Kanaanäer*.

87. Böhl, *Kanaanäer*, 73. Cf. also 89.

88. *Ibid.*, 73.

89. *Ibid.*, 67. Böhl anticipates the conclusions in M. Weippert's excellent review of the *ḫabiru* in his *Die Landnahme der israelitischen Stämme*, (FRLANT 92; Göttingen: Vandenhoeck and Ruprecht, 1967), 102. As Weippert formulates it: 'Hebräer ist ein weiterer Begriff als Israeliten. Alle Israeliten sind Hebräer, aber nicht alle Hebräer sind Israeliten.' In reality, it should have run thus: all Hebrews are *ḫabiru*, but not all *ḫabiru* are Hebrews. Cf. also my *Israel i Dommertiden* (Copenhagen: CEG. Gad, 1972), 118 n. 5.

Age should also be mentioned, understood as it was as a period of widespread migration.⁹⁰

In his evaluation of Israelite religion, finally, he stressed that it was very different from other religions in the Near East. Its origins, accordingly, must have been special, going back to Israel's sojourn in the desert.⁹¹ He considered the Old Testament account of Israel's religious origins to be largely true, although he placed the settlement of the tribes very early.

Hugo Gressmann

We find exactly the same pattern of explanations in other studies from this period. It is not my intention to present a survey of everything written about the origin of Israel. I will, however, mention some important studies to describe what the general attitude was just before the appearance of Albrecht Alt's 1925 study of Israelite settlement.

In this connection, it is useful to include one of the most important studies devoted to the Mosaic tradition and its historical basis. This work is an excellent example of the methods used in the study of the pre-monarchical traditions in the Old Testament, as classic literary-criticism was being supplemented by new methods (especially form criticism). The work in question is Hugo Gressmann's *Mose und seine Zeit*, published in 1913.⁹²

The first part of Gressmann's study is devoted to a detailed survey of the Mosaic tradition in the Hexateuch. Thereafter, he directs his attention to a thorough discussion of the principles which govern the incorporation of these traditions within historical reconstructions.⁹³ By and large, Gressmann agrees with his elder colleagues in the general evaluation of sources. They are all legendary. On the other hand, he argues that it is possible, on the basis of a methodological exploitation of legendary studies, to arrive at a historical nucleus of the legends, which is applicable in a modern historical reconstruction, whose purpose is to inform us about Israel's origin. The first principle of such research is – according to Gressmann – the isolation of invariable elements in the various traditions. Such elements are not the narrative themes connected with the literary genre of legend, but are proper and place names, as well as information about such persons and places. The second principle is to sort out parallel material in the legends.⁹⁴ It is thus typical of legends about Moses that they contain

90. Böhl, *Kanaanäer*, 92.

91. *Ibid.*, 101–102.

92. H. Gressmann, *Mose und seine Zeit. Ein Kommentar zu den Mose-Sagen*, (FRLANT NF I (=18); Göttingen: Vandenhoeck and Ruprecht, 1913).

93. *Ibid.*, 345–92, Part II: 'Literargeschichtliche Ergebnisse'.

94. *Ibid.*, 364ff. If so, we may also recognize that Gressmann never accepted it possible to reach more than the demonstration of probabilities. It would, however, have been a major step forward if the implications of this evaluation had been understood by his contemporaries (including himself). This is still valid for scholars today because in modern times scholars put forward theses as if they were facts. This has been most forcefully

several double traditions. The size and shape of a tradition may be wholly unimportant and secondary and does not permit historical conclusions; but if certain traditions appear in different versions and include common features, this would indicate the presence of an older layer of tradition, which might be used in historical reconstruction. This is but a preliminary introduction to Gressmann's understanding of the legends as sources, but it is enough to show that he thought the Mosaic tradition contained a historical nucleus and that a correct analysis of this tradition enabled us to grasp the nucleus and use it as a historical source.

It was then reasonable to maintain that the identity of results demonstrated the usefulness of the method in question and supplied us with unfailing clues for our own investigations. The embarrassing fact is, however, that a comparison of the results obtained by scholars who used Gressmann's approach or an approach similar to his discloses a totally different situation when it came to the central questions about the prehistory of Israel. Moreover, even though they followed a generally sound method, scholars often put too much weight on the Old Testament itself. Consequently, it is often rather difficult to distinguish between proper history writing and a paraphrase of Old Testament narrative.

Gressmann himself often reached bold results by combining the biblical tradition with his own observations, especially in the final part of his monograph about Moses.⁹⁵ On the basis of the sources from the Near East, he drew conclusions about the general character of the history of Palestine in the Late Bronze Age. In his opinion, these sources tell us about a large migration in the area during which the Hebrew tribes settled in Palestine around 1500BCE. This wave of newcomers submerged all of Canaan. During the thirteenth century BCE, on the other hand, we find evidence of a smaller and 'zanftere' invasion. The patriarchs should be viewed in the light of this situation as semi-nomads who arrived in the southern part of Palestine before Moses (to place them later is impossible, Gressmann argues).⁹⁶ At a later date, the Israelite emigration to Egypt followed, which he compared to descriptions of the arrival of Bedouin groups in Egypt, known from contemporaneous Egyptian sources.⁹⁷ Gressmann estimates Israelite population in Goshen (i.e. Wadi Tumelat) to have been about 5000 individuals, an evaluation he based on censuses of the local population at the end of the last century.⁹⁸ Finally, the mention of Israel on Pharaoh

criticized by B. J. Diebner, 'Es läßt sich nicht beweisen, Tatsache aber ist ... Sprachfigur statt Methode in der kritischen Erforschung des AT', *DBAT* 18 (1984), 138–46. We are often met with emotional rather than scientific arguments, even homiletic formulations, and the mass of words shall apparently cover rather scanty source material. Especially R. Kittel's *Geschichte des Volkes Israel* (cf. below) is 'enriched' by such argumentation.

95. Gressmann, *Mose*, 393–424, Part III: 'Profangeschichtliche Ergebnisse'.

96. Cf. *ibid.*, 396ff., on the patriarchs and 399 on the early settlement of the Hebrews, but also on the second wave of settlers. Gressmann considered the *ḥabiru* to be part of the Aramean migrations, which he dated between 1500 and 1300BCE.

97. *Ibid.*, 403. The source cited here and elsewhere is always Pap. Anastasi VI. Cf. *ANET* 3, 258.

98. Gressmann, *Mose*, 402. Already at the beginning of the present century the living conditions in the area had changed. On previously rich grazing ground, there now lived a

Merenptah's 'Israel stele' shows that Israel was back in Palestine before the time of Merenptah, and, accordingly, the Exodus should be placed in the reign of Ramesses II, circa 1260BCE.⁹⁹

The invariable element in the Exodus tradition is the remembrance of a delivery from Egypt at the Sea of Reeds. But the geographical locus for the crossing of the sea must be decided on the basis of a more comprehensive investigation of the wanderings from the sea to Mount Sinai and the interpretation of the events at Mount Sinai, during which a volcano seems to have been erupting. The description of volcanic activity points towards the north-western part of the Arabian Peninsula (Midian). Thus, the crossing of the Sea of Reeds did not take place at the Red Sea or somewhere along the line drawn by the present Suez Canal, but at the Gulf of Aqaba.¹⁰⁰ The main station of the Israelites during their wanderings in the desert was, however, Kadesh Barnea or, to be more precise, the environment of present day 'Ain Quderat. Gressmann believed the Israelites to have stayed here for an entire generation.¹⁰¹ From Kadesh, the Israelites penetrated Palestine to the south, a settlement process during which Judeans, but also Calebites, Simeonites and Kenites, played a role.¹⁰² However, the most important part of the Israelite settlement did not take place before the main body of Israelites crossed the Jordan into Cisjordan, around 1230BCE.¹⁰³

Gressmann then turned to describe the consequences of these events for the history of Israelite religion, which was far more important to him than simple historical facts. His first point seems to contradict his theory of a crossing at Aqaba because he also argued that the Israelites never themselves approached the Mountain of God in Midian.¹⁰⁴ The mention of Sinai owes its existence to an old recollection which derived from the fact that Moses did not himself invent the Yahwistic religion. The Hebrew tribes to the south had already, before Moses, made their acquaintance with Yahweh from Sinai.¹⁰⁵ Yahweh himself was of Midianite origin, but his priest, Jethro, had brought his most important shrine, the Ark, to Moses and Israel during their sojourn at Kadesh. This initiated the instalment of Yahweh (Gressmann almost calls it the enthronement of Yahweh) as the God of Israel for all time. Israel adopted Yahweh because Israel recognized Yahweh to be the God who had saved them from the hands of the Egyptians at the Sea of Reeds.¹⁰⁶

rapidly expanding agricultural population. This development did not, however, begin before the second half of the nineteenth century CE. When Gressmann estimates the number of Israelites, who may have lived in this region, he relied on information obtained from geographers and travellers in the area around the middle of the last century.

99. *Ibid.*, 404.

100. *Ibid.*, 409ff.

101. *Ibid.*, 419ff. On the duration of the sojourn, cf. 422.

102. *Ibid.*, 423.

103. *Ibid.*, 424.

104. *Ibid.*, 438.

105. *Ibid.*, 435.

106. *Ibid.*, 443. In the text, I have bypassed Gressmann's eulogy of the personality of Moses, but it should not be forgotten because it provides us with a classical example of the

Rudolph Kittel

Let us for a moment direct our attention towards the most voluminous history of Israel in those days, the one by Rudolph Kittel. In his history, we find the same conviction expressed – that it is possible to use the legendary literature in the Old Testament for historical reconstruction – as was already maintained by older scholars. His results were, however, somewhat different from Gressmann's.¹⁰⁷ Kittel began his reconstruction with an identification of *habiru* with Hebrews, considering *habiru* to have been an ethnic group. He spoke of a migration of Hebrew tribes, which began already early in the second millennium BCE and which resulted in a settlement in Palestine between 1570 and 1550 BCE,¹⁰⁸ in which the Old Testament patriarchs took part. Although Kittel believed that the patriarchs were originally historical persons (e.g. tribal chiefs or the like), he also considered them to be representatives of whole tribes among whom they were remembered as part of the history of the tribe.¹⁰⁹ The sequence of tribes who participated in this early settlement is the same as the sequence of patriarchs in Genesis: first Abraham, then Isaac and finally Jacob.¹¹⁰ During this early sojourn of Israelite tribes in Canaan, eight new tribes were formed: the Leah tribes (although, according to Kittel, Leah herself was originally of the same tribe as Levi).¹¹¹ The Rachel tribes existed at this early date, but they lived in the most southern part of Palestine and later emigrated to Egypt with Judah and Simeon.¹¹²

Kittel's section on the Mosaic tradition is also straightforwardly presented. After having emphasized that at least the general pattern of the tradition is true from a historical point of view, Kittel retained much more than the general pattern. His evaluation of the various events differed, however, to some degree from Gressmann's. He vehemently opposed that Mount Sinai was situated in

impact which the time of the individual scholar has upon his historical reconstructions. In his survey of Moses's character, Gressmann mentions the following remarkable features: 'Energie, Arbeitskraft, Klugheit, Gerechtigkeitssinn', and 'Liebe zu seinem Volk'. Perhaps it is imperial Germany's ideal of a public servant? Cf. *ibid.*, 479–80.

107. R. Kittel, *Geschichte des Volkes Israel*, I (Gotha: Friedrich Andreas Perthes, 1888), here quoted after the sixth edn (Gotha: Leopold Klotz, 1925).

108. *Ibid.*, I, 291 ff.

109. *Ibid.*, I, 270 ff., on the patriarchs as historical persons and tribal chiefs.

110. *Ibid.*, I, 296.

111. *Ibid.*, I, 301. Already at an earlier point in his history, Kittel explained why the system of twelve tribes is secondary, but nevertheless contained remembrances of the developmental history of the Israelite tribes, *ibid.*, I, 297–8. Dinah was considered by some scholars to be the leftover of an extinct tribe of that name. Kittel, however, justly opposed such an idea; *ibid.*, I, 297. On the other hand, he incorrectly used the narrative about the birth of Jacob's sons, Genesis 29–30, as a source of tribal history, especially of the sequence in which the tribes came into being. This sequence is hardly anything but a literary device; cf. my *Israel i Dommertiden*, 106f.

112. Kittel, *Geschichte*, I, 301 ff.

Arabia and the Sea of Reeds at Aqaba.¹¹³ Mount Sinai is to be placed at Kadesh and was one of 'the stately mountains around Kadesh'.¹¹⁴ The tradition which is connected with Sinai concerns events which took place at Kadesh. Hereafter, it was easy for Kittel to retain the traditions in the Old Testament about Moses and the origin of the Yahwistic faith in Israel.¹¹⁵ Kittel's date for the Exodus was classical: the Exodus itself took place during the reign of Merenptah, circa 1220 BCE, and Moses died twenty years later, circa 1200BCE.¹¹⁶

In Kittel's reconstruction of the Israelite settlement in Canaan we see a characteristic combination of bold hypotheses and banal paraphrases of large sections of the Old Testament. He considered the settlement to have been a compact event. Israelites crossed the Jordan under the command of Joshua as a unity. After that, the tribes dispersed to their future tribal territories, which they conquered and settled on their own.¹¹⁷ The Israelite conquest was also facilitated by the presence in Canaan of Israelite tribes, who had lived there for centuries.¹¹⁸ If we are going to summarize the analysis by Kittel of the Israelite settlement, this would point to the presence in Palestine around 1200BCE of three groups or categories of Israelites: tribes which settled in the country from the sixteenth century BCE; tribes which penetrated to the south and living in southern Palestine; and the House of Joseph, which crossed the Jordan in Joshua's day. The union between these three groups was marked by general acceptance of all Israelites of a Yahwistic faith, which was the outcome of a direct invention of Joshua. Joshua invited the tribes to send representatives to a diet to be held at Shechem. The result of this was an alliance of all Israelite tribes.¹¹⁹ A process of canaanization followed, which, which had serious consequences for the Israelite mode of life, but also for religion, especially among common men. The maintenance of a pure Yahwistic faith was hereafter a matter of religious

113. *Ibid.*, I, 343ff. Kittel stressed that the earlier sources mentioning the place of Yahweh are all of north Israelite origin. They do not demonstrate any precise knowledge of the geographical localities since they just use the geographical names Seir and Edom in a general way for the regions to the south of Palestine. On the other hand, Kittel points at the fact, perhaps as the first, that the argument that the description of the revelation at Sinai indicates the experience of a volcanic eruption is naive and faulty. Clearly this part of the narrative alone owes its existence to later ideas of theophanies. There is hardly any reason to invest much effort in the endeavour to find still active volcanoes in the region to the south of Palestine or to the south-east in order to consider which volcano was the place of revelation. Cf. *ibid.*, I, 348.

114. *Ibid.*, I, 346. This is a very revealing remark since it illustrates how important a firsthand knowledge of topography is for a precise historical-topographical conclusion. There are, of course, no stately mountains around the oasis of Kadesh.

115. Cf. *ibid.*, I, 346ff., §35: 'Der geschichtliche Hergang. Aufzug und Wüstenzug', and 378ff., §36: 'Mose und seine Religion'.

116. Date of the Exodus: *ibid.*, I, 370 (cf. also 395). The death of Moses: *ibid.*, I, 395.

117. *Ibid.*, I, 406. Kittel's claim that the biblical concept of the conquest followed a preconceived general plan is true (i.e. the conquest followed a scheme which followed the occupation of individual tribal territories).

118. *Ibid.*, I, 422.

119. *Ibid.*, I, 438.

elite, which consisted of the priestly class living at religious centres, especially the sanctuary of Shiloh.¹²⁰

Ernst Sellin

The reconstruction of Israel's prehistory in the second important history of the period, by Ernst Sellin, follows a path much the same as Kittel's – though with many minor differences.¹²¹ Sellin imagined an early Israelite settlement circa 1500BCE and related this to *ḥabiru*/Hebrews in line with many scholars of his day, who reckoned them to be of Aramean origin.¹²² Among these Hebrews was also a tribe called Israel. This was, however, not identical with the later Israelite nation since it was only a tribal group which was called by this name.¹²³ The patriarchs are the representatives of this early Israelite group and, accordingly, they must have been historical tribal leaders. Of these, popular tradition made heroes and later demi-gods.¹²⁴ This was common knowledge, but when it came to a distinction between Leah and Rachel tribes, Sellin departed from then common opinion. He denied that such schematization reflected historical conditions. The tribal system was merely a secondary expression of the relationship existing between various smaller tribes and the central tribe, Israel. Both Abraham and Isaac, along with Jacob, were representatives of tribes; Abraham around Hebron, Isaac in the Negeb and Jacob in central Palestine.¹²⁵ The second Israelite settlement took place during twelfth century BCE and forced previous Israelite settlers in central Palestine to disperse. Sellin apparently follows the earlier theory of Steuernagel that the tribes of Leah originally belonged to central Palestine, only to be forced to leave this area and travel to the less central regions after the arrival of a second wave of immigrants.¹²⁶

Sellin has little to say about an Israelite sojourn in Egypt. From a cultural historical perspective, such a sojourn is possible, but it is impossible to decide whether Joseph was ever a historical person. Nevertheless, it is the easiest solution to maintain that the story is based on some historical facts.¹²⁷ If we continue this survey of Sellin and mention his view on the Exodus and desert traditions, we discover that he offers a third variant in contrast to both Gressmann and Kittel. He asks why Moses should not have been attached to both Mount Sinai and Kadesh.¹²⁸ Sellin did not reckon the role of Moses to have been just as decisive in the early history of Israel as had many of his colleagues. The tradition

120. *Ibid.*, II (fifth and sixth edn; Gotha: 1923), 55ff.

121. E. Sellin, *Geschichte des Volkes Israel*, I (Leipzig: Quelle and Meyer, 1924).

122. *Ibid.*, I, 23ff.; on the Aramean connection, *Geschichte*, I, 27.

123. *Ibid.*, I, 26.

124. *Ibid.*, I, 29ff.

125. *Ibid.*, I, 33–4.

126. *Ibid.*, I, 94ff.

127. *Ibid.*, 54.

128. *Ibid.*, I, 67.

about Moses was embellished in many respects in the different sources. There is nothing, in fact, which proves that Moses was originally considered to have been a Levite or priest. He was an ordinary shepherd like the majority of his kinsmen. Only the priestly source contains an expressed acknowledgement of Moses as a member of the tribe of Levi. The first meeting between Moses and the historical Levites took place at Kadesh, but this is not evidence for the descent of Moses.¹²⁹

Only one thing is certain concerning the early life of Moses, Sellin argues: the flight to Midian.¹³⁰ Although Moses introduced Yahweh to Israelite fugitives from Egypt, he did not turn Yahwism into the national religion of Israel. Before he could achieve this, he was murdered by rebellious Israelites during their sojourn in Transjordan, or so Sellin postulated.¹³¹ The honour of being a true advocate of Yahweh is bestowed on Joshua, as is well recognized from Joshua 24.¹³²

The historical reconstruction of the settlement by Sellin is, on the other hand, not very different from Kittel's. Even Sellin talked about a greater united migration into central Palestine, followed by an expulsion of the Israelite population that had lived there for many years.¹³³ Finally, Sellin presents us with fixed dates for most of the events during this early period. Moses died circa 1200_{BCE}, and Joshua circa 1190_{BCE}, while Deborah quickly conquered the Canaanite coalition circa 1170_{BCE} and Gideon fought against the Midianites just twenty years later, followed by the acts of Abimelech after another twenty years, etc.¹³⁴ Kittel's description of the Period of the Judges does not deviate in any important respect from that presented by his contemporaries. Kittel also stressed the consequences of Canaanite culture on the Israelites, the result of which was that Israelite folk religion did not change in any important respect before the exile.¹³⁵

C. F. Burney

I close this survey of the study of early Israelite history from 1878 to 1925 with a few remarks about the most important monograph on this subject by a scholar who was not a member of the community of German biblical scholars

129. *Ibid.*, I, 80. Also Sellin had his bet on the character of Moses. The older traditions are supposed to tell about a man 'von eisener Energie, Leidenschaft, ja Jähzorn', whereas the younger have mollified this impression by showing Moses to be meek; *Geschichte*, I, 79.

130. *Ibid.*, I, 80.

131. *Ibid.*, I, 77–8. Cf. 94: 'Die Ermordung ihres Führers wurde für die Moseschar das Signal, die Gefilde bei Sittim zu verlassen'.

132. *Ibid.*, I, 97ff.

133. *Ibid.*, I, 96.

134. *Ibid.*, I, 139ff. Sellin sometimes seems rather blood thirsty. He also 'murders' Gideon or, to be precise, Jerubbaal, whom he considered Gideon's elder brother; *ibid.*, I, 110.

135. *Ibid.*, I, 14.

– namely, C. F. Burney's *Israel's Settlement in Canaan*.¹³⁶ This analysis of the biblical tradition follows the general lines laid down by his German colleagues, especially Gressmann and Kittel. In many ways, Burney was critically oriented towards the biblical tradition and he doubted particularly the validity of the biblical chronology and the sequence of personalities from Moses to David.¹³⁷ Nevertheless, Burney managed to present a reconstruction, independent of the biblical version. When he, however, departed from the biblical narrative, he was just as speculative as were German scholars. A résumé of Burney's view of the origin of Israel shows that he, as well as, for example, Steuernagel, could speak about an early Israelite wave of immigrants in Palestine, in which (in Burney's version) five of the later Leah tribes took part.¹³⁸ The tribe of Joseph then moved into Palestine from Egypt under the leadership of Moses and later Joshua. This Joseph tribe invaded Palestine from the east. Before the arrival of the Joseph tribe – or, at least, simultaneously – there was a gradual penetration into southern Palestine of clans of rather heterogeneous origin: Calebites, Jerahmeelites, Kenites (from Kadesh), etc. All of them later became part of the mixed tribe of Judah, to which also the Simeonites belonged. This tribal medley lived practically isolated from other Israelite tribes during their earliest history in Palestine.¹³⁹

In the final section of his monograph, Burney considers the importance of 'external evidence', although without drawing essentially new conclusions. The only result of his discussion of the problem of the *ḥabiru* is that *ḥabiru* was the name of a tribe.¹⁴⁰ On the other hand, he did not think that this designation was very important in the Amarna letters since he believed that the logogram

136. C. F. Burney, *Israel's Settlement in Canaan: The Biblical Tradition and its Historical Background* (The Schweich Lectures, 1917; first edn, London: Oxford University Press, 1918; third edn, 1921).

137. Burney deals with the biblical chronology in Israel's settlement, 4–5. The list runs: Moses, Joshua, Othniel, Ehud, Barak, Gideon, Jephtah, Samson, Eli, Samuel, Saul, David – in all, twelve names representing twelve generations, in accordance with the notice in 1 Kgs 6:1 that the period from the Exodus to the temple of Solomon comprised 480 years (i.e. twelve generations of each forty years).

138. Burney, *Israel's Settlement*, 52.

139. On the settlement and composition of Judah, cf. *ibid.*, 30–31. The specific origin of Judah and its prehistory also explains Judah's and Simeon's later isolation in comparison with the northern tribes, reflected in the Song of Deborah, which does not contain any mention of the southern tribes. In Burney's time, this relationship was generally explained as the result of the presence of a Canaanite enclave in central Palestine (Jerusalem, Beeroth and Gibeon), which formed a barrier to the free communication between northern and southern tribes. Only Sellin opposed the idea, in his *Geschichte*, I, 106. Sellin was right – as seen from his own perspective. If the *ḥabiru* were able to move freely around in the whole area in the Amarna Age and if the *ḥabiru* were nomads, a more than usually determined effort was needed if the Canaanite city-states were to prevent the yearly migrations of the nomads. This would also be valid in the case of Judah or Israel, if these tribal groups were nomadic at the time. The argument is, however, invalid if the tribes were already settled in the Period of the Judges.

140. Burney, *Israel's Settlement*, 73.

SA.GAZ (which, by the way, shows up much more frequently in these letters than the phonetic spelling *ḥabiru*) did not concern the *ḥabiru*. The SA.GAZ should be phonetically spelled *ḥabbatum*, ‘brigands’, or so he believed.¹⁴¹ In line with German scholars, he related the patriarchs to the Arameans – he even spoke about a small Aramean tribe with the name Rebecca.¹⁴² Finally, Burney dated the Exodus to the reign of Merenptah, identifying the ‘oppressor of Israel’ with Ramesses II.¹⁴³

Rachel and Leah – today

It is possible to isolate five characteristic traits of the concept of Israelite history around the turn of the century:

1. First and foremost we may stress the amount of very detailed accounts of the earliest history of Israel which appeared in those days and which dwarf most of what has appeared since then.¹⁴⁴ We are immediately tempted to ask whether it is possible to know as much as scholars claimed? There are, however, other reasons for the size of, for example, Rudolph Kittel’s *Geschichte des Volkes Israel*, to which I shall return.
2. The extent of the discussion about the epistemological problems of historical research is negligible. Also negligible are references to such a discussion in other disciplines, especially in general history. The consequence is not any lack of methodological considerations as to the correct usage of the biblical sources (see also points 3 and 5), but a too uncritical acceptance of the biblical account in its main points. Nobody was – so to speak – discouraged by the unique character of Israelite history.
3. The lack of methodological reflection has two consequences. First, scholars tried to reproduce the biblical tradition as far as possible. The result was a ‘rationalistic paraphrase’, to use an expression coined by Mario

141. *Ibid.*, 66–7. His evidence is EA 299:26: ^{LÜ}SA.GAZ.MEŠ-*tum*. This example can hardly be valid for all other instances of SA.GAZ in the Amarna letters, where this *-tum* is lacking. Cf. also J. Bottéro, *Le problème des ḥabiru à la 4e rencontre assyriologique internationale (Cahiers de la Société asiatique 12; Paris: Imprimerie nationale, 1954)*, 110 n.

142. Burney, *Israel’s Settlement*, 85. It is tempting to cite E. Meyer’s scornful remark of how grotesque such a naive usage of the tribal names is in the reconstruction of tribal history. If we were supposed to do the same with the personal names in the Homeric epic, Helena might have been a tribe, which by force had been removed from its home territory by the cruel tribe of Trojans, followed by a tribal war between local tribes provoked by this event; cf. Meyer, *Die Israeliten*, 423.

143. Burney, *Israel’s Settlement*, 83.

144. It is true that R. de Vaux’s *Histoire ancienne d’Israël* (Paris: Lecoffre, 1971–3) was planned to surpass all earlier histories of Israel in size and thoroughness, but this *opus* was never finished. De Vaux reached only the Period of the Judges, and this far only fragmentarily.

Liverani in his characterization of much study of ancient historical sources.¹⁴⁵ Such rationalistic paraphrase was not just a reproduction of biblical narrative in other words, but an endeavour to harmonize the biblical narrative with what is historically acceptable or even probable. Such a paraphrasing technique usually recounts single narratives about the prehistory of Israel; but it was also applied to the whole historical development of Israel, including the biblical chronological scheme.

Second, when Old Testament sources are silent, scholars are generally prone to produce what is best termed a speculative reconstruction of historical events, and as such rely on the imaginative force of the scholar in question and his 'common sense'. Common sense is not criticized here; but when it leads to argumentation such as 'although nothing is sure, it is a fact that ...',¹⁴⁶ the result may not be very useful.

4. Between 1878 and 1925, 'external evidence' grew steadily. These sources became extraordinarily important for the study of Israelite history because scholars understood such sources to be of greatest importance. They presented primary evidence. Soon, scholars also acknowledged that it could be difficult to reconcile information from the ancient Near East with Old Testament evidence, especially if the subject is the pre-monarchic history of Israel. It is also true that such harmonizing tendency was the goal of much historical research of the time. Old Testament scholars generally tried to arrange the ancient Near Eastern sources in such a way that the biblical history was largely unaffected. Although one was allowed to criticize it on individual points, it is easy to understand from a psychological point of view why scholars preferred this solution to a dilemma of contradictions. Pan-Ugaritism, after the discovery of the Ras Shamra tablets in 1929, or the massive interest in Mari prophecy, after the discovery of its archives, are only two examples of this tendency. Scholars are now – at last – a little more cautious as a hesitant reception of the Ebla texts suggests.
5. The missing theory of history may also be reflected by the use of the Old Testament narrative and especially by the methods developed for the study of the texts, not least by Hugo Gressmann. The methods were invented to deduce historical information from biblical legends. It might have been better if scholars had paid more attention to the opinions of other folklorists than Germans, and especially listened to scholars who were not so convinced of a historical nucleus of legends and sagas as biblical scholars have traditionally been. Among the better known of the students of legends at that time was the Dane Aksel Olrik, who wrote his laws for legendary research in open opposition to the 'German school'. He stressed that the narrative contents of a legend are primary in comparison with the

145. Cf. especially his 'Storiografla politica hittita – II: Telipinu, ovvero: della solidarietà', *OA* 16 (1977), 105–31, especially 105–8. Cf. already M. Liverani, 'Problemi e indirizzi degli studi sul Vicino Oriente antico', *Cultura e Scuola* 20 (1966), 72–9.

146. Cf. Diebner, 'Es läßt sich nicht beweisen', *DBAT* 18 (1984), 138ff.

peoples or places mentioned by the legend.¹⁴⁷ This does not mean that the narrative is history, whereas the persons or places are not. In the patriarchal narratives, most of the localities are, of course, historical facts, with only a few exceptions, like Sodom or Gomorrah. We are, accordingly, entitled to suppose that most localities were in existence when the narratives were composed; but whether they also existed in the remote past, in the so-called Patriarchal Period, is a different question. The connection between persons and places in a narrative is not a matter of course; but the relationship between the events, the persons and the localities is casual, which means that we must not accept that such relations are an *a priori* fact.¹⁴⁸

In modern Old Testament scholarship, the honour must go to John Van Seters for calling attention to Olrik's now more than 75-year-old rule for legendary research, not because the rules themselves are the final truth, but because they represent an alternative to the rules for legendary research on which too much study of Israelite history has blindly relied.¹⁴⁹

The modern idea of the historical value of biblical tradition about the pre-history of Israel may best be illustrated by a couple of citations relevant to the traditions of the Rachel and Leah tribes. The authors are Sigmund Mowinckel and Martin Noth. I hereby bypass the much more conservative accounts by William F. Albright and his disciples.

In his *Festschrift* article for Otto Eissfeldt, Mowinckel concludes his study:

Eine Proto-israelitische Gruppenbildung: Rahelstämme und Lea-stämme vor der Einwanderung hat es nie gegeben, wie auch die Unterscheidung von Vollbrüdern und Halbbrüdern nur teilweise geschichtliche Realität entspricht. Praktisch-politische Bedeutung hat die Einteilung des Schemas nie gehabt, wohl aber die ideologische, den Vorrang Judas zu begründen.¹⁵⁰

In his *Geschichte Israels*, Martin Noth contrarily acknowledges that the text's relating of systematization into the Rachel and the Leah tribes has nothing to do with the settlement of the Israelite tribes, since he explains the existence of these groups of tribes on the basis of his amphictyonic hypothesis. According to this theory, Leah tribes were the original members of an early league of six tribes, which preceded the establishment of the Israelite amphictyony of twelve tribes. On the other hand, the existence of two main groups of tribes also reflects

147. The laws of Olrik were published in a German translation as 'Epische Gesetze der Volksdichtung', *Zeitschrift für deutsche Altertum* 51 (1909), 1–12. A short résumé in English is present in J. Van Seters's *Abraham in History and Tradition* (New Haven, CT: Yale University Press, 1975), 160–61.

148. Cf. further my *Early Israel*, 379ff.

149. Van Seters, *Abraham*, 160–61, and *passim*.

150. S. Mowinckel, "Rahelstämme" und "Leastämme", in *Von Ugarit nach Qumran (Festschrift Otto Eissfeldt; BZAW, 77; Berlin: Walter de Gruyter, 1958)*, 129–50, cf. 150.

a historical reality, or so Noth maintains: 'Weder die Auswahl gerade dieser zwölf Namen noch die Tatsache, daß das System in Zwei verschiedenen ... Formen überliefert ist ... lassen sich erklären, wenn man das ganze System auf eine mehr oder weniger freie Kombination zurückführt.'¹⁵¹

But Noth does not link the system to the historical conquest of Palestine (in his account of the settlement, he does not even mention the tribes of Leah or Rachel), but with conditions in the tribal society in the Period of the Judges. Nevertheless, the partition of the tribes according to the principle of the apical mothers has not lost its *Sitz im Leben* in pre-monarchical Israel. Mowinckel is basically of the same opinion, although he is only prepared to speak about a historical reality based on the idea that the system had to give prominence to the tribe of Judah.

Noth's amphictyonic hypothesis determined a whole generation of Old Testament scholars' way of thinking. This remark is also true for the disciples of Noth, other European scholars and for the competing school of Albright. Thus, John Bright (in the first edition of his *A History of Israel*) maintains that the partition into Rachel and Leah tribes is not due to the history of the conquest, but to conditions in the amphictyony in the Period of the Judges. Bright concludes that it goes without saying that both elements of Rachel and Leah tribes were in Egypt.¹⁵² A partition according to apical mothers should not, therefore, be seen in the light of a separate history of settlement of two groups, but owes its existence to conditions in pre-monarchical Israel in *Palestine*.

We find the same general idea of the early history of Israel in several European histories of Israel, even outside Germany. It is clearly present in the work of some newer Scandinavian historians (i.e. Eduard Nielsen and Benedikt Otzen).¹⁵³ The former wrote his account of the history of Israel totally under the spell of the amphictyonic hypothesis, whereas the latter acknowledged the fact that this thesis was proven invalid. Nevertheless, in their reconstructions of early history, both retain large sections of the old theories about the Israelite conquest, irrespective of whether or not they mention the Rachel or Leah tribes by name. The description of the two waves of invasions by Eduard Nielsen is dominated by the so-called 'Spiegelbergian hypothesis', whereas Benedikt Otzen speaks of two waves of invasion, the one reflected by the patriarchal narratives, the other by the conquest narratives in the Book of Joshua.¹⁵⁴

At this point it may have been interesting to review a series of modern histories of Israel in the same manner as we have surveyed earlier histories. It is, on the other hand, hardly necessary, since the newer histories are presumably

151. M. Noth, *Geschichte Israels* (Göttingen: Vandenhoeck and Ruprecht, 1950), 85.

152. J. Bright, *A History of Israel* (London: SCM, 1960), 125–6.

153. E. Nielsen, *Grundrids af Israels historie* (2nd edn; Copenhagen: CEG Gad, 1960); B. Otzen, *Israeliterne i Palæstina* (2nd edn; Copenhagen; CEG Gad, 1982).

154. Nielsen, *Grundrids*, 38–43. E. Nielsen, however, notices that the Spiegelbergian hypothesis in its original form was too simplistic to account for the much more complicated historical process of settlement; *ibid.*, 42. Cf. further Otzen, *Israeliterne*, 75–95 (a chapter with the heading 'The Two Waves of Settlement').

well known. Let us therefore mention only a few examples, concentrating on the question of Rachel and Leah. Siegfried Herrmann pays no attention to the division into Rachel and Leah tribes, and his evaluation of this question is very much the same as Mowinckel's. The partition has nothing to do with the conquest, but reflects the areas in which the tribes settled in pre-monarchical Israel.¹⁵⁵

Other scholars, however, still maintain the idea of two or more separate Israelite settlements and think that this is reflected by the division of the land according to apical mothers. Roland de Vaux endeavoured to connect the two groups with two different exoduses from Egypt, but he has not been followed in this. His theory is a vivid example of the level of rational paraphrase of his *Histoire ancienne*.¹⁵⁶ A more classic reconstruction of the process of settlement is that of Georg Fohrer, since he, much as earlier scholars, speaks of Israel's four primary tribes and their respective settlements. Fohrer also maintains the traditional idea, according to which the tribes of Levi and Simeon lived in central Palestine only to be driven away by the arrival later of the Rachel tribes.¹⁵⁷

Finally, Herbert Donner, in his new *Geschichte des Volkes Israel* and in spite of many reservations, which try to explain the amount and purpose of the genealogical speculation in early Israel, argues in favour of viewpoints very much the same as Fohrer's. Therefore, Donner does not believe that a land division according to apical mothers is merely a product of late speculation. In reality, he operates with several waves of immigration.¹⁵⁸

There is really no need to continue the specific theme of the Rachel and Leah tribes. This subject was chosen as a single example among many of a general problem. The problem is plainly that we want to know more than is possible. In my *Early Israel*, I stressed two rather common-place axioms:

1. Our most important duty is to acknowledge our ignorance.
2. Once we have acknowledged that ignorance, we are in a position to acknowledge what we really do know.¹⁵⁹

These axioms originated in a desperation which had accumulated over years of unsuccessful endeavours to reconcile the Old Testament description of Israel's past with our primary data from the second millennium BCE. Because it is nearly impossible to harmonize even a single piece of specific information from the second millennium BCE with the Old Testament account in any reasonable way,

155. Cf. S. Herrmann's excursus in his *Geschichte Israels in alttestamentlicher Zeit* (2nd ed.; München: Chr. Kaiser, 1980), 137–39.

156. De Vaux, *Histoire ancienne*, I, 358. The most thorough and critical review of the *Histoire ancienne* has been published by M. Liverani, in *OAT* 15 (1976), 145–59. Liverani actually stresses that the *Histoire ancienne* by de Vaux fails as a synthesis since it contains far too much paraphrase and analytical argumentation.

157. G. Fohrer, *Geschichte Israels* (Heidelberg: Quelle and Meyer, 1977), 52.

158. H. Donner, *Geschichte des Volkes Israel und seiner Nachbarn in Grundzügen*, I (Göttingen: Vandenhoeck and Ruprecht, 1984), 61.

159. Lemche, *Early Israel*, 414.

I had to conclude that there is no agreement to be reached and, accordingly, since the documents from the ancient Near East are primary sources containing facts and because data cannot be in contradiction, there must necessarily exist a different common denominator between biblical narrative and ancient Near Eastern sources. There may be no denominator at all, at least not on the historical level.

Let us consider for a moment the five points mentioned above as characteristic of older historical research from Wellhausen to Kittel in order to appreciate how they survive among modern scholars today. Such a procedure may also help us to understand why so much modern historical research sticks to positions which are clearly obsolete.

The first point was the extremely detailed account of the oldest history of Israel. Today, the situation has changed a bit. Generally understood histories of Israel are today more synthetic than analytic in character. They are more interested in the description of the general lines than in a paraphrase of the Old Testament. Of course, there are exceptions as, for example, the solidly paraphrastic *Histoire ancienne* by de Vaux or the similarly conservative paraphrases of Exodus and desert traditions by Siegfried Herrmann.¹⁶⁰ Of course, there also exist rationalistic paraphrases in the shorter histories of Israel, as in the volumes by Georg Fohrer, Andre Lemaire and Hendrik Jagersma (brevity is no guarantee against paraphrase), or in a full-scale history like the one by Herbert Donner.¹⁶¹ Donner's history also discloses another attitude since the considerable size of his book is not due to the amount of paraphrase, but to the amount of reservations, forced upon him because of his adherence to the Alt-Nothian reconstruction of pre-monarchical history, while he is simultaneously forced to leave out of consideration Alt's and Noth's basic model of the pre-monarchical Israelite society, the amphictyony of the twelve tribes.¹⁶²

160. De Vaux, *Histoire ancienne*, I; vol. II is, of course, much less thoroughgoing since it contains only a collection of sketches and preliminary studies of the Period of the Judges. The neo-conservative attitude of Herrmann is well known and was already present in his *Israels Aufenthalt in Ägypten* (SBS, 40; Stuttgart: Katholisches Bibelwerk, 1970). As a matter of fact, his attitude is deceptive because more than twenty years ago he published an important contribution to a re-evaluation of the early history of Israel as 'Das Werden Israels', *TLZ* 87 (1962), 561–74.

161. Fohrer, *Geschichte*; A. Lemaire, *Histoire du peuple hébreu* (Paris: Presses Universitaires de France, 1981); H. Jagersma, *A History of Israel to Bar Kochba* (London: SCM, 1994).

162. Of course, there is evidence of some fundamental problems for the study of the history of Israel when the treatment of the prehistory reaches a quite inappropriate size, whereas the period of the monarchy – not to speak of the exilic and post-exilic periods – receives scant attention. It is quite normal to see when we reach the era of David and Solomon that more than half of a history of Israel is finished, although the known history of Israel only begins at this point. The reason is not merely that it is easier to discuss at length what is not known than what is well known. The attitude of the historians, rather, reflects the modern ideology according to which the oldest is automatically the best because it is original and genuine. Therefore, it is important to the historian that the Israelite society, its culture and religion and, at least, the essential content of its literature had obtained the final form before the introduction of the monarchy. The monarchy should

Another reason for comprehensiveness is the solid review of the ancient Near Eastern sources and of the archaeological evidence in Donner's history. Donner's problem must therefore be placed on another level and is basically rooted in his endeavour to retain a heuristic model which has lost its natural *Sitz im Leben*. Obviously his reconstruction of the history of Israel has lost in inner coherence in comparison with his ideal model, that of Martin Noth.

My second point concerned the rather modest amount of theoretical historical considerations. It would be wrong to speak of a general change here today. The short *Geschichte* by Fohrer contains practically nothing. Fohrer only concludes that the shape of the tradition prevents a continuous description of the historical development.¹⁶³ Herrmann's defence of his paraphrasing reconstruction of Israel's history may be placed in the same class.¹⁶⁴ Evidently, Herrmann presumes that the Old Testament contains sources which are applicable to a historical reconstruction after the specific idea of history present in the sources is acknowledged and removed from the account. Among several other scholars we simply mention Donner, who in principle is totally in agreement with this view on the biblical sources.¹⁶⁵ Quite different notes are struck in the contributions of Thomas L. Thompson and Dorothy Irvin to the history of Israel edited by John H. Hayes and J. Maxwell Miller, or in the new history of Israel by J. Alberto Soggin.¹⁶⁶ In these contributions we are met by the confession that it is, in fact, possible that the Old Testament description of Israel's earliest history does not contain historical information relevant to the pre-monarchical period, for which reason, the pre-state period must be described by criteria. In a way, Martin Noth himself laid the foundation many years ago for such an evaluation in his famous remarks about the historicity of Moses (i.e. that we do not know anything about Moses except that Moses died and was buried, but nobody knows where).¹⁶⁷

An attitude like Noth's is, however, often met by a claim of disbelief: if Moses had not existed it would have been necessary to invent him! The reason is, of course, that if we try to retain the unique history of Israel there must have been a *primus agens* such as Moses to commence the nation's history; if not,

not be allowed to have contributed to the Israelite tradition in any positive way. See this emphatically in the general attitude of a major work in N. K. Gottwald, *The Tribes of Yahweh* (Maryknoll, NY: Orbis Books, 1979). Gottwald's entire work is permeated by what is best described as neo-romanticism.

163. E.g. in Fohrer, *Geschichte Israels*, 23.

164. Herrmann, *Geschichte*, 54–9.

165. Donner, *Geschichte*, 22–7.

166. T. L. Thompson and D. Irvin, 'The Joseph and Moses Narratives', in J. H. Hayes and J. M. Miller, *Israelite and Judaeon History* (London: SCM, 1977), 149–212. It is a pity that many of the contributions to this work are not of the same opinion with regard to their evaluation of the application of ancient documents. It would be better to say that the contributors are generally in agreement with, for example, Fohrer, Herrmann or Donner. An exception to the rule is J. A. Soggin's new *A History of Israel* (London: SCM, 1985).

167. Cf. M. Noth, *Überlieferungsgeschichte des Pentateuch* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1966), 172–91, and about the burial tradition, especially 186ff. Cf. also the short résumé in *Geschichte Israels*, 127–8.

then the Old Testament description of Israel's history is meaningless, or so we believe. This again points to my third and fifth points above: the rationalistic paraphrase of the Old Testament sources which are interpreted as historical information, which need only be freed from a legendary or ideological disguise. Saying this is to say that scholars have generally not considered the possibility that the rationalistic paraphrase in contrast to a verbal paraphrase represents an encroachment on the narrative itself, because it is not clarified that the narrative has a story to tell which is not necessarily history.

In an article in *Biblische Notizen* a couple of years ago, I described the ancient Israelite view of history writing.¹⁶⁸ There is no need for a repetition of the argument here. It may be sufficient to mention the contribution of Mario Liverani to the '*Festschrift*' for I. J. Gelb from 1973.¹⁶⁹ Liverani stresses that ancient Near Eastern sources, among which the Old Testament certainly belongs, are first and foremost not sources for the history behind the narrative. They are sources about themselves. If this is true of the biblical narrative, it goes without saying that it is a false procedure to 'liberate' the sources from their ideological or legendary contents in order to recover report of historical fact. This process of purging the text destroys the sources because it eliminates the *code* contained in the sources and only this code may allow us to interpret the sources: not only their character but also their real contents. It is impossible to agree with Donner that biblical legends must contain historical *nuclei*, not in an absolute way but only in an epistemological way. It is not a compelling fact that there must be such nuclei. There might be found occasionally a historical background for a biblical narrative about the oldest history of Israel, but it is wrong simply to assume that such a nucleus is mandatory.

The question of destroying the code is relevant also when more than a single narrative is the subject. The rationalistic assumption of the biblical division of the history of Israel into a specific sequence of periods also removes the code for understanding this procedure and, accordingly, destroys the possibility for a proper understanding of why the history of Israel has been described by the Old Testament in such a way. The result is not automatically that the Old Testament account of the history of Israel is wrong, beginning with the period of the Patriarchs, which is continued by the sojourn in Egypt, by the Exodus and the desert wanderings, the conquest of Palestine, the Period of the Judges, the Monarchy and the Exile. Of course, we know that the Monarchy and the Exile dealt with historical fact. To maintain the opposite would be foolish, although the Monarchy, especially in its early phases, may not have had the character which is ascribed to it in the Old Testament. However, whether the Periods of the Judges and Settlement are also historical is quite another question, not only because of the lapse of time between the periods in question and the sources containing information about them, but also because the biblical narratives can hardly be reconciled with the factual evidence of the second millennium BCE.

168. N. P. Lemche, 'On the Problem of Studying Israelite History', *BN* 24 (1984), 94–124.

169. M. Liverani, 'Memorandum on the Approach to Historiographic Texts', *Or NS* 42 (1973), 178–94.

There are several alternative ways of studying the oldest history of Israel which are more fertile and which are possible as soon as we have acknowledged both what we know and what we do not know. The historian should not leave it to colleagues who are specialists in biblical literature to evaluate the historical sources as literary products. They need themselves also sort out the factors which decided the shape of the historical tradition when it was composed by its writers – for example, why the prehistory of Israel was described as a heroic period in the same manner as writers from other civilizations described their past. The identity between, for instance, the view of the Greeks about their legendary prehistory, of the Romans of their past, or of the Teutons, etc., is more than just a casual resemblance. The description of the early history of such peoples reflects the ideological point of view of their authors. The resemblance between Greek, Roman, Teutonic or Israelite heroic periods indicates, accordingly, common structures and a common mentality, though the authors belonged to quite different cultures. They shared and produced descriptions of the past which follow analogous lines.

The work of the historian is therefore to unveil such mental structures in order to clarify how they worked in the composition of the historical narrative and to use them as analytic tools. Such structuralist studies are not only investigations of narrative texts, but, as my colleague Hans Jørgen Lundager Jensen has already demonstrated in the *Scandinavian Journal of the Old Testament*, it is really historical-critical scholarship.¹⁷⁰ Historical research which pays no attention to such subjects is therefore neither historical nor critical because it leaves out of consideration the level of knowledge which we already possess.

The division of the Israelite tribes according to apical mothers does not intend to provide precise historical information. Neither is it an expression of Israelite genealogical speculation. It is an expression of a specific Israelite way of systematizing the knowledge of their own generation by the authors of the narrative and by their readers. The real task of the historian is to find the *Sitz im Leben* of a systematic thinking of this variety.

Any part of the Old Testament description of Israel's prehistory may be examined in the same fashion. The concept of the Exodus which, as is well known, plays a considerable role in the consciousness of the Old Testament writers should not necessarily be interpreted as historical remembrances from the remote past, but as the expression of the period in which the Exodus narratives were drafted, which is now understood to be the period of the Exile. But why, then, an Exodus from Egypt?¹⁷¹

Even though the country from which the Israelites escaped may be immaterial or only have symbolic status, the presence of a remembrance about Egypt and the delivery in various pre-exilic prophetic sayings, especially by Hosea,

170. Cf. especially H. J. Lundager Jensen, 'Die Frauen der Patriarchen und der Raub der Sabinerinnen', *SJOT* 1 (1987).

171. We must, however, not forget that the 'original' Exodus in the Old Testament, the one by Abraham, was from Ur in Chaldea (i.e. from Mesopotamia).

indicates that the Exodus idea was not totally unknown before the Exile.¹⁷² But it is also relevant in this case to ask whether it is a remembrance of an event which took place perhaps more than half a millennium before Hosea's own time, or whether the idea originated in events or experiences of a much later date (or even of an earlier date?).

It would be easy to add more examples. It is hardly necessary. The result is clear. The historian whose subject is the history of Israel has to decline the temptation to force his sources to yield illegitimate information which thereby destroys his theme. The sources must be studied for what they are: information about themselves.¹⁷³ After that, they may potentially also be studied for what they are not: information about events and conditions outside themselves.

If we review the fourth point mentioned above, the question of harmonizing biblical data with extra-biblical data, this is apparently a false problem. It is a confusion of different categories when we try to reconcile sources for the history and culture of Palestine in the second millennium BCE outside the Old Testament and the biblical narrative about the pre-monarchical period because the Old Testament sources are not relevant to the second millennium BCE but to the first. There are, accordingly, no common denominators between biblical information and ancient Near Eastern evidence relevant to the second millennium BCE. It is better to investigate the possibility of a common denominator between biblical evidence about the pre-monarchic period and external evidence about the history of Israel in the first millennium BCE.

172. Cf. on the historical remembrances in the pre-exilic prophetic literature, Lemche, *Early Israel*, 306–28.

173. Cf. Liverani, 'Memorandum', 179.

The Old Testament: a Hellenistic book?

1993

The Septuagint and the Hebrew Bible: Some basic issues

It may be rather imprecise to call the Old Testament a Hellenistic book – as not all Old Testaments can be Hellenistic. It is obvious that the Septuagint must be considered Hellenistic since it was not translated before the Hellenistic period. The Hebrew Bible is, on the other hand, not a Hellenistic book for the simple reason that it – in its present shape – is a Jewish rabbinic collection of writings, no earlier than the second century CE (although the beginning of the process of canonization can be traced further back).

It is, therefore, reasonable to connect the appearance of the Hebrew Bible with the historical catastrophes that drastically influenced the life of Jewish communities, especially in Palestine, at the end of the first century CE and in the first half of the second century CE, which threatened to remove Jews from history. Also a new threat to the Jewish faith may have been important – that is, the Christian religion, which (although originally part of the Jewish world) developed into a major opponent to Jewish religious society. Moreover, Christianity argued that it had replaced the Jewish religion as the only legitimate faith.

According to James Barr, R. H. Lightfoot once claimed that the origin of the New Testament should be sought in the moment early Christians, under the impression of the first Roman persecutions, lost faith in the survival of their religion. As a result of their fear, they decided to write down their traditions and recollections in order that these might not be lost or deliberately perverted.¹ The canonization of the Hebrew Bible may also have been caused by such motives, not to be separated from the fact that the Jews had seen their religious centre, the temple, defiled and destroyed, and – probably before the process of canonization had reached its goal – had had to evacuate their traditional religious home, Jerusalem, to become foreigners in their own land.²

A number of differences exist between the Hellenistic Septuagint and the later Hebrew Bible. One of them consists of the fact that a number of books in the Septuagint are not included in the Hebrew Bible, although they are certainly

1. Cf. James Barr, *The Bible in the Modern World* (London: SCM, 1973), 43.

2. In 135 CE, after the insurrection against the Romans under Hadrian.

to be considered holy writ in the Septuagint. We also find other differences in the organization of the individual books; these are more or less extensive differences of wording or different arrangements of chapters and paragraphs. The major differences are, first, the arrangement of the books in the Hebrew Bible in comparison to the Septuagint; and, second, the absence in the Hebrew Bible of several books included in the Septuagint.

The first part, the different arrangements of canonical books in the Septuagint and the Hebrew Bible, is well known to most people, as it is perpetuated in the different arrangement of books in the Hebrew Bible and in most modern bibles. The issue here is that the modern versions generally follow the arrangement present in the Septuagint, and disregard the organization of the Hebrew Bible. It is a matter of discussion how, in the first place, such a difference emerged. From a chronological point of view, it is likely that the order of books in the Septuagint should be considered older than the one found in the Hebrew Bible, which was hardly in existence in pre-Christian times, and it may be assumed that the different arrangement of the Hebrew Bible had polemical reasons. The original order, in both Greek and Hebrew traditions, was the Law followed by the Prophets, while they differed when it came to the incorporation of other writings. We may suppose (but it is only a supposition) that the decisions made by Greek-speaking Jews of Alexandria to place the writings between the Law and the Prophets, in a Palestinian Jewish environment of a later date, may have seemed too obviously a Christian choice (Law and Prophecy followed by the fulfilment of Prophecy).³

As far as the selection of writings is concerned, it is well known that all books in the Hebrew Bible are to be found in the Septuagint, while several books of the Septuagint have no place in the Hebrew canon. One principle of biblical historiography seems to have governed the selection of writings in the Hebrew Bible: no book can stem from a period later than the days of Ezra the scribe. Of course, this is an ideological reason for accepting or rejecting books, as quite a few Old Testament writings must be considered much more recent than Ezra, including, among others, the Song of Songs, Daniel, Ecclesiastes and Job. However, insofar as these books had obtained canonical status, they have all been provided with an 'author' considerably older than Ezra, such as Solomon, or they have been placed in a historical context that clearly antedates Ezra, as happened to Daniel (which was placed back in Neo-Babylonian and Achaemenid times). This principle may, however, be owing to a rather late development and may not have been in force when the selection of writings in

3. Thus the references to the *Tana(kh)* in other writings – for example, in the Prologue to Jesus Sirach and the New Testament – can hardly be considered conclusive evidence of the originality of the order in the Hebrew Bible. This information is more likely to be an indication of a hierarchical kind of order: first, the Law; second, the Prophets; and, third, whatever else, without reference to the actual place of the *ketubim* inside the *Tanakh*. For recent overviews of this problem, cf. J. A. Sandars, 'Canon', *ABD*, I, 837–58, and M. K. H. Peters, 'Septuagint', *ABD*, V, 1093–104.

the Septuagint was determined. Ezra's position as the one who finally installed the Law seems to be a creation of fairly late Jewish thinking. In favour of this, the fact that Jesus Sirach does not know Ezra but – in his historical overview (Sir. 42–50) – skips over the period from Nehemiah to the high priest Simon, the son of Onias (Sir. 49:13; 50).⁴ The persons responsible for the selection of books included in the Septuagint⁵ were thus not constrained to acknowledge only books that could be attributed to figures of ancient Israelite history; they were free to include whatever kind of writing – even contemporary writings – they pleased.

However, when we compare the Septuagint to the Hebrew Bible, the importance of the author – that he must predate pre-Ezra – seems not always to have been decisive, as some books in the Septuagint, such as the Psalms of Solomon, the Wisdom of Solomon and the first book of Esdras, were not found worthy to be included in the Hebrew Bible. In this case, other principles may have governed the decision, perhaps only a mechanical one that no Hebrew manuscript of these books was extant.⁶ It should be relatively easy to isolate two such major principles: first, the requirement that the content of a certain book not be in conflict with dominant Jewish-theological doctrines of the day; and, second, the requirement that books of special interest to religious groups such as the early Church – especially apocalyptic literature – be discarded or represented as little as possible.⁷

Although these issues are interesting and, at the same time, provocative, this is not the place to proceed further. Very little has been done from an Old Testament point of view because of a lack of interest on the part of Old Testament scholars, as the Hebrew Bible has obtained a position as the only relevant version to study in Christian scholarly tradition.⁸ To the extent that the already mentioned particularities of a Septuagint and Hebrew Bible may be considered facts (insofar as we are entitled to speak about 'facts' in Old Testament studies), the argument cannot be considered controversial. It is thus time to return to the theme of this chapter: whether or not the Old Testament was a Hellenistic book.

4. The point is well made by G. Garbini, *History and Ideology in Ancient Israel* (London: SCM, 1988), 152.

5. In order not to be misunderstood, this should be stressed: it is most likely that more than one selection of books was made and that the standardization into a single canon may have been a phenomenon of a fairly late period.

6. Whether or not such a Hebrew '*Vorlage*' for these books has ever existed is irrelevant to the present argument.

7. The exception to this rule is, of course, the Book of Daniel. This is not to deny that some earlier witnesses of the embryonic apocalyptic tradition were also accepted, say, Ezekiel and Zechariah.

8. *Pace* the hard-working and learned minority of Septuagint specialists, forming the body of the IOSCS.

Tanakh and Hellenism

The Samaritan schism

When New Testament authors refer to writings in the Old Testament, however, according to the order of the Hebrew Bible, it is arguable that the first two parts of the *Tanakh* are attributed a special importance in their Jewish context. The Law must be considered all important, closely followed by the Prophets. The Writings, on the other hand, are certainly less important if they are included at all in a *Tanakh*.⁹ Such hierarchical subordination of different groups of books is normally attributed to their redaction history, the Pentateuch being the oldest collection, followed by the Prophets, whereas the Writings are understood to be no more than a late amalgamation of different types of literature. The translation of the first two groups, however, took place already before the appearance of the third group.

Scholars often refer to the existence of the Samaritan Pentateuch as an additional proof of such a redactional history of the books of the Hebrew Bible. Because the Samaritan congregation only accepted the Law as holy writ, and not the Prophets and the Writings, it may be assumed that the Pentateuch was the only part of the Hebrew Bible in existence when the Samaritan schism occurred. This schism is usually dated to circa 300BCE, which suggests that the Law, at least, should not be considered a work of the Hellenistic age.¹⁰ When it comes to the Prophets, the date of composition is a subject of discussion. Parts of the collection of prophetic books may certainly be very late, such as Trito-Isaiah and Malachi. Most of the Writings can be considered literature of the Hellenistic period. This argument, based as it is on a traditional dating of the Samaritan schism, is not a very strong one.

First of all, it may be assumed that ideological as well as political reasons were of decisive importance when the Samaritans had to choose what was to become their 'Bible'. There may have been plenty of reasons for the Samaritans to accept only the five books of Moses and to exclude all of the other parts of the present Old Testament (whether Greek or Hebrew). The religious centre of Judaism (as expressed by the greater part of the Old Testament) is certainly Jerusalem, and not Shechem or Mount Gerizim. In contrast to this, Jerusalem plays a considerably reduced role in the Pentateuch, where much more interest is invested in the homeland of the Samaritans. We should therefore simply ask the question: why should any Samaritan, who found himself in outspoken

9. Cf. Mt. 5:17; 7:12; 22:30; Lk. 16:16; Acts 13:15; 24:14: exclusively ὁ νόμος καὶ οἱ προφῆται; cf.; however, the enigmatic Lk. 24:44: πάντα τὰ γεγραμμένα ἐν τῷ νόμῳ Μωϋσέως καὶ τοῖς προφήταις καὶ ψαλμοῖς. Sirach, Prologue διὰ τοῦ νόμου αἰτῶν προφητῶν καὶ τῶν ἄλλων (cf., however, also Sir. 39:1: again only the Law and the Prophets).

10. On this, B. Otzen, *Judaism in Antiquity: Political Developments and Religious Currents from Alexander to Hadrian* (The Biblical Seminar 7; Sheffield: JSOT Press, 1990), 29. It is the opinion of Otzen that the Samaritans deliberately broke the relationship to mainstream Jewry, rather than being ostracized by the community of Jews in Jerusalem.

opposition to Jerusalem, want to include writings in his Bible that accepted Jerusalem as the one and only centre of worship? This may be the reason why the historical books were not part of the Samaritan Bible, but it also explains the absence of prophets from Samaritan canonical literature because the prophets – including Amos and Hosea – were certainly proponents of the worship of Yahweh in Jerusalem. It goes without saying that a collection like the Psalter could never become a Samaritan favourite – provided, of course, that the psalms were indeed primarily connected to the temple in Jerusalem!

Second, the date of the Samaritan schism is not an established fact. It may have happened before 300_{BCE}, but it could just as well be considerably younger or, to put it bluntly, we do not know when or how such a separation occurred.¹¹

Literary matters

The objections that can be directed against a Samaritan schism as the main witness to the existence of the Pentateuch before circa 300_{BCE} will, of course, not make the Old Testament a Hellenistic book. It will, therefore, be necessary to broaden the perspective of the discussion by including other aspects, literary as well as historical

It seems obvious to most scholars that our estimate of the age of a certain book of the Old Testament must be based on information contained in the book itself and not on other information. Such an estimate should certainly not be based on the existence of a historical background that may never have existed. Although seemingly self-evident, this method is not without fault, and it may easily become an invitation to ‘tail-chasing’, to quote Philip R. Davies.¹² By this, we mean that the scholar may become entangled in a web of circular argumentation, conveniently called the ‘hermeneutical circle’ (and an inevitability which apparently makes it more acceptable among exegetes). It is also supposed that the reading of a piece of literature automatically persuades it to disclose its secrets, as if no further qualifications are needed.

The first point to discuss will be the circular argumentation that is based on a too ‘close reading’ of a biblical text. My first example is from Samuel. Some assume that these (two books in English) must be old simply because they say that they are old.¹³ The exegete who claims that the books of Samuel

11. Cf. the excellent, though rather compressed, discussion in J. A. Soggin, *Einführung in die Geschichte Israels und Judas* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1991), 219–22. According to Soggin, the schism, according to later Jewish tradition, was set back to the time of Ezra and Nehemiah, although Soggin also acknowledges that the schism was not a decisive reality before the Hellenistic period.

12. Cf. Philip R. Davies, *In Search of ‘Ancient Israel’: A Study in Biblical Origins* (JSOT supplement, 148; Sheffield: JSOT Press, 1992), 36, here used in connection with the reconstruction of a so-called ‘ancient Israel’ based on information contained in much later (Old Testament) literature.

13. The example is only one among many possibilities. The example might just as easily have been the Pentateuch or any part of the Deuteronomistic History. We could easily include also the prophetic books in the argument. Cf. N. P. Lemche, ‘The God of Hosea’, in E. Ulrich, J. W. Wright, P. R. Davis and R. Carroll (eds) *Priests, Prophets and Scribes:*

must perforce be old will have to accept, as his point of departure, this claim by either rather naively assuming that Samuel was the author (as later Jewish tradition did claim) or by a more sophisticated argumentation – for example, of the kind often formerly used to prove narratives such as the ‘succession Story’ to be old, as only an eye-witness would have been acquainted with the particulars of David’s family.¹⁴ In order to escape the trap created by such circular argumentation and naive understanding of a biblical text, it will be necessary to go further and find arguments not necessarily part of the biblical text itself, but based on other sources. Such information discloses to the reader that the books of Samuel were composed not at the very moment Israel got its first king, but at a much later date.

The case of the books of Samuel is hardly unproblematic. Samuel cannot, of course, be the author, since he passes away already in 1 Samuel 25, yet, to reappear as a ghost, three chapters later. After this point, anybody could have been the author and the only certain thing that can be said is that the composition’s *terminus a quo* must be at a date following the death of Samuel, which, according to both biblical and modern scholarly tradition, would be in the late eleventh century BCE. The logical *terminus ad quem* for the composition must, however, be the moment when we possess the first complete scroll or book containing the text of Samuel as a whole. This date is not before, at the earliest, the first half of the fourth century CE, the date of the presumably oldest Greek manuscript (Vaticanus) of the Septuagint. As a consequence, we are involved with a time span of no less than 1300 to 1400 years and, in principle, need to maintain that the books of Samuel could have been written at any time between 1000BCE and 350CE. It will certainly be very important to choose the right kind of procedure to follow! Should we start at the earliest possible date, the eleventh century BCE, or at the latest possible – that is, the fourth century CE? To rephrase the sentence: should we begin at the point where we are left with postulates and hypotheses – that is, 1000BCE – or is it preferable to start the procedure of finding a date for the composition of the books of Samuel at the point where we can be certain that these books existed – that is, 350CE? The simple fact is that we do not know that the books of Samuel existed around 1000BCE, but we do know that they did in 350CE!

Although it has become standard procedure in the study of the Old Testament to begin where we know the least and to end at the point where we have safe

Essays on the Formation and Heritage of Second Temple Judaism in Honour of Joseph Blenkinsopp (JSOT supplement, 149; Sheffield: JSOT Press, 1992), 241–55.

14. Cf. A. Weiser, *Einleitung in das Alte Testament* (Göttingen: Vandenhoeck and Ruprecht, sixth edn, 1966), 151; cf. the somewhat more interesting argument in L. Rost, *Die Überlieferung von der Thronnachfolge Davids* (1926), reprinted in his *Das kleine Credo und andere Studien zum Alten Testament* (Heidelberg: Quelle and Meyer, 1965), 119–253, see 234. If so, scandals in royal families may not be the subject of modern boulevard journalists alone! It should never be forgotten who will be best acquainted with inner thoughts of the participants of a narrative or play: the author himself who invented its characters.

information in order to explain what is certain by reasons uncertain and from an unknown past, it is obvious to almost everybody else that this procedure has no claim to be called scientific. We should, rather – and as a matter of course – start where we are best informed. Only from such an advantage should we try to penetrate an unknown past. The point of departure for a discussion of the date of the books of Samuel can only be 350CE, not 1000CE. This does not suggest that the books of Samuel were written down – even in their present form – between 340 and 350CE; but it does suggest that we need reasons for an earlier date, as no evidence exists that these books are older. It is quite easy to provide a reasonable argument in favour of an earlier date. Such an argument might be based on the fact that fragments (so far only fragments!) of the books of Samuel have turned up among the Dead Sea Scrolls. It will also be possible to argue in favour of an even earlier date than these Dead Sea Scroll fragments, and to base our argument on the fact that such books were incorporated within the form of the Septuagint that has been transmitted by Codex Vaticanus. Nor can it be ruled out that they are even much older; but, in this case, it becomes difficult to find hard evidence.

It is an established fact that a literary product must be considered a reflection of its origins, as nobody can escape being a child of his or her own time. This is commonplace but, on the other hand, not to be forgotten by narrative analysts who may claim that it is possible to understand an argument by a person in the past without knowing in advance the specific values attached to beliefs and concepts of that period. The same applies to the study of biblical literature, even though written by anonymous authors. It is surely naive to believe that the meaning of biblical books can be properly expostulated without knowledge of their date of composition, of ideas then current or of beliefs common to their audience; and it is of no consequence whether the subject at hand is the narrative as a whole, parts of it or, indeed, single concepts and phrases.¹⁵

To cite another, less controversial, example: Genesis 1. In the account of the origin of the world, God first creates the light and the darkness, followed by the water and the earth, although it is better to say that God does not exactly create these elements, but makes a kind of division between them.¹⁶ Now, this

15. Cf. also the proposal by Diana Vikander Edelman, *King Saul in the Historiography of Judah* (JSOT supplement, 121; Sheffield: JSOT Press, 1991), 11–26, to read the story of Saul and David as an ancient reader would have done it (although this is certainly a vain hope, as Diana Edelman herself readily admits).

16. The creative activity of God in Genesis 1 is usually described by the verbs ברא and עשה. However, the light (v. 3) and the darkness (v. 9) appear not because they are his creation, but on his direct order, (neither ברא nor עשה is used in this connection). After the appearance of the light, God makes a division (Hebrew ברל, in the *hiphil*) between light and darkness (v. 4), after which, God personally makes the firmament (v. 7: עשה). This firmament, however, is to be considered another division, only now between different kinds of water. The waters below the firmament are collected in one place on God's order and the dry land appears as a consequence. Again, it should be realized that the dry land is not a creation of God; it just appears as a consequence of division between the water and the land.

description of the creation in Genesis 1 may seemingly be read without further knowledge of the background of its author; although a number of misinterpretations have developed – for example, that we here have a *creatio ex nihilo*. If, on the other hand, we have a look at the story of the creation of the four elements, light and darkness, water and earth, from an ancient point of view, it is obvious that God ‘creates’ such elements in a manner that accords with ideas current among Greek natural philosophers from the sixth century BCE onwards. The creation of light and darkness suggests that God creates a warm and a cold element. Water and earth can also be compared to two elements, respectively the dry and the wet. Taken together, the four basic elements of creation are recognizable as the four elements of antique philosophy: the hot and the cold, the dry and the wet. Old Thales from Miletus would not have been disappointed by such acts of God!

As already indicated, this is hardly to be considered controversial, as most scholars would be prepared to accept that the author of Genesis 1 cannot predate the Babylonian Exile. He rather belongs to the sixth or fifth centuries BCE, if not later. If the author of Genesis 1 knew the ideas of Thales and his colleagues or his information came from some other source (perhaps the supposed oriental background of Thales’s theory), then this would not be in conflict with the generally accepted date of Genesis 1. In this case, Thales and the Greeks could only be considered as the *terminus a quo* for dating Genesis 1; they are certainly not to be identified with the *terminus ad quem*. If the dating should follow the same procedure as the one relevant to the books of Samuel, the result will be that this text must have been written between the sixth century BCE and the fourth century CE. However, the presence of some Dead Sea fragments of the book of Genesis makes it highly likely that this book of Genesis was already in existence in the first century BCE. The span of time from the earliest and latest possible dates for Genesis 1 is much shorter than the one relevant to the dating of the books of Samuel. From a methodological point of view, however, the problem of dating Genesis 1 and the books of Samuel is the same.

Historical matters

At this point a shift of emphasis from literature to history is appropriate to continue our discussion of the Old Testament as a Hellenistic book. By way of introduction, we ask how important the historical information provided by a biblical book is for dating the work. We should proceed in much the same way as already indicated above, although literary issues have now been replaced by historical. Instead of looking for the place of origin of some ideological elements, discerned in a given biblical text, we try to establish the time and place of whatever historical information the text in question provides. In this, I shall use two examples: the first from the book of Joshua and the second from Samuel.

The first example is easy enough to justify today as it has been long evident that the historical ‘reality’ referred to in the book of Joshua has disappeared. Joshua has simply nothing to tell us about the historical origins of an Israelite nation. No prolonged discussion of *Forschungsgeschichte* is necessary here,

although I will refer readers to my discussion of the topic in *Early Israel*.¹⁷ However, in introducing this subject here, it is stressed that the often fervent discussion between the two great schools of historical studies of the past – on the one hand, the German school of Albrecht Alt and Martin Noth and, on the other, the American school of William F. Albright – resulted in the victory of the American school, though it may also be argued that it ‘died’ in the process. To put it briefly, the German school was principally interested in analysing Old Testament texts to uncover historical facts from biblical narrative, while Americans were mostly interested in creating harmony between archaeological artefacts and historical information, derived from the biblical text. The American school triumphed because archaeology was destined to deal a death blow to the German approach and its results. Archaeology simply demonstrated that these German ideas about Israel’s origin and oldest history were wrong. The German procedure consisted primarily of creating a rationalistic paraphrase of the stories of the Old Testament and its intended goal was to present a picture of a historical development that would not disturb our sense of what may have happened (no miracles, please!). At the same time, German scholars nearly slavishly followed the historical form of Old Testament narrative and they had no intention of departing from a general succession of the periods and events presented by biblical writers. We may say, quoting the German scholar Bernd Jørg Diebner of Heidelberg, that the German method should be likened to a text-archaeological procedure.¹⁸ The most important German results were, first, that the early Israelites did not conquer Palestine but moved into the country, mostly as peaceful semi-nomads. The Israelite subjugation of an indigenous population followed at a later date. Second, following their settlement in Palestine, the Israelites proceeded to create an amphictyony or sacred tribal league that became the home of most of Israel’s traditions.¹⁹

As already mentioned, so-called ‘dirt archaeology’, field archaeology proper, led to the downfall of the German position; but the idea of an Israelite conquest nourished by Albright and his students had to be discarded in the process. Archaeology did not prove the Bible to be true. To the contrary, it has been shown that the Israelites (whoever they were) never conquered Palestine. They rather should be considered part of the ancient population of Palestine itself

17. Cf. N. Lemche, *Early Israel: Anthropological and Historical Studies on the Israelite Society Before the Monarchy* (VT supplement, 37; Leiden: E. J. Brill, 1985), 1–79. A much shorter résumé can be found in my *Ancient Israel: A New History of Israelite Society* (The Biblical Seminar, 5; Sheffield: JSOT Press, 1988), 104–16.

18. Cf. B. J. Diebner, ‘Wider die “Offenbarungs-Archäologie” in der Wissenschaft vom Alten Testament. Grundsätzlicher zum Sinn alttestamentlicher Forschung im Rahmen der Theologie’, *DBAT* 18 (1984), 30–53.

19. The classical German description of this period is certainly Martin Noth, *Geschichte Israels* (Göttingen: Vandenhoeck and Ruprecht, 1950). In more recent German histories of Israel, such as (probably the best informed) Herbert Donner, *Geschichte des Volkes Israel und seiner Nachbarn in Grundzügen* (ATD 4.1; Göttingen: Vandenhoeck and Ruprecht, 1984) the construct has begun to crumble, and the amphictyony is no longer part of it anymore.

with their roots in the Bronze Age. Only at a much later date did 'Israelite' society develop characteristics of the 'Israel' found in the Old Testament.²⁰ One historical fact cannot, of course, be denied – namely, the existence of the narratives of Israel's conquest of its land in the book of Joshua. However, these tales have nothing to do with historical circumstances at the end of the Late Bronze and beginning of the Iron Age. This is not a postulate, but a fact, and we are, therefore, in the position to ask what the narratives in Joshua really tell us about since they do not inform us of a conquest of Palestine in ancient times. The answer is clear and obvious: the book of Joshua informs its readers of a conquest that never happened. The next question concerns why this book of Joshua presents information about a conquest that never happened? The answer to this may not be as clear as the former because it is not a fact based on hard evidence. Instead, it depends on scholarly theories and hypotheses. One possible answer could be that the tradition of Israel's foreign origin was invented at a later date to create a racially pure nation. An extensive number of passages in Joshua and elsewhere in the Old Testament may be called in supporting this answer, starting with the book of Genesis and continuing through to the book of Ezra. If we wish to continue this line of thought, the next question will probably regard when the impetus arose which created the context, where the idea of racial purity of an Israelite people, opposing other nations, living in its land, could arise, as this claim cannot be supported by historical evidence. The correct answer to that question will be that such an idea arose the moment certain individuals, who understood themselves to be Israelites, saw others whom they did not so consider, as occupying Israel's land. Evidently – in light of what we know about Israel's origins – this claim of being pure Israelites, destined to inherit the land, must have been a late development and most probably renders Joshua a post-exilic book, written by an author – or a number of authors – who can scarcely have lived in the land. This suggests that Joshua is, first, post-exilic and, second, from the Jewish diaspora. To use a Hebrew term, it originated in the Jewish *gola*.

In introducing my second example, I wish to return to the books of Samuel. The central character is David, and neither Samuel nor Saul as the narratives about Samuel and Saul are considered a prolegomenon to the narratives about David. It is only right to say that David is truly the great hero of Israel's past

20. A kind of *status quaestionis* can be found in Diana Edelman (ed.) 'Toward a Consensus on the Emergence of Israel in Canaan', *SJOT* 5.2 (1991), 1–116 (including contributions by N. Lemche, G. W. Ahlström, I. Finkelstein and others), and in two comprehensive volumes: T. L. Thompson, *The Early History of the Israelite People* (SHANE; Leiden: E. J. Brill, 1992), and G. W. Ahlström, *The History of Ancient Palestine from the Palaeolithic Period to Alexander's Conquest* (*JSOT* supplement, 146; Sheffield: JSOT Press, 1992). So far no serious reaction has come from German scholars; a book such as R. Neu, *Von der Anarchie zum Staat: Entwicklungsgeschichte Israels vom Nomadentum zur Monarchie im Spiegel der Ethnosoziologie* (Neukirchen-Vluyn: Neukirchener Verlag, 1992), should, rather, because of its total neglect of archaeology and because of its extensive rationalistic paraphrase of the biblical text, be understood as a clear step backwards.

(Joshua alone might dispute that claim) and he was reckoned the creator of a great Israelite empire, preceding the independent histories of the kingdoms of Israel and Judah.

Laypeople as well as scholars (including the present writer²¹) have always thought highly of the historicity of David and considered it an established fact. They also believed the main part of the traditions about David and his son and successor, Solomon, to be trustworthy information, although none of it, neither person nor event, has been confirmed or supported by external evidence, especially by written sources from other parts of the ancient Near East. The only written evidence about David and Solomon are from sources whose information comes from the Old Testament itself. Only a few voices of protest have arisen that may cast doubt on the historicity of the early Israelite empire, including the historicity of its two kings.²² Although the conclusions reached by David Jamieson-Drake can only be considered a temporary resolution,²³ it is his opinion that we find no evidence of a united Israelite kingdom from pre-exilic times. To the contrary, it is unlikely that a state called Judah came into existence before the middle of the eighth century. The Jerusalem of 'David's time was hardly anything but a small fortified village, occupying a territory of less than 4 hectares, inhabited by a population of hardly more than 2000 persons, including women and children'.²⁴ Although Jamieson-Drake's argument will certainly provoke other scholars to object, he presents a very strong case in favour of abandoning the period of the United Kingdom as historic.

These two dubious cases, concerning the historicity of a conquest and a United Kingdom, certainly point in the same direction. When we deal with the tradition of the empire of David, we obviously have to ask why the idea of a Davidic empire arose if it were without historical foundation. The exchange of answers and questions that may follow will be of the same kind as the one described in more detail above concerning Joshua's conquest. The result of such a discussion would probably be that a number of possible dates for the origin of this idea of David and his empire could be proposed, either a late pre-exilic, an

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21. Cf. my article, 'David's Rise', *JSOT* 10 (1978), 2–25. Although the historical part of the argument in that article as well as that of several other contributions by other scholars either following in its footsteps or progressing along comparable lines may now have to be discarded, the literary argument is still of some importance, as maintained by G. G. Nicol, in his 'The Death of Joab and Accession of Solomon', *JSOT* 7 (1993), 134–51.
 22. Cf. the outspoken mistrust of the biblical tradition in G. Garbini, *History and Ideology in Ancient Israel*, (London: SCM, 1988), 21–32. Recently also D. B. Redford has presented a negative view of the historicity of David and Solomon, in his *Egypt, Canaan, and Israel in Ancient Times* (Princeton, NJ: Princeton University Press, 1992), 297–311.
 23. Cf. D. W. Jamieson-Drake, *Scribes and Schools in Monarchic Judah: A Socio-Archaeological Approach* (*JSOT* supplement, 109; Sheffield: JSOT Press, 1991).
 24. The calculations of the population size is, however, not presented by Jamieson-Drake but is my own estimate, based on a calculation of population size like the one proposed in J. M. Sasson, *Jonah* (AB, 24B; New York: Doubleday, 1990), 312. It should, however, be clear that this is a very generous calculation. It would also be possible to say that the area covered only 1 or 2 hectares, and included a population of 1000 persons or fewer.

exilic or even a post-exilic one. The answer to the question why this story was invented at all will presumably be of this type: to create an 'Israelite' great king comparable to the great kings said to have ruled other nations. Biblical historians consequently turned the mythical ancestor of the Judean royal family into an ideal king, comparable to the empire-builders of the ancient world. It might also be argued that since this great ancestor-king never lived, it is impossible to consider the stories about the Kingdom of David as historical reports concerning the past. Rather, they present a programme for a future which will appear as soon as the contemporaries of the historians themselves have (re-)conquered their land. It could very well be the case that the stories about David, as well as the conquest, aimed at creating a programme for a glorious future of Israel, rather than a report about a past glory that never existed. Thus, these narratives could well derive from the Persian period and the model of the great king may have been none other than the great founder of the Persian Empire, Cyrus. It should not be forgotten that the careers of Cyrus and David bear a number of comparable traits. It is, however, also possible that the idea of the great King David only arose in the Hellenistic period, but for comparable reasons.

More than a few scholars will be prepared to think of the books of Joshua and Samuel as having propagandistic motives. Lately, a number of studies have connected the composition of these books with the reign of Josiah. One such example is provided by Magnus Ottosson who regards the book of Joshua a product of the Josianic age with a programme for the Josianic restoration of the Davidic kingdom.²⁵ It should, however, be noted that while Ottosson thinks the conquest stories in Joshua are fictional war reports and have little if anything to do with historical facts, he still considers the Davidic kingdom to be a historically established fact. Contrary to Ottosson's opinion, his analysis (probably correct) of the relationship between P-elements and the main D-narrative in Joshua actually proves Joshua to be not Josianic but post-exilic, and later than P – provided, of course, that P should be dated in the post-exilic era.²⁶

Another scholar who thinks highly of the Josianic age as a time for the composition of 'historical' texts is Diana Vikander Edelman, who considers the Saul–David narrative to belong to the time of Josiah, although the purpose of writing this story at exactly this moment in Judah's history seems more ambiguous.²⁷ It is a problem for her dating of these narratives that the Israelite people in 1 Samuel 8 demand to have a king like all other nations. Why should anybody in the age of Josiah wish to have a king, as they already had one? As a matter

25. Cf. M. Ottosson, *Josuboken: En programskrift för davidisk restauration* (Uppsala: AUU, 1991).

26. Ottosson generally considers the P-elements original parts of the Deuteronomistic narratives in Joshua. For that reason, they cannot, of course, be late additions to the narratives. At the same time, it should be added that Ottosson, like so many Scandinavian scholars, reckons these P-elements to be leftovers from various sanctuaries such as Shilo or Gilgal. The problem with such a theory is certainly that it is entirely based on guesswork, as it is without proof, except a circular variety.

27. Cf. Edelman, *King Saul in the Historiography of Judah*.

of fact, this demand can hardly be pre-exilic.²⁸ It is therefore more likely that the author of 1 Samuel 8 wrote during a period and for a society without a king. Here, too, it is better to look to the exilic or post-exilic periods.²⁹

This predilection for the time of Josiah as the creative period in the history of Hebrew literature is, moreover, problematic. It is, after all, Deuteronomistic historians who claim that the period of Josiah was a splendid era, a restoration period and therefore an appropriate time and place for writing great literature such as Joshua and Samuel. If scholars accept the picture presented by the Deuteronomistic circle, without examining their reasons for turning Josiah's period into such an age of 'enlightenment', they fall into the same hermeneutical trap as, formerly, scholars such as Gerhard von Rad did, who thought highly of the Solomonic period as background for Israelite history-writing.³⁰ Although this background for Hebrew history-writing now evaporates with the demise of a Hebrew empire of the tenth century BCE, scholars are tirelessly repeating the same arguments now in connection with an era of Josiah, which they consider to have been nearly in the same class as that of Solomon! It should not be forgotten that all we know about Josiah is what Old Testament writers have told us. No external source mentions Josiah, except those which are clearly dependent on biblical narrative. It is primarily because the Old Testament itself says that Josiah tried to unify all Israel in a single major state at the end of the seventh century BCE that biblical scholars believe this to be true.³¹ However, the Josiah

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28. Unless we should choose to express a view on these narratives such as the one in F. Crüsemann, *Der Widerstand gegen das Königtum* (WMANT, 49; Neukirchen-Vluyn: Neukirchener Verlag, 1978), who maintains that they are to be considered reflections of party politics in pre-monarchical times – not a bad idea at all if it was possible to claim that the Deuteronomistic traditions are as old as that.
29. It may be an alternative to the idea that David became the model of later Judean kings, especially Josiah, to transfer this honour from the presumably non-existent David to a person whose historicity cannot be doubted, and here the obvious candidate would probably be Omri (followed by his son Ahab). The importance of the state that was governed by these kings is certain and is also reflected by Assyrian and Moabite inscriptions. It is also generally assumed that they reigned over a territory that included Jerusalem, if not all of Judah. It is at least a working hypothesis that, in the period following the fall of Samaria, the idea of a United Kingdom, which was founded on the existence in the ninth century of the Kingdom of Omri, was transferred to Judah, and that the greatness belonging to the old Israelite kings was at the same time bestowed on David, the mythical ancestor of the Judean kings.
30. Programmatically expressed in G. von Rad, 'Der Anfang der Geschichtsschreibung im alten Israel' (1944), now in his *Gesammelte Studien zum Alten Testament* (TB 8; Munich: Chr. Kauser, 1958), 148–88.
31. This reminds me of the verdict of Mario Liverani, in his 'Storiografia politica hittita II: Telipini, ovvero: Della Solidarietà', *OA* 16 (1977), 105–31, see 105: 'The indolence of the historians is of great extent, and when they deal with a certain period and they are confronting a continuous account of the course of events, which has already been included in some sort of "ancient" documentary source (which is perforce not contemporary with the events themselves), then they all too happily apply this account, and they limit their efforts to paraphrasing it or even rationalizing it' (trans. N. P. Lemche).

of 2 Kings need not be a historical character at all (though it seems likely that shortly before the disappearance of the short-lived state of Judah, there did live a king called Josiah in Jerusalem); he may be nothing more than the invention of the Deuteronomistic author(s) who wrote Kings. The comparison between David and Josiah is, of course, also a product of Deuteronomistic thinking and it shows how the Deuteronomists worked a rather miserable king with an inglorious end into a major historical figure of Israel's history. It can also be argued that the Deuteronomists needed a Josiah very much if they were to legitimate their own religious programme and, in this regard, it was of no consequence whether the Deuteronomistic History was a work of an exilic or post-exilic period.³²

The discussion may pause at this point and it may be argued that the time of Josiah, the so-called restoration period, known only from the Old Testament, is nothing more than a product of Deuteronomistic imagination and it is not necessarily more historical than the age of David and Solomon.³³ Instead of transferring the period of Josiah into a great time for history-writing in Israel (or Judah), only to repeat former mistakes, it will be safer to apply the same procedure as advocated above in connection with the dating of biblical literature – that is, to begin where we can be certain that the literature in question really existed and, after having established that fact, proceed with our quest for a possible earlier date. It should, however, be understood that there may be little reason to go back to the time of Josiah, which may itself be no more than a postulate created by Old Testament writers.

Liverani is dealing with scholarly reconstructions of the history of the ancient Hittite empire, normally based almost exclusively on the decree of Telipinus and generally accepting its views, and it is fairly easy for Liverani to deconstruct the content of the edict and to show that it is a totally propagandistic and partisan view of the history of the Hittites that is presented by the king who issued the decree.

32. It is, on the other hand, interesting to compare the description of Josiah in 2 Kings with 2 Chron. 34–35. The Chronicler seems much less enthusiastic about this king than his Deuteronomistic source, although he duly quotes the Deuteronomistic narrative from one end to the other. However, when he comes to the death of Josiah, the Chronicler clearly expresses his contempt of this king who died an ignominious death because he disobeyed a direct order from Yahweh. The Chronicler diminishes (or even ridicules: cf. the wording of 2 Chron. 35:18, 'No Passover like it had been kept in Israel since the days of the prophet Samuel', with the slightly different version in 2 Kgs 23:22!) the importance of Josiah's reform as described in 2 Kings by referring to Hezekiah as the real reformer who reinstated the Passover in its former glory (cf. 2 Chron. 30). According to the Chronicler, the reform of Josiah was no more than a copy of the one initiated by Hezekiah (cf. 2 Chron. 31:1).
33. It should not be overlooked that some indications offered by Jamieson-Drake point at the possibility that the decline of Judah started well before the Babylonian destruction of Jerusalem, notably in the sector termed 'Public Works'. Cf. Jamieson-Drake, *Scribes and Schools*, 104, and charts 7 and 9, although a more comprehensive study of the period of Josiah is badly needed, especially from an archaeological point of view.

Other themes

I believe that I have presented enough practical examples to illustrate my point. It would have been possible to discuss other important issues and themes that may be in the focus of the scholarly debate as well. I have to abstain from doing so here. Instead I will mention a few important themes for discussion.

First, the religion of Israel: in this connection, I mention only one recent contribution that may help us to clarify the history of the religion which, according to the Old Testament, should be considered old Israelite. In his highly interesting study *Der höchste Gott*,³⁴ Herbert Niehr proposes not to separate the emergence of monotheism in 'Israel' (we should rather think of post-exilic Jews) from a contemporary trend towards a practical monotheism in other places. It is only true to say that Niehr's investigation can be understood as a confirmation of my own view that the so-called pre-exilic Israelite religion was some sort of Western Asiatic religion, hardly distinguishable from religious belief in places such as Moab, Ammon, Phoenicia, etc.³⁵ As a result of Niehr's (and others') work, we are entitled to ask whether it is not misleading to talk about an Israelite religion in pre-exilic times. 'Genuine' Israelite religion – that is, as presented by the biblical tradition – is in no way Israelite. It reflects religion of post-exilic Jewish society and it is more than likely that the religious conflicts between so-called Israelite religion and so-called Canaanite religion, which emerge from the Old Testament, have little to do with conditions in Palestine between, say, 1000 and 500_{BCE}. Rather, this information refers to the situation between, say, 500 and 200_{BCE}.

Second, the national identity of the Israelite people: just as Israelite religion in the Old Testament turns out to represent Jewish religious thought, Israelites of the Old Testament are Jews (it is ironical that this was anticipated by, for example, the German sociologist Max Weber, when he published his study of Israel as ancient Judaism).³⁶ If this is compared to the modern view on the origin of the 'Israelites' (and we now have to put the concept of 'Israel' into quotation marks!), there is no longer any reason to talk about Israelites as forming an ethnic unity in pre-exilic times. If anything, the so-called Israelites were Canaanites, or maybe better – to make this conform with the result of my

34. BZAW, 190; Berlin: Walter de Gruyter, 1990.

35. Cf. my *Ancient Israel*, 197–257; as well as 'The Development of the Israelite Religion in Light of Recent Studies on the Early History of Israel', in J. A. Emerton (ed) *Congress Volume: Leuven 1989* (VT supplement, 43; Leiden: E. J. Brill), 97–115. I have little to say against a verdict like this: 'there was very little distinction between Canaanite and Israelite religion, at least in practice. The rituals were virtually the same, even if one assumes that Israel's Yahwistic theology was an innovation and that is not always evident' (W. G. Dever, *Recent Archaeological Discoveries and Biblical Research*, Seattle, WA: University of Washington Press, 1990, 166).

36. *Das antike Judentum* (Tübingen: Mohr, 1921). It should also be noted that the distinctiveness of what is 'Israelite' and what is 'Jewish' may not always have been as obvious to Max Weber's contemporaries as it was to become afterwards.

study on the Canaanites – to say that ‘Israelites’ are left without any specific ethnic affiliation at all. They simply reflect a regional selection of inhabitants of Palestine, where they formed a late branch of the population that had been present in Western Asia since the beginning of history. The idea of ‘Israel’ in the Old Testament may be nothing except a very late ideological concept, as maintained by Philip R. Davies.³⁷

Third, the Babylonian exile: this is certainly an issue that is growing in importance as the greater part of the Old Testament is now considered fairly late. The whole issue of the exile could be summarized in the following fashion. We have excellent information about the beginning of the Babylonian exile during the first half of the sixth century BCE; it is, however, far more uncertain when it ended. The ‘official’ date of return is, of course, 538BCE, when the exiles were allowed to return as a consequence of Cyrus’s decree, or this is what is normally assumed. However, if such a decree was ever issued, with the particular intention to send the Jewish people home, it could be maintained that the Jews of Babylonia were offered something which they could easily refuse. Most of them preferred to stay in Babylonia and to die there as did also their descendants for many generations. They found little reason to leave the centre of the Persian Empire in order to move to its fringe to one of its poorest and most desolate provinces. It is quite ironic that the end of Jewish communities in Mesopotamia came first in 1948CE, when the majority of the Jews in Mesopotamia were forced to leave and to return to Palestine as a consequence of the establishment of the modern Jewish state. I wish to stress this point, as most scholars who are prone to date the larger part of the Old Testament to the Babylonian exile may after all be right: this literature is really exilic. It should also be stressed at the same time that few of the aforementioned scholars have realized that the exile continued – almost forever – although its extent was self-inflicted. The sons and daughters of deportees happily continued to live in Mesopotamia as long as the Persian Empire existed, but also under the following empires of the Seleucids, Sassanides and Parthians. It may even be maintained that the idea of an exile became an obsession for the Jews of the Diaspora because it provided them with a legitimate excuse for keeping away from a barren place called Palestine.

The Old Testament: a Hellenistic book?

The following points speak in favour of a Hellenistic date for the Old Testament:

1. It is a fact that the history of Israel as narrated in the Old Testament has little if anything to do with real historical developments in Palestine until

37. On the Canaanites, cf. N. Lemche, *The Canaanites and Their Land: The Tradition of the Canaanites* (JSOT supplement, 110; Sheffield: JSOT Press, 1991). The consequences of this are more sharply drawn by Davies, *In Search of ‘Ancient Israel’*. Most of this development was, however, foreseen by the late Gösta W. Ahlström, in his *Who Were the Israelites?* (Winona Lake, IN: Eisenbrauns, 1986).

at least the latter part of the Hebrew monarchy. It cannot be denied (and there is, as a matter of fact, no reason to deny it) that we may possess some few genuine historical recollections; but, at the same time, it should be argued that, from a historian's point of view, we must consider Old Testament literature a poor source of historical information.

2. An extensive part of this literature should be considered the creation of the Jewish Diaspora, first and foremost, the patriarchal narratives, the story in Exodus about Israelites in Egypt and their escape from Egypt, but also the conquest narratives in Joshua. All of these aim at one and the same issue – at a more or less utopian level – that a major Jewish kingdom (even empire) should be (re-)established in Palestine, an idea that emerged in spite of the fact that it had no grounding in an ancient Israelite empire.
3. The writers who invented the 'history of Israel' seem to have modelled their history on a Greek pattern. The first in modern times to stress this point is presumably John Van Seters,³⁸ although his reference to Hecataeus of Miletus may seem gratuitous, as we no longer possess Hecataeus's history except in the form of rather diminutive fragments. It would be preferable to propose the history of Herodotus as the earliest point of comparison and to indicate that there are a number of similarities between the histories of Herodotus and the Old Testament. Both histories have as their beginning a perspective that encompasses the world as such, and this perspective narrows to single nations only at a later point, the Greek and the Hebrew, respectively. I should like to stress this point without ignoring many significant differences between Herodotus's history and the Old Testament historical literature.³⁹ It is merely my intention to indicate that biblical historians display knowledge of Greek tradition, and that

38. Cf. J. Van Seters, *In Search of History* (New Haven, CT: Yale University Press, 1983), and now his *Prologue to History: The Yahwist as Historian in Genesis* (Louisville, KY: Westminster John Knox Press, 1992). In his book, Van Seters argues that two currents are present in the Yahwistic parts of Genesis, one of them displaying an interest in history proper, while the other is more of an 'antiquarian kind'. The first current can be traced back to the Greek historical tradition while the second is genuinely oriental, and has its roots in Mesopotamia, in the Babylonian tradition. According to Van Seters, the meeting place of both currents cannot be pre-exilic, but must be dated to the Babylonian exile in the strict sense of the word. In favour of this, Van Seters discusses the possibility that the Phoenicians were the carriers of the Greek tradition to the Orient. This sounds like an unnecessary complication and is completely unattested. In spite of Van Seters's splendid defence of his exilic date, a more relevant moment can and should be proposed for the confluence of Greek and Oriental tradition – that is, the time of the Seleucid and Ptolemaic empires when the Greeks ruled the East. In this age, the Jews of Mesopotamia would have had easy access to Greek as well as Babylonian traditions.

39. Other Greek historical works should, of course, be consulted as relevant to the discussion, in particular Hellenistic authors, but also Livy, although Livy, being a Roman author, can only be an elaborate example of history-writing in the Hellenistic world. The fact, however, remains that a number of parallels can be found between Livy and the Old Testament history, even structural ones. This may not be a coincidence but may be a testimony of a common 'spiritual' (i.e. Hellenistic) background.

this hardly was the case before Greek historians were became known and read in the Near East.

4. The Persian period does not seem to meet the requirements of being the time when the historical books of the Old Testament were composed. First of all, it would have to be proven that Greek authors were known and extensively read in the Persian Empire, and I doubt very much that this was the case. Furthermore, we have to look for a suitable place where the biblical-historical narratives may have been compiled.

One of the major problems in this connection is the fact that we have very little information about the Persian age, at least as far as the Jewish population is concerned. We know practically nothing about the situation in Palestine except from the books of Ezra and Nehemiah and, although these books have generally been highly regarded as first-hand sources of information, some critical voices have arisen lately arguing, first, that the mission of Ezra never took place; and, second, that the authenticity of the so-called ‘autobiography’ of Nehemiah may also be doubted – with reference to the fact that autobiographies constituted an acknowledged and widespread literary genre in the Greek world.⁴⁰

Palestine during the Persian period hardly seems to have embraced the kind of society in which to look for the authors of literature such as those found in the historical parts of the Old Testament. From a material point of view, the Persian conquest seems to have brought little positive to Palestinian society, in general. The rebuilding of Jerusalem was evidently only on a minute scale, the Jerusalem of Nehemiah being even smaller than the one that existed before the extensions to the city area made by Hezekiah.⁴¹ It is certainly true that much work has to be done in order to clarify the conditions of the Persian period, archaeologically, if we wish to create the impression that great literature may possibly have been composed in this age.⁴²

40. A number of interesting viewpoints relevant to this discussion can be found in R. Davies (ed.) *Second Temple Studies: Persian Period 1* (JSOT supplement, 117; Sheffield: JSOT Press, 1991); notably, Lester L. Grabbe, ‘Reconstructing History from the Book of Ezra’, 98–107; and R. Carroll, ‘Textual Strategies and Ideology in the Second Temple Period’, 108–24. On Nehemiah’s biography, cf. also D. J. A. Clines, ‘The Nehemiah Memoirs: The Perils of Autography’, in his *What Does Eve Do to Help? And Other Readerly Questions to the Old Testament* (JSOT supplement, 94; Sheffield: JSOT Press, 1990), 124–64. It is, as a matter of fact, an age-old position which hereby makes its re-entrance on the scene: cf. C. C. Torrey, ‘The Exile and the Restoration’, in *Ezra Studies* (Chicago, IL: University of Chicago Press, 1910), 285–340, and especially C. C. Torrey, *The Composition and Historical Value of Ezra–Nehemiah* (BZAW 2; Giessen: Töpelmann, 1896). See also the discussion in Davies, *In Search of Ancient ‘Israel’*, 78–87, and, of course, in Garbini, *History and Ideology*, 151–69.

41. It is strange to realize how uninformative even the most recent descriptions of Jerusalem in the Persian period are. Thus J. King, in *ABD*, III, 757, has nothing to add to such old books as K. M. Kenyon, *Digging up Jerusalem* (London: Ernest Benn, 1974), 172–87. Both King and Kenyon merely paraphrase the books of Nehemiah and Ezra.

42. In spite of the existence of a work such as E. Stern, *Material Culture of the Land of the Bible in the Persian Period* (Warminster: Aris and Phillips, 1982), a study such as

An utterance such as the following from Philip J. King, ‘The Persian Period was a time of peace and prosperity, when Judah was allowed a great deal of administrative independence’, should awaken suspicion. How do we know this, except that it is the convenient, common opinion of many scholars? Modern examples of crumbling societies left on their own and with ‘a great deal of administrative independence’ provide a sad picture of local incompetence, and Jamieson-Drake’s demonstration of the total collapse of Judean society around 600BCE points to socio-economic conditions in Palestine during the following centuries that will have demanded more than the occasional visit of a Persian emissary to settle. As a matter of fact, the often praised leniency of the Persians towards their subject nations may have been nothing more than a display of an absolute lack of responsibility on the part of Persia. Maybe they did not interfere in local affairs because they did not care! A re-evaluation of Persian rule and a realistic appraisal of the Achaemenid administrative system are much needed. The possibility that the community in Jerusalem was organized as a ‘*Tempel-Bürger*’ society, as maintained by some scholars, following a proposal made by Joel Weinberg (e.g. Joseph Blenkinsopp and David Petersen) seems to me to be a moot question, as very little except the idea itself speaks in favour of such a theory.⁴³ I have little to offer here, except that I have severe doubts about the efficiency of Persian administration in those days, doubts caused by a report such as Xenophon’s *Anabasis*. Here, in the heyday of the Persian Empire (at the end of the fifth century BCE), Xenophon, together with a minor army of Greek mercenaries (roughly 10,000 men), participated in an expedition that brought them to the very heart of the empire. The expedition, however, did not end here when their Persian warlord was killed in a battle. The Greeks simply turned around and walked home. In spite of having lost their commanding officers, they were not only able to get rid of their Persian persecutors but to proceed on their journey right through – at the beginning – the richest provinces of the Persian Empire. They were met by serious opposition, first, when they crossed the borders of Anatolia, although their opponents there were not Persian troops proper, but local mountain tribes, seemingly the subjects of the Persian king.

Jamieson-Drake, *Scribes and Schools*, is most needed for this period and the available material should be statistically analysed. The deplorable lack of material is also reflected by the rather short description of the age from an archaeological point of view in Helga Weippert, *Palästina in Vorhellenistischer Zeit* (Handbuch der Archäologie, 2.1; Munich: C.H. Beck, 1988), 687–718. Her remarks on 697 (‘Forschungsstand’) are most revealing. It is also the case that most of the material from this period is found in sites north of present-day Haifa, an area that can hardly be considered part of the Persian province of Yehud!

43. On this see J. Blenkinsopp, ‘Temple and Society in Achaemenid Judah’, in R. Davies (ed.) *Second Temple Studies 1*, 22–53, and D. Petersen, ‘Israelite Prophecy: Change Versus Continuity’, in J. A. Emerton (ed) *Congress Volume: Leuven 1989 (VT supplement, 45; Leiden: E. J. Brill, 1991)*, 190–203, see 195–203. The original formulation of this hypothesis can be found in Joel Weinberg, ‘Demographische Notizen zur Geschichte der nachexilischen Gemeinde in Juda’, *Klio* 59 (1972), 45–59, and the same author’s ‘Das beit ‘abot 6.-4. Jh. v.u.Z.’, *VT* 23 (1973), 400–14.

The report by Xenophon hardly indicates that the adversaries of the Greeks were citizens in an efficiently governed state or empire! It would also certainly be an appropriate irony – assuming a view of the origins of the Old Testament such as that promoted by, for example, Philip Davies should be vindicated – if most of the archaeological material of the formative period of Old Testament literature should belong to the much neglected Persian period, as this material has often been thrown away or placed in dumps, that archaeologists might get down quickly to ‘true’ Israelite layers.⁴⁴

It should never be forgotten that the revitalization of the ancient Near East occurred only after the Greek takeover. It is an established fact that city life vastly expanded after the conquests of Alexander. In this, we must realize that innovations in Jerusalem and Palestine were comparable – although on a smaller scale – to the cultural developments in Syria, Mesopotamia and Egypt. This theme hardly has to be discussed further other than to point out that we now, finally, in the Hellenistic period, get a glimpse of a society in which great literature may have been composed, kept and loved. Scholars may nurse very romantic ideas about what may have happened in the nooks and crannies of pre-Hellenistic Palestine, in a society considerably poorer than the one that has been found.⁴⁵ A more sophisticated and realistic assessment of facts suggests that the Persian period was not the time in which the Old Testament could have been written. Hardly any parallel exists to such a development, but a lot of evidence that suggests that the Hellenistic period was the formative period of early Jewish thought and literature, as witnessed by the Old Testament itself.⁴⁶

There is no reason to gloss over the fact that the majority of Old Testament scholars of the present day will not readily accept new ideas such as these concerning the date and ideological background of the Old Testament. A number of reasons may be found, not all of them based on irrational, if understandable,

44. An outspoken example of the lack of interest (i.e. contempt) for the Persian Period among Israeli archaeologists is the recent ‘standard’ archaeology by A. Mazar, *Archaeology of the Land of the Bible 586 BCE* (New York: Doubleday, 1990). His example is certainly not exceptional!

45. For example, the Late Bronze Age, a society that was hardly the home of great literature, as is clear from the Amarna letters.

46. So far, the topic under discussion has been the historical literature. That the writings are mostly Hellenistic literature seems self-evident in the light of the present discussion and there is no need to elaborate further on this at this point. The prophetic literature, however, poses a special problem because this collection is normally understood to be more recent than the Pentateuch and the Deuteronomistic History, which, according to the Jewish tradition, is also prophetic. This is not the time to go into this here, except to say that Julius Wellhausen’s verdict should be remembered, that the Prophets predate the Law. The possibility that the historical literature may be late does not preclude that the prophetic literature is yet later (the collection may be, but that is another case). The analysis in my *Early Israel*, 306–36, showed that the historical tradition was unknown to the pre-exilic prophets. My estimation of the time of composition of the so-called pre-exilic collections may be wrong after all, but the conclusion may still be valid that these prophetic collections predate the appearance of a larger historical narrative of the kind found in the Pentateuch and in the Deuteronomistic History.

disbelief and reluctance to accept what goes against the *opinio communis* of several generations. Exclamations such as ‘This is nonsense!’, ‘This cannot be true!’ or ‘This is impossible!’ are often heard, although the argument in favour of such ‘criticism’ will usually be of a circular kind – that is, it cannot be true because it goes against the once generally accepted view, which is, in turn, based on the assumption that such alternatives cannot be correct.

However, objections of a more serious kind will likely be launched against a position like that held in this chapter:

1. How is it possible that a period which must be considered the time of production of ‘literature’ such as Chronicles could also produce a Yahwist or the book of Joshua, and not least the engaging stories of the books of Samuel?
2. We are acquainted with the linguistic evidence in certain parts of the Old Testament that are acknowledged as Hellenistic, such as Ecclesiastes or the Song of Songs. When this evidence is known and compared to, for example, the language of the Deuteronomistic literature, how could anyone be prepared to accept the Deuteronomistic literature as being about the same age as Ecclesiastes or the Song of Songs?
3. Where should we look for the home of the Old Testament in such a late period? Is the Old Testament in its Hebrew form not so far removed from the Septuagint in spirit and language that these Hebrew writings must be much older than their Greek translations?

It should be possible to answer all three questions at one and the same time by introducing ethno-linguistic as well as socio-economic arguments, although these need not be very sophisticated. The issues are, in fact, quite plain. The remarkable qualitative distance between Chronicles and the Deuteronomistic History is not merely a distance in time (the Chronicler is generally citing the Deuteronomistic History, so this history must predate Chronicles), short or long; it may just as well bear witness to the fact that the two histories were composed in very different environments. It is, moreover, quite safe to assume that those responsible for publishing the books of Chronicles were less able narrators than the Deuteronomistic historians.

This discussion sounds much like a new version of the debate about the respective date of J, E and P, which has lasted for more than a century. It is well known that much of this discussion was based on arguments such as differences of religious or political outlook, linguistic matters, etc. It was also assumed that the Yahwist was a more simple-minded fellow (although by all means a great narrator) than his Elohist colleague and that the persons behind P display a view of religion (if not theology) that is quite different from that found in J and E. Such differences were explained a long time ago by Johannes Pedersen as not necessarily the consequence of a difference in time; they could well be the outcome of different milieus and/or abilities and preferences of their authors.⁴⁷ To

47. Cf. J. Pedersen, ‘Die Auffassung vom Alten Testament’, *ZAW* 49 (1931), 161–81.

deny that Pedersen's argument could be valid would be the same as maintaining that Plato could not be a contemporary of Xenophon!

When we turn to linguistic matters, it is true that the language of Ecclesiastes is much nearer the Middle Hebrew of the Mishna, and it is far removed from classical Hebrew, which is the idiom of the Pentateuch and Deuteronomistic History. Nevertheless, it should be realized that it is impossible to say whether such differences reflect differences of time or milieu (or context). Where should we look for the author of Ecclesiastes, and who wrote the Deuteronomistic books, are relevant questions. Although I will not deny that such differences may reflect different times of composition, I will also stress the fact that Hebrew was known (if not spoken) in post-exilic times among Jews living in places as different as Mesopotamia, Egypt and Palestine. Dialect differences, which must have existed between these places, have been poorly studied. We must also consider that it may be impossible to find evidence of such differences, as linguistic differences have been harmonized, though certainly not totally eradicated.

Finally, in order to counter the argumentation that refers to differences between the Septuagint and Hebrew books of the Old Testament, it should be remembered that it is safe to assume that the Septuagint came into being in Egypt. There is, on the other hand, no certainty that the Hebrew writings also originated there. It is not unreasonable to think of a mixture in the Hebrew Bible of writings which came from Mesopotamia (especially the major part of the historical literature) and from Palestine (perhaps Ecclesiastes, certainly Daniel and others). Neither can we totally exclude the possibility that Hebrew – as represented by the Hebrew Scriptures – was no longer a living language. In this period, Hebrew may have been what Ernst Axel Knauf has termed an artificial language, a kind of 'Latin', perhaps 'invented' as the idiom of sacred literature.⁴⁸ It is likely that the original Hebrew manuscripts, which were incorporated within the Septuagint, were simply translated after having been transferred to Egypt because of the less than inadequate knowledge of Hebrew among ordinary Jews living in a city such as Alexandria. There is really no reason to believe that the Hebrew versions must perforce have been much older than their Greek translations. To discuss an interval of 100 years or a decade, or even a single year, is hopeless, as no hard evidence for the interval between the appearance of a Hebrew original and Greek translations can be found in support of any of these positions.

Theses

It is my intention at the end of this chapter to present some 'theses' to show that the view of the Old Testament presented here may lead to a renewed appraisal of its status as sacred literature for both Jews and Christians in ancient times. These theses are all to be considered for future discussion. Here, they are only

48. E. A. Knauf, 'War Biblisch-Hebräisch eine Sprache?', *ZAH* 3 (1990), 11–23.

listed. First, four theses concerning the relationship between the Septuagint and the Hebrew Bible:⁴⁹

1. The position of the Septuagint in the Christian Church. It is often stressed, especially by specialists in Septuagint studies, that the Septuagint was the bible of the first non-Jewish Christians. However, insofar as it was still in use in the Jewish Diaspora, the Septuagint was also the bible of these communities. The Septuagint was clearly a Jewish bible. The reaction to Christian use of the Septuagint, on the other hand, led to the appearance of Jewish revisions of the Septuagint, as well as to the canonization of the Hebrew Bible.
2. The Hebrew Bible is a Jewish canon, selected by Jews for Jews, perhaps created in direct opposition to the Septuagint, now the Bible of the Christian Church, but certainly also under the influence of the catastrophes of the late first century and early second century CE.
3. The reason why the Hebrew Bible and not the Septuagint should be part of the Bible of the Protestant Church is to be found in the criterion of originality, which is certainly a mythical concept: in this case, attached to the question of the original language of the Old Testament. Ancient man was able to understand that there is a qualitative difference between an original text and its translations. Because of this, it is still reasonable to continue in the footsteps of European biblical humanism and the reformers and read the Old Testament primarily in Hebrew.
4. On the other hand, from a specifically Christian point of view, it is questionable to continue in the footsteps of the Protestant – in contrast to the Greek Orthodox and Roman Catholic churches – and disregard the books of the Septuagint which are not in the Hebrew Bible. Protestantism made a strange decision when it departed from the usage among fellow Christians and accepted a selection of writings originally made by Jewish scholars for their fellow Jews. From a theological perspective, the concept of ‘apocryphal writings’ should be suspect. There may be sound reasons to reintroduce the parts of the Septuagint not included in the Hebrew Bible among the scriptures of the Western Church (although this will probably awaken little discussion today, as the importance of the Bible to modern Christians is, after all, diminishing).

Finally, four theses concerning the relationship between the two Testaments:

1. The lapse of time between the composition of the major part of the Old Testament and of the New Testament must be considered minimal in light

49. Some preparatory work on this has already been published by my colleague Mogens Müller; see his ‘Graeca sive Hebraica veritas? The Defense of the Septuagint in the Early Church’, *SJOT* 3.1 (1989), 103–124, and his ‘Hebraica sive graeca veritas: The Jewish Bible at the Time of the New Testament and the Christian Bible’, *SJOT* 3.2 (1989), 55–71.

of the discussion above. The Old Testament was no creation of a distant and foreign Israelite world, but came into being in post-exilic Jewish society, presumably during the Hellenistic period. From a historical point of view, the continuity between the Old and New Testament consists of the identity of the Jewish society that created and transmitted the writings of the Old Testament and the Jewish society that was the cradle of Christianity.

2. It is important that we realize that the Septuagint was originally a Jewish bible and was accepted as holy writ by early Christians only later. From a specifically Christian point of view, this means that the Old Testament cannot be considered an isolated entity, but is a theologically integral part of the Christian heritage.
3. A theology of the Old Testament is, accordingly, not an issue for Christian believers. The idea that Old Testament theologies should be founded on the Old Testament alone cannot be supported by the allegation that early Christians inherited old writings from the ancient Israelites – not from the Jews – and turned these old Israelite books into their own sacred literature. The Christian acceptance of the Old Testament cannot, therefore, be likened to its acceptance by the ancient Jews (who wrote it). It should accordingly be a job for Jewish theologians to write Old Testament (or, rather, Hebrew Bible) theologies in the strict sense of the word.⁵⁰
4. A theology that also acknowledges the Old Testament as part of the Christian canon will, in a Christian environment, look to the New Testament for guidance, according to the scheme ‘promise and fulfilment’. As a result of this, a Christian theological discussion that also involves Old Testament matters will have to be an issue of interest for biblical theology; it is not a specific Old Testament theme.⁵¹

These theses may eventually lead to a renewed interest in the Old Testament and save it from becoming a theological and intellectual *cul de sac* among Christian believers. Traditional historical-critical research has, in spite of its many merits, made the Old Testament a book that merely provides information about the past, and which has little to say to modern (Christian) people. In connection with the New Testament, the Old Testament must be considered a main topic of interest

50. This is not to deny that extraordinary intellectual achievements have been accomplished in this field, as, for example, perhaps the most important Old Testament theology of this century, Gerhard von Rad's *Theologie des Alten Testaments* (2 vols; Munich: Chr. Kaiser, 1957–1960). At the same time, it should be realized, however, that because of his defining historical and redaction-historical approach, von Rad wrote a mental history of the ancient Jews, which is legitimate in a Christian environment. A fine dissection of the problems involved in writing Old Testament theologies in the present century has been written by J. Høgenhaven, *Problems and Prospects of Old Testament Theology* (The Biblical Seminar, 6; Sheffield: JSOT Press, 1988).

51. The opposite could be said of specialized theologies of the New Testament, as it was never intended to be an independent part of the Bible, but certainly presupposes the existence of the Old Testament.

for all Christians, laypersons and theologians alike. This approach should certainly not be considered an attack on the integrity of the Old Testament in a Christian environment and it does not prevent historical studies from continuing to be based on the Old Testament.⁵² To the contrary, the Old Testament should be acknowledged as part of the Christian canon and, as such, important to Christian believers on a level with the New Testament. Nor should it be forgotten that the New Testament is such a small book with a comparably narrow theme only because of the presence of the Old Testament within a Christian canon.

Acknowledgements

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52. It is not for me to judge whether a change of approach to Old Testament studies will bring any benefit to modern Jewry. I imagine that the majority of modern Jews will consider these to be irrelevant, but it is my hope that they will also in time appreciate their importance for the relationship between Christians and Jews, if the Christian communities will understand that the origin of the Old Testament as well as the cradle of Christianity should not be sought among ancient Israelites, but in the Jewish society of the Hellenistic and Roman periods.

9

Power and social organization: some misunderstandings and some proposals, or is it all a question of patrons and clients?

1994

Let me start this lecture by quoting the admonition of God in Exodus 23:20-33 extensively:

And now I am sending an angel before you to guard you on your way and to bring you to the place I have prepared. / Heed him and listen to his voice. Do not defy him; he will not pardon your rebelliousness, for my authority rests in him. / If you will only listen to his voice and do all I tell you, then I shall be an enemy to your enemies, and I shall harass those who harass you. / My angel will go before you and bring you the Amorites, the Hittites, the Perizzites, the Canaanites, the Hivites and the Jebusites and I will make an end of them. / You are not to bow down to their gods; you are not to worship them or observe their rites. Rather, you must tear down all their images and smash their sacred pillars. / You are to worship the Lord your God and he will bless your bread and your water. I shall take away all sickness out of your midst. / No woman will miscarry or be barren in your land. I shall grant you a full span of life. / I shall send terror of me ahead of you and throw into panic every people you find in your path. I shall make all your enemies turn their backs toward you. / I shall spread panic before you to drive out the Hivites, the Canaanites, and the Hittites in front of you. / I shall not drive them out all in one year, or the land would become waste and the wild beast too many for you, / but I shall drive them out little by little until you have grown numerous enough to take possession of the country. / I shall establish your frontiers from the Red Sea to the Sea of the Philistines, and from the wilderness to the River Euphrates, I shall give the inhabitants of the land into your power, and you will drive them out before you. / You are not to make any alliance with them and their gods. / They must not stay in your land, for fear they make you sin against me by ensnaring you into the worship of their gods. (New English Bible)

And I continue with another quotation, this time from Mario Puzo's novel *The Godfather*.¹ The following dialogue – if not monologue – can be found at the beginning of the book when a despairing father of a girl, who had been mistreated by some youngsters, who had only received a mild sentence from the court, appeals to the Godfather – the head of the Corleone family – in an effort to obtain justice. However, the father, a caretaker, has offended the Godfather by never calling him 'Godfather', and – worse – he offers to pay for the service. What was expected in the first instance was that, before he had gone to the court with his case, he should have involved the Godfather in seeking his revenge. Instead, he played with 'other gods' (as it were), and disregarded the honour of his own, the Godfather, who, nevertheless, forgives these offenses. Yet, before he agrees to do what is asked he delivers a speech:

But if you had come to me, my purse would have been yours. If you had come to me for justice those scum who ruined your daughter would be weeping bitter tears this day. If by some misfortune an honest man like yourself made enemies they would become my enemies ... and then, believe me, they would fear you.

The scene ends with the following dialogue between the applicant and the Godfather. The caretaker: 'Be my friend. I accept.' The Godfather: 'Good, you shall have your justice. Some day, and that day may never come, I will call upon you to do me a service in return. Until that day, consider this justice a gift from my wife, your daughter's godmother.'

In both places the important points are:

1. You must accept the superior as your God(father).
2. You must not deal with someone else and hope that this 'other' will help when you are in trouble.
3. If you keep this agreement, then you have nothing to fear, but your enemies will fear – not because of you but because of the superior being behind you.

Many passages in the Old Testament – if not most of the Bible – follow this line. The Deuteronomistic History contains one long tale of disobedience against the superior being to whom Israel had sworn allegiance, and although we sometimes find expressions of the opposite – for example, in Psalm 89, where the God is rebuked for having forsaken the faithful king of his chosen dynasty, or in Psalm 44, in which the people of Israel have never broken the covenant – the tone of unfaithfulness runs through the historical narratives and greater part of prophetic literature – to the destruction of Jerusalem and its temple and the exile of the unfaithful people of God.

1. Mario Puzo, *The Godfather* (New York: G. P. Putnam's Sons 1969).

It has long been recognized that Old Testament authors were not entirely original. They made use of the relationship between superior and vassal, known from innumerable ancient Near Eastern texts, among which the Hittite suzerain-treaties might well offer the clearest – but certainly not the only – examples.² One could quote extensive passages in example from the treaty between Šuppiluliumaš I of Ḫatti (fourteenth century BCE) and Šattiwazza (if not Mattiwaza or Kurwazza) of Mitanni.³ Šattiwaza is obviously the inferior partner in the agreement. It is, therefore, forbidden him to entertain relations with foreign parties not accepted by the king of Ḫatti. Should one arise as ‘an enemy of the state of Mitanni, he is an enemy of the king of Ḫatti’. Mutual friends are also good to have, so if a foreigner ‘is a friend of the king of Ḫatti, he is also the friend of the king of Mitanni’. Large parts of such treaties contain rules for exchanges between suzerain and vassal, as if between two people of equal standing, which, when the stipulations are read closely, is, in fact, not the case.⁴ Normally, weightier duties are placed on the vassal. However, a treaty like this guarantees the vassal help from his suzerain when he or his family is in danger.

In a series of studies, the well-known Italian Assyriologist Mario Liverani has shown how the political scene in western Asia was dominated by a system according to which petty kings were always subordinate to a mightier king: either the king of Mitanni or the king of Ḫatti.⁵ On the other hand, it was never imagined that a petty king could survive alone for any longer period. Sometimes there were reactions against this system – for example, in the short history of the independent state of Amurru during the fourteenth century BCE. Here, the kings, because they ruled a state on the border between the Hittite and Egyptian empires – tried to play the two great kings against each other and thereby obtain a temporary situation of independence, which was, however, soon abandoned as the king of Amurru had to submit to the one mighty lord, the king of Ḫatti, to escape the yoke of the other, who was Pharaoh.⁶

2. In general on this discussion, see D. J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the Old Testament* (Analecta Biblica, 21; Rome: Biblical Institute Press, 1978).

3. Translated in E. F. Weidner, *Politische Dokumente aus Kleinasien: die Staatsverträge in akkadischer Sprache aus dem Archiv von Boghazköi* (Boghazköi-Studien, 8 and 9; Leipzig: J.C. Hinrichs, 1923), 2–57.

4. On how a Hittite suzerain treaty may be structured to hide the inequality between great king and vassal, M. Liverani, ‘Storiografia politica hittita – I: Shunashshura, ovvero: Della reciprocità’, *Oriens Antiquus* 12 (1973), 267–97.

5. Beginning with his article ‘Contrasti e confluenze di concezioni politiche nell’età di El-Amarna’, *Revue Assyriologique* 61 (1967), 1–18, and reaching a temporary climax in his ‘Prestige and Interest: International Relations in the Near East c.1600–1100bc’ (*History of the Ancient Near East/Studies* I, Padova, 1990).

6. Cf. on the short history of Amurru, especially Horst Klengel, *Geschichte Syriens im 2. Jahrtausend v.u.Z. Teil 2: Mittel- und Südsyrien* (Deutsche Akademie der Wissenschaften zu Berlin. Institut für Orientforschung, Veröffentlichung Nr. 70; Berlin: Akademie-Verlag, 1969), 6. Abschnitt: ‘Amurru’, 178–325.

Liverani demonstrates that this system was common and acknowledged in Western Asia: that the inferior kings were the loyal vassals of the great kings and that both parties well understood how the system worked: a mutual system of allegiance and protection, the vassal protecting the great king with his soldiers and, with taxes and tribute to his overlord, contributing to the welfare and strength of the empire, of which he was a part, whereas the overlord was guarantee of the petty king that he might remain on his throne as long as he was faithful. The system is well described as early as the Mari letters, where, for example, we have that famous message that confirms that, in Western Asia, there were two great kings, the king of Yamhad, followed by twenty kings, whereas other great monarchs, such as the king of Babylon (Ḫammurabi), Larsa, Ešnunna and Qatna had but ten to fifteen kings as their followers.⁷ We find this clearly expressed in 2 Samuel 7, in the prophecy of Nathan, regarding the relation between Yahweh and the Davidic dynasty and, especially, in Psalm 132: ‘The Lord swore this oath to David, an oath which he will not break: A prince of your own line, I will set on your throne. / If your sons keep my covenant and heed the teaching that I give them, their sons in turn for all time will occupy your throne!’ Of course, we also have the motif of enemies of the beloved and chosen one, who will be crushed: ‘I shall cover his enemies with shame, but on him there shall be a shining crown.’

It is an interesting fact that Egyptian kings of the Amarna Age may not have understood this system. There is considerable evidence in the Amarna letters – as also shown by Liverani in the previously mentioned works and especially in studies on Rib-Adda of Byblus and his correspondence with Pharaoh⁸ – that Egyptians and Asiatic kings lived in two different political worlds, not in the sense of political allegiance, since the kings of Palestine and southern Syria were in those days all vassals of Pharaoh, but in an ideological sense, as Egyptians and the people of Western Asia meant two different things, when talking about mutual allegiances. Asiatic princes understood that the Egyptian king was the suzerain to whom they had promised loyalty, in exchange for which Pharaoh protected them, whereas Egyptians understood Pharaoh to be a lofty god, far removed from such need to provide for the welfare of insignificant Asiatic – namely, Barbarian – kings.

Clearly – or so Liverani maintains – princes of Asia believed themselves part of a mutual protection system, they being vassals and Pharaoh their master, while Egyptians lived in a bureaucratic system, where princes were employed as civil servants to Pharaoh and owed him allegiance, without expecting anything in exchange other than their due wage. Since he was not a normal human being, what was due them consisted in the life granted to them by the god, Pharaoh – surely an important thing in Egypt because it meant eternal life together with the

7. Text and translation George Dossin, ‘Les archives épistolaires du Palais du Mari’, *Syria* 19 (1938), 105–26, 117.

8. M. Liverani, ‘Le lettere del Faraone a Rib-Adda’, *Oriens Antiquus* 10 (1971), 253–68, ‘Rib-Adda, giusto sofferente’, *Altorientalische Forschungen* 1 (1974), 175–205.

god in the land of blessing on the other side of the grave, whereas, in Western Asia, such promises would hardly pay your mortgage.

Two different political ideologies existed at the same time, both tracing their history back to the hidden past, and both destined to survive centuries after the close of the Amarna period and the Late Bronze. We should, however, expect such ideologies to reflect different socio-political usage – which was the main reason I introduced the quotation from *The Godfather* early in the discussion. Let me be clear that my thesis is that the political ideology of the kings of Western Asia in the Amarna Age was under the influence of a societal system, which was structured similarly to Sicilian society of the twentieth century CE, dominated by Mafiosi. In order not to be misunderstood, Western Asia was politically structured as a society consisting of two types of persons: patrons and their clients. It was a system of patronage (from a different perspective also called clientelism). Such a political system moulded political-ideological terminology and controlled the behaviour of people living in that society. This is not a joke. Some call this the Mediterranean political system, suggesting that it was the standard political system of the Mediterranean region, given that other political forces not intrude on the traditional (i.e. local society). It is also a system which is still largely operative in the Mediterranean world. On the other hand, it is also very different (or should be) from the system we find in Central and Northern Europe, where patronage as a system has been abolished for at least a couple of centuries. A near classic selection of studies published by Ernest Gellner and John Waterbury⁹ demonstrates the presence of patronage in Italy (the basic terminology is, or is influenced by, Italian), Malta, Turkey, Cyprus, Iraq, Lebanon, Jordan, Egypt (i.e. the modern state), Tunisia, Libya, Algeria and Morocco. It also exists in Corsica and in France before the revolution.

This system seems to blossom nearly everywhere in what anthropologists have identified as pre-industrial societies (though to some degree stratified).¹⁰ It is not found in most simple family-oriented societies, but in complex societies that have reached a degree of work differentiation. The principal enemy of this system seems to be bureaucracy, as when bureaucracy functions well (with limited corruption, as prevails today in most Protestant countries of Europe), there is no room for the patron–client system to function.

The basic structure of the system consists of the existence of the aforementioned two categories, patrons and their clients, the patrons being the more powerful, as well as wealthy leaders of parties and clans. A patron is, in theory, not bound by bonds of allegiance to other parties, although this may be blurred because the actual development of the system is hardly simple. Clients, for their part, are defined as persons who are not slaves in a technical sense, but free citizens who have entered a contractual relationship with one

9. E. Gellner and J. Waterbury, *Patrons and Clients in Mediterranean Societies* (New York and London: Duckworth, 1977).

10. Cf. S. N. Eisenstadt and Luis Roniger, *Patrons, Clients and Friends: Interpersonal Relations and the Structure of Trust in Society* (Themes in the Social Sciences; Cambridge: Cambridge University Press, 1984).

to whom they owe allegiance and loyalty and whom they serve, should their patron so wish.

Why does such a system arise? First of all, the state apparatus of simple or embryonic states is often not effective. We all recognize in the Bible that the great men of society must care for the widow and the orphan, the poor and the destitute. It is a central theme in the prophetic message that wealthy Israelites did not do that, but deserted their obligations for their own interests. If necessary, they bribed judges and officers of the court. It is also well recognized that this happened because the state generally did not possess the means to enact justice. There was no significant police force. If a person had a case against another, he need himself drag that person before a judge and hope for the judgement to go his way. Even this was a privilege that was not bestowed on all, but only on wealthy landowners, so-called full citizens. Women, children and the landless did not share such privilege. They were not citizens, but relied on the mercy or good humour of the wealthy. The choice at hand for the poor was a rich man who could secure their rights – not far different from *The Godfather's* caretaker, who, unable to obtain justice in court, needed to refer back to the Godfather to carry his case. Those who know the novel well might also remember that the caretaker started with a request that the scoundrels should be killed. The Godfather, who weighed the case, simply decided that this was too much and not according to the rules. It would be enough to break all their bones – and so it happened.

In the embryonic state of this system there was but a single patron, who presided over all other patrons: the king (who owed only his god allegiance). Therefore, the notion of the just king sitting on his throne creating law and justice is a prevalent theme, not only in the Old Testament but in the Near East as a whole.

It is a remarkable fact that until now no laws have ever appeared in any document from Western Asia – the Old Testament laws including the so-called Book of the Covenant (Exod. 21–23) being a special case, but eventually reflecting a Babylonian understanding of justice and law. No patron and especially no king would have cared being told how to judge and how to decide a specific case. It was their sovereign right to act as judges as well as lawgivers at one and the same time.

Was it a bad system, as the similarity to Mafia rule seems to demonstrate? No, not in itself. From the viewpoint of the common man, the patron was a fearful creature whom you were obliged to follow, and against whom you certainly were not expected to react – and, if you did, you broke the bond to your patron and had the worse to expect from his hand, including death. On the other hand, it must be remembered that the patron is a powerful man who almost ‘owns’ you, although in a respectful way (Mafiosi are always ‘*Uomini d’onore*’, ‘men of honour’), so that your feelings are not hurt (too much). He must be feared and respected, but he also has to treat you with respect. In practice, your life is safe as long as you keep your part of the bargain. That is the most important aspect of the system. The patron cannot refuse a rightful wish formulated by a loyal client because, if he does so, he has broken his oath, a thing that may

endanger the client's existence in the short run – but also the patron's survival. The bond between client and patron is broken if either party does not fulfil its duties towards the other.

How does such a system function in practice? We have already heard of cases brought before the court where the client must hope for his patron to rescue him. Other instances may relate to times of distress and hunger, where the superior resources of the patron may help the client to survive, or, failing such help, the client would die. The patron simply must provide for the survival of his clients. On the other hand, the patron, of course, benefits from the contributions which the clients offer their patron: tilling fields, paying rent, providing manpower in conflicts between patrons and the like. Many instances can be considered where the patron benefits from his clients. The system is, however, not as such exploitative (it may, of course, be, but only when abuses substitute the correct application of the system, as in present-day mafia systems), for the costs of holding the patronage when clients are under distress may well supersede any income from such clients. If he wishes to keep his clients together, the patron must support them and provide them with means of survival – or they will desert him. This obligation for support may not seem as critical as it is because it could be argued that such desertion, at a time when the country is hit by hunger and draught, for example, in fact, could help the patron to keep his possessions. However, this is hardly a valid explanation, as, within this Mediterranean system, the most important aspect of clientelism consists of the prestige, which the adherence of a large number of clients bestows on the patron, and prestige is the all important factor at play in regard to political power between patrons. If one patron does not give such care to his clients, his clients may choose another patron, who better deserves their gratitude. The status of the new patron will grow just as the power of the former diminishes. In the end, he runs the risk of losing his position altogether. Therefore, the order of the day for the good (i.e. clever) patron is to hold his clients under his benevolent hand at all cost. It has been maintained that the patronage system is, indeed, a very effective way of ensuring the redistribution of wealth in society. It is not just a system of tyrannical economic exploitation; under certain circumstances, it can be a well-functioning economic system.

How is it that this notion of patronage, which, in my eyes, formed the single most important social factor in most of the ancient and many modern Mediterranean societies, among which, also, ancient Palestinian society, including the states of Israel and Judah, belonged, has been so little recognized? If we read, for example, Gottwald's *The Tribes of Yahweh* and other works by the same school of thought,¹¹ it becomes obvious that they have no idea that political power is invested in patronage. They rather assume that power and

11. N. K. Gottwald, *The Tribes of Yahweh* (Maryknoll, NY: Orbis, 1979); M. Chaney, 'Ancient Palestinian Peasants Movements and the Formation of Premonarchic Israel', in D. N. Freedman and D. F. Graf (eds) *Palestine in Transition. The Emergence of Ancient Israel* (The Social World of Biblical Antiquity Series, 2; Sheffield: Almond Press, 1983), 39–90.

the power play is a family matter or based on lineages (Gottwald mistakenly understands these as extended families) and tribes. But they are wrong. Why?

First the propositions of this line of thought:

1. They look upon ancient society as a society structured on class.
2. They think of ancient society as a family-organized society.
3. They believe the state to be an intruder on such a family-organized society, which destroys that society and turns people into slaves.

First comment

The notion of class societies comes from Gottwald's Marxist perspective. Not that, in principle, I have anything against Marxism as a scholarly theory (as a political system, it has demonstrated its impossibility – although every political system, good or bad, would probably break down in Russia); but the theory developed on the basis of Central European society as found in nineteenth-century Germany, France and England. It was believed that we only need to have two different groups to have a class society. In fact, however, in these countries 150 years ago, we find at least three classes: peasant, noblemen and the liberal third class, which assumed power in the wake of the French Revolution of 1789. It is my thesis that this third 'class' created all the trouble because it was new (although it developed in Central Europe over a period of, say, 500 years), it was wealthy and it was independent – owing nothing to the state nor the nobility. It created its own fortune, and now – in 1789 – demanded its right to power, as the most dynamic part of the society.

Pre-revolution France was dominated by the relation between nobility and peasants, who, in fact, were clients of the nobility. So it was everywhere in the pre-industrialized world. The phenomenon is well known from my own country – and part of the curriculum as early as primary school. The ties which bound the nobility to the peasants and vice versa are important for all the reasons described earlier in this lecture. In Denmark, it was not against the rules that those who liberated the peasants at the end of the eighteenth century (in 1787) were among the highest-ranking noblemen of the country:¹² good patrons, caring for their clients! It is interesting that one of the slogans of the French Revolution was that 'power belongs to the people!' The new group, the independents, really believed themselves identical with the people. Again, it is hardly coincidence that we soon find the first pronounced ideas of nationality and nation, and of a people identified with the nation, belonging to a specific territory with a national heritage and, finally, a history. These new rulers misunderstood themselves to be the world and they formed their impression of the world according to their own perceptions, especially of themselves as standing between two groups: between the peasants and the old nobility. As a result, the idea of a class-society appears, an idea that for all practical purposes was false as originally formulated, but one which was taken up by the new 'class' that had begun to appear in England at

12. Names such as Bernstorff and Reventlow are conspicuous here.

the end of the eighteenth century. It was, however, during the nineteenth and the beginning of the twentieth that the victors from 1789 (i.e. the class of workers) were led to fight cruel wars against the bourgeois. Although employing them, without, however, any understanding of the old bond between patrons and clients, the bourgeois factory owners had not cared for their workers' needs.

Modern European society is horizontally arranged – that is, it is today a class society, in every sense. Ancient society, however, was not. I sometimes describe its social structure as vertical, consisting of a vertical polarity, associating wealthy patrons with their poor clients. There was no politically common ground among peasants who belonged to different patrons and any such form of political communication was forbidden – as it was forbidden for a vassal of the great king to associate with others not belonging to the same system – ‘family’ – or patronage. Only once do we find examples from the ancient Orient of a different type of society, during the Hellenistic period. This society, however, strongly differed from the older Orient, as well as the later Muslim one. An independent third class also emerged, consisting of well-to-do people who lived in huge Hellenistic cities. To understand the difference between the Hellenistic and the previous oriental worlds, we need to study the structure of a Hellenistic oriental city and compare it to older types of cities. The desert city of Palmyra, for example, with a 4 or 5 kilometre long central road (*Cardo*), with open spaces and many great houses, over an area which needs to be measured in square kilometres, can be contrasted to a large city in Western Asia of the late Bronze Age, such as Ugarit, which covered an area of about 160 hectares, where, apart from the temples, only a single house – the royal palace – was well built. In Hellenistic cities, we find a third class, standing apart from rulers and peasants, living on its own means and independent of other groups. This may well be the reason we also see notions of nations and nationality appearing in this period, quite comparable to ideas of the embryonic Romantic Age 2000 years later.

Second comment

Was power not invested in the family, as we find an extensive use of terms such as ‘father’, ‘son’ and ‘brother’ in the Old Testament? Although this is true, it has been known for many years that such terms are used in different ways in Ancient Near Eastern writings. On the one hand, a father may be the physical progenitor of his son. On the other, he may be a superior person deserving of respect. At the highest level of the patronage system, this is obvious when kings address each other as ‘brothers’ or ‘fathers and sons’. In a letter from around 1250_{BCE}, for example, the Assyrian king is the ‘brother’ of the ‘Hittite’ king, who, however, knows of no such ‘brotherhood’.¹³ Evidently, the Assyrian king tried to explain to his colleague in Hattusas that he himself belonged in the same class as both the Hittite king and his colleague in Egypt (who was given respect as the ‘brother’ of the king of Hatti). The Hittite king, for his part, refused to

13. Translated in G. Beckman, *Hittite Diplomatic Texts* (SBL Writings from the Ancient World Series, 7; Atlanta, GA: Scholars Press, 1996, no 24A), 138.

accept such a frivolous invitation to comradeship and, offended, turned against the Assyrian king to make clear that he did not belong among the great kings of his time.

Another example, illustrating different status, although the exact kind is unknown, is found in the correspondence between the king of Alašiya and the king of Ugarit. It is obvious that the king of Ugarit, for some unknown reason, is reckoned to have a lower status than his 'father', the king of Alašiya.¹⁴ It would certainly be possible to find many other examples of this kind. This metaphoric use of family terms is, however, important in understanding how family relations worked in the Ancient Near East. The ideology as expressed, for example, in the Old Testament tells us that the family is the all-important institution. This may be true, but we are entitled to examine the manner of importance. On the lower level, a father of a family in trouble may need to sell his sons and daughters, his wife and even himself, as we see from the law of the Hebrew slave in Exodus 21:2-11. The nuclear family may be important to its members (counting between two and six persons), but this family has no significant function within a political structure. It is far too weak for that. On the higher level – which, by the way, is the only level where we can expect extended families (counting as many as perhaps ten to twenty persons) – the family may be much more important simply because of its wealth, including the clientele attached to this family and the prestige within its own society.¹⁵

On the level of lineage, we find the same situation. On the lower level, lineages may well exist, but they are often scattered, not merely within their own city and village – as has been noted by many anthropologists, though, without accounting for this phenomenon – but over other towns and villages. This is due to the recurrent problem of a single poor lineage which is not able to help its members. In fact, anthropologists often stress that, contrary to the ideology of the family, poor relatives are seldom helped by more fortunate lineage members. Help has to be found in the patronage system to which the different segments of a poor lineage belong.¹⁶ As every father is (theoretically) independent, he may choose his own patrons and thereby split the lineage politically into different groups, though still ideologically members of the same family.

The rich family with its lineage plays a completely different role, for here patrons 'own' their society and are active in the play for power over their country. This play may be active on all levels, from the tiniest village to the empire – hence, a very interesting book I read many years ago (I have forgotten both

14. RS 18.147, published in J. Nougayrol, E. Laroche, C. Virolleaud and C. F. A. Schaeffer, *Ugaritica V* (Mission de Ras Shamra, 16; Paris: Librairie Orientaliste Paul Guethner, 1968), 87–89, no 24. Translated and discussed among other places in Trevor Bryce, *The Kingdom of the Hittites* (Oxford: Oxford University Press, 2005), 333. After all, the letter includes a plea from the king of Ugarit for help from Alašiya.

15. On the family, cf. my *Early Israel: Anthropological and Historical Studies on the Israelite Society before the Monarchy* (VT supplement, 37; Leiden: E. J. Brill, 1985), 245–59.

16. On the lineage, see *ibid.*, 260–72.

author and title) explained how Napoleon turned Europe into one big Corsican mafia/patronage system, placing his family, his brothers and sisters with their husbands on the different thrones of occupied countries, and keeping one brother as his private consigliere – that is, ‘family adviser’. Napoleon, who was brought up in a Corsican patronage system, could not imagine that any other system would work.

Third comment

Nothing speaks against the reconstruction of ancient society proposed here, not even the existence of tribes, that single most impossible notion of social anthropology. Tribes are no substitute for a patronage system. They have little political power in themselves and they possess no means for handling more complicated matters as appear in complex societies. On a more basic societal level, tribes may well have such importance, but in a complicated – yet not fully developed – socio-economic system; as is typical in Bronze and Iron Age Palestine and Syria, tribes played no role – except in the ideology of a patronage system (because that ideology maintains that people, belonging to the same tribe, must side with members of their tribe). Tribes disappear because they are superseded by the patronage system. We must remember that, in early states, kings are reckoned the first and most important patron: as in Rome, he is *Primus inter pares*. When a true bureaucracy arises with civil servants or a third class between patrons and their clients, the patronage system will likely break down, as has happened in a limited number of countries in modern times, such as Scandinavia (remnants of the old system do, of course, still exist), Holland and parts of Germany, and, in antiquity, in Egypt, where the notion of being the servant of the god (i.e. Pharaoh) prevented civil officers from deserting their master: who could resist the offer of eternal life together with your god and master? It is obvious that the Egyptians, as already explained, did not understand the system of patronage as it existed in Western Asia simply because they did not have such a system of their own.

Acknowledgements

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Is it still possible to write a history of ancient Israel?

1994

A few months ago I lectured at a symposium in Bern in Switzerland on the theme ‘Kann von einer “israelitischen Religion” noch weiterhin die Rede sein?’ (‘Is it still possible to speak of an “Israelite religion”?’). The subtitle of the lecture was ‘Aus der perspektive eines Historikers’ (‘From a historian’s point of view’).¹ My answer was ‘yes and no’ at the same time. It is still possible to speak of an Israelite religion, although the only place this religion should be sought is in the Old Testament. No: Israelite religion, as it is described by the authors of the Old Testament, is quite different from the religions present in Palestine during the so-called Old Testament period. The Old Testament does not describe a religion that could be found in Palestine in ancient times; rather, Israelite religion must be studied in the light of later Jewish sentiment. One could also put it in the following manner: in the field covered by Old Testament scholars, two religions are likely to exist side by side. On the one hand, there is the biblical religion, a literary form of religion which is usually considered to be a true expression of ancient Israelite religion. On the other hand, we have a variety of west Asian religion, which Old Testament writers hardly ever allow to speak for itself, but which, instead, is mostly described in desultory terms and heavily criticized as religious abuse.

It should be apparent that scholars generally use the term ‘Israelite religion’ in a questionable way. First of all, it is obvious that most scholars have formed their opinion of Israelite religion almost solely on the basis of the description found in the Old Testament. Second, it is equally obvious that such scholars work at the mercy of the Old Testament authors and that their understanding of religious matters derives almost entirely from the Bible. It follows that the religious standards of biblical writers form the basis of a modern religio-historical analysis of ancient Israelite religion. Scholars, working with the biblical description of Israelite religion, have paid insufficient attention to questions that arise because of the dating of texts and they have been evasive when they have had

1. Published in W. Dietrich (ed.) *Jahwe unter den Göttern und Göttinnen des Alten Orients* (OBO; Freiburg: Universitätsverlag/Göttingen: Vandenhoeck and Ruprecht, 1994), 59–75.

to face the fact that the greater part of biblical literature belongs to the so-called exilic or post-exilic periods.²

I am not going to discuss Israelite religion here. Instead, the theme of this chapter will be the history of ancient Israel and I intend to present how I think we should continue our study of this history in the future, whether or not it is legitimate to speak of such a history at all. In order to introduce my subject, I briefly mention some of the new elements that have changed the course of the study of ancient Israel. It cannot be ignored that most of the changes have occurred at the beginning of this history – that is, before 1000BCE – while the following periods have until recently been left almost untouched by modern developments. There is, however, reason to believe that the period after 1000BCE will be the focus of our interest in the future and that dramatic changes are also about to take place during this period. Be this as it may, I beg your indulgence for starting this section by referring to my study, *Early Israel*,³ although I still believe that this can be justified because the idea of the history of ancient Israel presented there played an essential role in promoting the present situation, characterized by rapidly changing views concerning historical matters.

It could be maintained and it should not be forgotten that George Mendenhall (since 1962⁴) and Norman Gottwald (since 1974⁵) started their deconstruction of Old Testament history, which certainly contributed to the change of paradigm that has occurred in Old Testament studies. At the same time, it should not be forgotten that their theories have their fair share of problems, since Mendenhall's and Gottwald's major contributions are idiosyncratic and often misleading. Mendenhall, for example, seems prepared to sacrifice the history of Israel to preserve the history of Israelite religion, whereas Gottwald is only 'revolutionary' in the sense that he applies a revolutionary model to the study of Israel's origins. Aside from this, Gottwald's methodology is rather conventional; the number of new ideas is quite limited. If anyone is in doubt on this issue, he should consult Gottwald's introduction to the Old Testament,⁶ which makes it obvious that, apart from a certain 'sociological' flavour imposed on

2. 'So-called' because the term 'the Exilic Period' presupposes that it ended in 538BCE. This was, however, only partially true, as most 'exiled' Jews remained in Babylonia for the rest of their lives. I sometimes maintain that the real end to the Babylonian exile only came in 1948CE, when the proclamation of the modern state of Israel triggered the second Alia, the one from modern Iraq to Palestine/Israel, leaving only a tiny remnant of Jews in their age-old home in Mesopotamia. This is, of course, intended to be understood as a joke – a joke, however which has some reality behind it. The presuppositions for speaking of an exile certainly did not end in 538BCE.

3. *VT* supplement 37 (Leiden: E. J. Brill, 1985).

4. The year of publications of his 'The Hebrew Conquest of Palestine', in *BA* 25 (1962), 66–87.

5. See his lecture at the IOSOT meeting in Edinburgh, 1974, 'Domain Assumptions and Societal Models in the Study of Pre-Monarchic Israel', *VT* supplement 28 (1975), 89–100.

6. N. K. Gottwald, *The Hebrew Bible: A Socio-Literary Introduction* (Philadelphia, PA: Fortress, 1985).

his textual analysis, the main view of scripture is most traditional and not inspiring.

The main reason for quoting my own study is to refer to the 'maxims' formulated at the end of the book: first, our most important duty is to acknowledge our ignorance; second, once we have acknowledged the state of our ignorance, we are in a position to acknowledge what we really do know. These statements could be understood as mottos underlying many studies that have appeared since 1985, not least the recent monograph by Thomas L. Thompson.⁷

When I finished writing *Early Israel* (now more than ten years ago), it seemed clear to me that a literary theory was missing which might provide an answer to the obvious discrepancies between the Old Testament description of the early history of Israel and the history of Palestine during the transition from the Late Bronze to the Early Iron Age. This writer, like most of his contemporaries, was entangled in the historical network laid out by Old Testament writers, according to whom the history of Israel was divided into fixed periods: the periods of the settlement, the judges, the united and the divided monarchies, the exilic and the post-exilic periods. During the middle 1980s, we were prepared merely to scratch or adjust the portrait, which had been painted by Old Testament narrators.

In his *Who Were the Israelites?*, the late Gösta W. Ahlström went further⁸ as he correctly questioned the identity of so-called early Israelites. Very few really understood what Ahlström's intention was and this writer, himself, had to write two more books before he understood what changes were developing. When he admitted to Gösta Ahlström that he must be slow-witted, Ahlström replied: 'Yes, since you say so yourself!' Indeed, Ahlström preceded Philip R. Davies in demonstrating that the ancient Israelites represented a phenomenon which had been invented by Old Testament historians: the Israelites were never a historical reality. Philip Davies has, nevertheless, discussed this in a highly directed manner in his recent polemical contribution to the discussion, 'In Search of Ancient Israel'.⁹ According to Davies, Old Testament scholars have tried to grasp for more than 200 years the historical truth behind the Old Testament narratives, as if this truth were a holy grail and biblical scholars, modern knights of that grail. However, they have been no more successful than their colleagues had been, gathered about King Arthur's round table.

Ahlström and Davies are correct in maintaining that the ancient Israelites were invented by Old Testament writers. They play the role of 'good guys'. On the other hand, once we have identified the heroes of the tale, we also need to find the 'bad guys', for without a conflict between good and evil there is hardly a narrative. 'The bad guys' of the Old Testament narratives are surely identified as

7. T. L. Thompson, *Early History of the Israelite People* (SHANE 4; Leiden: E. J. Brill, 1992).

8. G. W. Ahlström, *Who Were the Israelites?* (Winona Lake, IN: Eisenbrauns, 1986).

9. P. Davies, 'In Search of Ancient Israel', *JSOT* supplement, 148; Sheffield: Academic Press, 1992.

Canaanites. In this, Davies builds on the results presented in my *The Canaanites and their Land*.¹⁰ The biblical Canaanites hardly reflect any historical or ethnic reality, but, rather, owe their existence to biblical historians. As I put it in my study, the first Canaanites who understood themselves to be Canaanites were Punic peasants, living in Northern Africa in the days of Augustine!¹¹ As far as documentation shows, no person from the ancient Near East has ever called himself a ‘Canaanite’. Transferred from the literary to the historical level, this demonstrates that without bad guys there are no good guys. If the Canaanites owe their existence to the creative mind of Old Testament writers, these writers may also be understood as having invented their counterparts, the Israelite nation.

This does not mean that there was never an ‘Israel’ in ancient times. To maintain this would be foolish, as the name itself, ‘Israel’, is well represented in ancient documents, including documents which have nothing to do with the Old Testament. We need only refer to the stele of Merenptah, which mentions an ‘Israel’ in Palestine at the end of the thirteenth century BCE, the ‘Israel’, found in King Mesha’s Moabite inscription or that ‘Israel’ (spelled Sirla’a¹²) that was governed by King Ahab according to Assyrian sources. There is no reason to doubt that the Israel mentioned by Mesha or by the Assyrian documents was the same Israel which, in the Old Testament, was to be found in the highlands of central Palestine. It is, however, not apparent that this Israel of the ninth century is necessarily the same as Merenptah’s Israel. Moreover, even if it were permissible to speak of an ethnic continuity between Merenptah’s and Ahab’s Israels, we cannot be sure that the real history of this Israel has much, if anything, to do with the history of the Israel we find in the pages of the Old Testament, apart, that is, from the commonplace conclusion that there once existed a Palestinian state called ‘Israel’ that was destroyed by the Assyrians at the end of the eighth century BCE. It is, for example, evident that, in the Old Testament, the name ‘Israel’ is a national name attached to a special Israelite people having a peculiar status and history. On the other hand, this is the only conclusion we can reach, as we have no information about the ethnicity of such a nation of ‘Israel’, nor much knowledge of its prehistory. The national identity of Israelites was certainly not strong enough to prevent that all traces of the deportees from Samaria in 722BCE disappeared a few years after their deportation, a fact that makes it likely that the deportees may have ‘forgotten’ their Israelite identity after some years of captivity in Mesopotamia. Not even West Semitic names, which can be identified with Israelite deportees, have been found in the remains of the Neo-Assyrian kingdom.

Then again, when discussing the ‘Israel’ of Merenptah, it should not be overlooked that we have no assured idea as to what this concept really covered or whether there ever existed a political or ethnic continuity between this Israel

10. N. P. Lemche, *The Canaanites and Their Land: The Tradition of the Canaanites* (JSOT supplement, 110; Sheffield: Academic Press, 1991).

11. Cf. *The Canaanites*, 56–57.

12. In Shalmanaser III’s version of the battle at Qarqar in 853BCE, *ANET* 3, 279.

and the people of Old Testament narrative. The only thing the two entities may have had in common is the name. However, even a modern state in this region is called 'Israel', although the relation of this modern Israel to ancient Israel – that is, to the Northern Kingdom – is principally a matter of ideology. Whether the inhabitants of central Palestine during the time of Omri and Ahab ever understood themselves as 'Israelites', in an ethnic and national sense, is unknown. They may merely have seen themselves as human beings who happened to pay taxes to a king of a state called 'Israel'. It was equally possible to call it 'Samaria' or 'the House of Omri' (Bît Ḥumriya). The only thing we can safely assume is that Old Testament writers considered this population to be Israelite in an ethnic sense of the word.

At the centre of the debate stands the question as to whether we should follow Old Testament historians here. Should modern scholars allow these writers to decide the course of research? Would it not be preferable if the modern historian simply skipped over the biblical construction and made his own reconstruction of what he thought to be the history of ancient Palestine?¹³ The Old Testament would be but one source of knowledge (albeit a rather comprehensive one) among others, and there would be no reason to pay special attention to the Old Testament version. I must draw attention to a number of related questions that should also be discussed. We have questions of definition, the most important of which being the use of the name 'Israel'. The importance of this and other matters become obvious in reading the contributions to the volume published by Diana Edelman, *The Fabric of History*.¹⁴ In this volume, there are studies that are indistinct and evasive in their terminology: for example, the articles by William B. Dever¹⁵ and especially that by J. Maxwell Miller,¹⁶ and there are contributions, which seem to have overcome this problem, especially the ones by Thomas L. Thompson¹⁷ and Ernst Axel Knauf.¹⁸ On the other hand, it is obvious that, in the event that problems of definition and terminology are

13. Allowing for the fact that any reconstruction of history can only be a reconstruction; it is certainly not to be mistaken for history. I have sometimes been unjustly accused of having, much like ancient Deuteronomists, created nothing but my own personal version of the history of Israel (cf., e.g., S. Herrmann, 'Die Abwertung des Alten Testaments als Geschichtsquelle. Bemerkungen zu einem geistesgeschichtliches Problem', in H. H. Schmid und J. Mehlhausen (eds) *Sola Scriptura. VII. Europäischer Theologen-Kongress Dresden, 1990* (Gütersloh, Gütersloher Verlagshaus Gerd Mohn, 1993), 156–65. This may be true, but at least it is my version, not just a new paraphrase of a Deuteronomistic one.

14. D. V. Edelman (ed.) *The Fabric of History. Text, Artifact and Israel's Past* (JSOT supplement, 127; Sheffield: Academic Press, 1991).

15. W. B. Dever, 'Archaeology, Material Culture and the Early Monarchical Period', in Edelman, *The Fabric*, 103–15.

16. J. M. Miller, 'Is It Possible to Write a History of Israel Without Relying on the Hebrew Bible?', in Edelman, *The Fabric*, 93–102.

17. T. L. Thompson, 'Text, Context and Referent in Israelite Historiography', in Edelman, *The Fabric*, 65–92.

18. E. A. Knauf, 'From History to Interpretation', in Edelman, *The Fabric*, 26–64.

not solved, the discussion will end in a morass and issues blurred. Another matter that needs to be discussed deals with the historical interest present in ancient times. Did Old Testament historians really want to write history? How would they have understood such a project? During the last decade, several scholars, including this writer, have given such problems considerable attention and it is now clear that a history writing that has anything in common with the modern concept of history cannot be expected from the hands of Old Testament 'historians'; this kind of writing was certainly not on their agenda when they presented their version of a history of Israel. Although Baruch Halpern has tried to argue that Old Testament historians were true historians,¹⁹ it would be misleading to maintain that he has presented a strong argument in favour of this thesis. I have only to refer to his very extensive discussion of Ehud's killing of Eglon, which obviously works against his own interests.²⁰

The third question to be addressed concerns the problem of the survival of historical information in Old Testament historical literature. Excluded from this discussion, is the clearly historical information about Sennacherib's siege of Jerusalem in 701_{BCE} and that pertaining to Nebuchadnezzar's conquest of the same city in 597_{BCE}. The fact that the authors of the stories of Sennacherib's siege have embellished their narrative by introducing legend does not imply that this siege must be considered unhistorical. Rather, it tells us something of the methods used by Old Testament history writers when constructing their histories.

I have finally reached the theme of this chapter: the possibility that there may be some historical information contained in Old Testament writings after all, even in those parts which concern the early history of Israel. However, though it cannot be excluded that such information is present, it is far from safe that they are in a context, which is correct from a historian's point of view. I intend to present three examples of possible historical information handled by Old Testament historians. My first example relates to the sojourn of the Israelites in Egypt. The second deals with the Benjaminite immigration into Palestine, and the third concerns the relations between David and Omri. It goes without saying that, as far as the early history of Israel is concerned, the discussion is preliminary; it certainly does not intend to provide a final argument on these matters. I present only proposals and ideas which may or may not become part of a more comprehensive discussion.

Pithom and Ramses

The note in Exodus 1:11 that Israelites in Egypt were forced to build the storage cities of Pharaoh, Pithom and Ramses has often been considered evidence

19. B. Halpern, *The First Historians: The Hebrew Bible and History* (San Francisco, CA: Harper & Row, 1988).

20. *Ibid.*, 39–75.

that there was a historical background to the Exodus narrative. In this, scholars usually refer to the mention of *ḥapiru* in an Egyptian document in the days of Ramses II (1279–1212_{BCE}), who participated in the construction of the great pylon gate tower – namely, Ramses Miamon.²¹ The note in Exodus 1:11 is accordingly assumed to be historically correct, as, from a linguistic point of view, the *ḥapiru* of the Egyptian documents are supposed to be identical with biblical Hebrews and it certainly has not escaped the attention of modern scholars that Israelites are often referred to as ‘Hebrews’ in the Joseph and Exodus narratives. Both Pithom and Ramses are place names known from the history of Egypt. The city of Ramses, without doubt, should be identified with the ruins of Khatana-Qantir in north-eastern Egypt. During the late New Kingdom, this site was called Pi-Ramesses (taking its name from the famous Ramses II, the great builder of this city) and was the residence of the Pharaohs of the nineteenth and twentieth dynasties. After that period, the place was forsaken by its inhabitants and the residence moved to nearby Tanis, the Zo’an of the Old Testament, the city that was to become the new capital of Egypt in the days of the twenty-first dynasty. In light of this fact, it would be reasonable to consider the information of Exodus 1:11 to be historical and connected to conditions which occurred in Egypt at the end of the second millennium _{BCE} and only then. Although this may seem unproblematic and beyond doubt, some problems arise as soon as we turn our attention to the identity of the second storage city: Pithom.

According to Exodus 1:11, Pithom should be regarded as a city comparable to Ramses. This is, however, historically impossible, as ‘Pithom’ was only used as the name of a city in the Saite period, from the seventh century onwards. Pithom means ‘the House of (the god) Atum’, and was also known prior to the Saite period as the name of temples and temple estates belonging to this god (or, better, to the priests of Atum). The name was, however, never connected with cities. Moreover, archaeologists working at tell el-Maskhuta in north-eastern Egypt have found clear evidence that this was the ancient city of Pithom and that it was founded by Pharaoh Necho II between 609 and 606_{BCE}.²² Hence, information that Israelites worked as forced labourers before the Exodus at the site of Pithom is anachronistic. On the other hand, it cannot be denied that prisoners of war from the territory of the former state of Israel or from Judah may have been employed by Necho in his building activities in northern Egypt. Such prisoners may have been transported to Egypt by Necho in the wake of his 609_{BCE} campaign, during which King Josiah of Judah lost his life at Megiddo. It is also possible that immigrants from Palestine, who already lived in Egypt, had been conscripted for building purposes. It may not be possible to point to a moment in the history of Egypt when both cities mentioned in Exodus 1:11 existed simultaneously and it may be difficult to say anything about the time when the Israelites are supposed to have worked at the storage cities of Pharaoh.

21. J. Bottéro, *Le problème des ḥabiru* (Paris: Imprimerie nationale, 1954), no 188, 169–70.

22. Cf. J. S. Holladay, *The Wadi Tumilat Project. The Excavations of Tell el-Makhuta* (Malibu, CA: The American Research Center in Egypt, 1982).

Part of the content of Exodus 1:11 does seem to belong to the second millennium, another to the middle of the first millennium. It may, nevertheless, be possible to create some coherence if the Egyptologist Edward F. Went should happen to be right in maintaining that the name of ‘Ramses’ in Exodus 1:11 need not be directly connected to the city of Ramses, going back to Ramses II. The Ramses of Exodus 1:11 may refer to Tanis, which had been built by recycling stones from nearby Ramses. The colossal statues of Ramses II were also moved from Ramses to Tanis and traces of a cult of Ramses II can be found at Tanis until the Hellenistic Period. Accordingly, Went maintains that Old Testament writers transferred the name of Ramses (never lost to Egyptian traditionalists) to another place – namely, Tanis, which was still in existence when they wrote their history. At the same time, they transferred their information about possible building activities of ‘Israelites’ in the days of Pharaoh Necho back to an assumed stay of Israel in Egypt in ancient times.²³

If this explanation is plausible, the main argument in favour of the historical context of the Exodus narrative has lost its foundation. Instead of being able to prove that Israelites were once in Egypt, Exodus 1:11 can be taken as evidence of the ways and manners of Old Testament historians, who, in this case, obviously manipulated their sources to create an impression of Israelites working as slaves in Egypt at an early point in the history of Israel. The note in Exodus 1:11 about the building of Pithom and Ramses may be historical after all; but this history has nothing to do with the history of ancient Israel. Instead, it should be understood in relation to later conditions that were used by the authors to create their own fictitious picture of the sojourn in Egypt. In its present context, the note is certainly anachronistic. While this example may seem obvious, the next case, which deals with the settlement tradition in the book of Joshua, however, will demand more patience from the reader.

The settlement of the Benjaminites

When it was first formulated, the classic German explanation of the settlement of the Israelites was hailed as an important breakthrough in the history of scholarship because the two main figures associated with this explanation, Albrecht Alt and Martin Noth, ignored the information in the book of Joshua insofar as it concerned an Israelite conquest of Canaan. There is no reason to review their research here or to deal with alternative ideas about the conquest, which prevailed in other quarters of biblical scholarship.²⁴ Only a single interesting observation which was made by these scholars will give focus to our interest. This is the observation that all specific conquest narratives in Joshua concern localities in the territory of Benjamin (although the hero of the conquest, Joshua, was himself from Ephraim). Alt and Noth considered these conquest narratives to

23. Cf. E. Wente, ‘Rameses’, *ABD* 5 (1992), 617–18.

24. My review of these theses can be found in my *Early Israel*, 35–48.

depend on Benjaminite local traditions and legends, which the Deuteronomistic authors of Joshua remoulded into pan-Israelite traditions connected to the immigration of the Israelite tribes led by Joshua.²⁵ The historical content of the narratives was, however, not their focus of attention except insofar as it referred to the second phase of the settlement, the so-called phase of the *Landübernahme* – that is, to the time when, many years after the immigration had taken place, the growing Israelite tribes confronted opposition from the original Canaanite population of Palestine. The fact that no comparable conquest traditions survived from other parts of the Israelite territory was believed to be the result of a traditio-historical coincidence.

In light of the present, nearly predominant view of the origin of the historical Israel (however understood), such Benjaminite legends and sagas seem to have lost their historical basis. It should, however, still be a matter of interest to know more about the origins of the legends themselves. Where did they arise and what did they intend to say? If we assume that Israelites were originally Canaanites (and I have to say that I personally abstain from using such terminology any more), why should legends and sagas have survived from one particular part of Palestine that inform us about a military conquest of this region? Is it really a traditio-historical coincidence or may we assume that other reasons may lie behind this state of affairs? Moreover, who were the Benjaminites, suspected of having conquered their territory by military means? According to some traditions, they used their left hands, and some scholars have assumed that this was due to some kind of secret weapon employed by such Benjaminites as Ehud in connection with his killing of the Moabite King Eglon.²⁶ It is, however, preferable to speak of this as a joke, as the Hebrew of the word *Benjamin* signifies ‘the son of the right (hand)’, and our story’s Benjaminite was, in fact, left-handed! There is certainly no reason to believe that this was a special physical mark indigenous to the tribe of Benjamin! It is therefore still necessary to find a plausible explanation for the tribal name, ‘son of the right (hand)’. One solution is to translate this, geographically, as ‘the son of the south’ (facing east, the right hand points to the south). As Benjamin was the tribe that lived to the south of the other Israelite tribes, this name will naturally have accrued to them. The historical reason for this is, however, not easy to reconstruct, as we have no information that Benjamin was considered the southernmost of Israelite tribes before the time of the divided monarchy. Even thereafter, a part of Benjamin belonged to the kingdom of Judah. This proposal, moreover, presupposes that a tribal name should depend on the formation of a state, which would be something of a sensation from a socio-anthropological point of view. The name ‘Benjamin’ is also unusual because it is the only Israelite tribal name containing the element *ben*, ‘son’. This part of the name is, on the other hand, well known from other

25. A. Alt, in his article ‘Josua’ (1936), *Kleine Schriften zur Geschichte Israels* I (Munich: Beck, 1953), 176–92; M. Noth, in his introduction to his commentary on Joshua, *Das Buch Josua* (HAT, I 7; Tübingen: Mohr, 1953), 11–13.

26. Cf. Judg. 3:15, 17, 21, and especially 20.16. Cf. among the more recent, Halpern, *The First Historians*, 41.

tribal groups of the Near East in antiquity and later periods. Tribal names of this type can be found both in Mesopotamian documents and among Arab tribes up to the present day. Other Israelite tribal names are, however, as M. Noth has excellently explained, either,²⁷ first, names for people having a specific ‘occupation’ (so Issachar); second, names of landscapes (so Ephraim, Judah); or, third, tribes which may have been named after gods (so Gad). Only Benjamin seems to be a genuine tribal name.

In this connection, it should not be forgotten that biblical Benjaminites may not have been the only Benjaminites of the ancient world. According to documents from ancient Mari, a tribal group were in existence in Upper Mesopotamia around 1800BCE who were most likely called the *binu jamina*. Scholars formerly doubted that the name of the Benjaminites was related to the Marian Benjaminites since, in the cuneiform writing employed by the scribes of Mari, the first name of the Mesopotamian Benjaminites was always rendered as DUMU.MEŠ *jamina*, with a sumerogram instead of an Akkadian transcription. According to Hayim Tadmor, this suggests that there were no Benjaminites around Mari because the scribes of Mari never used sumerograms to render West Semitic words. In Marian texts, sumerograms are invariably used to render Akkadian names and concepts and a proper Akkadian rendering would not be *banu* or *binu jamina* but *maru jamina*.²⁸ Such a compound is made up of an Akkadian word and a West Semitic one (*jamina* is doubtless West Semitic). In proper Akkadian, its counterpart, *imnum*, is certainly very uncommon and most scholars have therefore considered the sumerogram DUMU.MEŠ here to be used with the general meaning to indicate members of a tribal group that was known only as *jamina*. Accordingly, scholars have normally not spoken of Benjaminites, but rather of ‘jaminites’ living in the province of Mari. The situation may have changed, as the first component of the name has now turned up in a document from Mari, written syllabically and surprisingly as *binu* and not, as to be expected, *banu*, making it likely that the name DUMU.MEŠ *jamina* was intended to render *binu jamina*.²⁹

At Mari, the name ‘the son of the south’ makes excellent sense, because there also are traces of another tribal group called the DUMU.MEŠ *sim’al* – that is, ‘the sons of the north’. We are badly informed about the whereabouts of this second group. This is not very important here. What is important is the fact that ‘the sons of the south’ carry their name in opposition to ‘sons of the north’, much in the same fashion as Ostrogoths (eastern Goths) were so called because

27. M. Noth, *Geschichte Israels* (Göttingen: Vandenhoeck & Ruprecht, 1950), 56–67.

28. H. Tadmor, ‘Historical Implications of the Correct Rendering of Akkadian ‘*dāku*’, *JNES* 17 (1958), 129–41.

29. Cf. ARM XXII: 328:111. Cf. on this A. Malamat, *Mari and the Early Israelite Experience* (The Schweich Lectures 1984; Oxford: University Press, 1989), 31 and 35 n. 29. Since the syllably written name has so far only occurred as a personal name, Malamat is still of the conviction that we should speak about *jaminites*, the first part a kind of semantic indicator. However, this will not change much, as all later examples of tribal names of this type could also be said to contain the word ‘sons of’ as ‘semantic indicators’, including the biblical Benjaminites.

Visigoths (western Goths) were around at the same time, though not always, living to the west of Ostrogoths.

The question remains whether Benjaminites from Mari have anything to do with Benjaminites of Palestine. Such a connection has been proposed by, among others, M. Astour in his characteristically fanciful fashion.³⁰ Astour refers to religious ties which should have existed between the two areas. The Benjaminites of Upper Mesopotamia lived at least seasonally in an area where the dominant deity is supposed to have been the moon god Sin, whereas in the Old Testament, a city name that also implies worship of the moon (i.e. Jericho) is actually located inside the tribal area of Benjamin. If no additional arguments could be provided, the most generous thing to say would probably be that this theory should simply be forgotten. However, although they are hardly to be considered conclusive, such arguments may eventually be found, and here the 'reference' preserved in Genesis 35:23-26 may be of interest: that Benjamin, like other sons of Jacob, was born in Paddan-Aram (the anachronistic term applied by P to Upper Mesopotamia in the days of the Patriarchs).

Such information demands attention because it clearly contradicts the narrative of the birth of Benjamin just before the note in Genesis 35:23-26. According to the main narrative, Benjamin is supposed to have been born in the land of Canaan near the city of Bethlehem after the return of Jacob to his own country. Benjamin is therefore said to be the only one among the sons of Jacob who originated in Palestine, whereas his eleven brothers were all born in Mesopotamia. We must therefore ask how it can be that the conflicting note in Genesis 35:23-26 has survived. Perhaps the person who included the note 'nodded off' or forgot that we have just been told about the birth of Benjamin and the death of Rachel in Canaan? However, this is hardly a reasonable explanation after all; how should he forget such an obvious contradiction? It is more likely that the note in Genesis 35:23-26 owes its existence to a special tradition that runs counter to the official version of Benjamin's birth and has to be evaluated as an independent piece of information.

One may pay as much attention as one wishes to a special tradition; it should still not be forgotten that it has always been characteristic of classic historical research to focus on information that does not conform with, but rather contradicts, mainstream information to be found in the available documentation. Historians are trained to grasp such contradictions in order to show whether they derive from a special source or have something to say which the authors of the main traditions never intended to pass on to posterity. Such 'fossilized traces of tradition' provide the historian with an opportunity to get behind his source and evaluate its content on the basis of what the main tradition says and on the basis of what it does not say, but which has filtered through the screen created by the author of the main document. Even though historians of the present have found other methods and prefer to focus on totalities and *la longue durée*, it should be maintained that it is appropriate from the standpoint of source criticism not to

30. M. Astour, 'Benê-iamina et Jéricho', *Semitica* 9 (1959), 5-20.

disregard any non-normal piece of information that is present in a given corpus of documents, as such pieces give us information about matters not included in the main narrative and intended to become public. When we return to the question of Genesis 35:23-26, it will be possible to maintain that, in contrast to the main narrative, which maintains that Benjamin originated in Canaan, another less elaborated tradition simply declares that Benjamin, like his brothers, came from Mesopotamia. The implications of the place where Benjamin was born, Paddan-Aram, should in this connection be kept in mind.

To cut the discussion short, I would like to argue that it remains a possibility that the biblical Benjaminites came from Mesopotamia and were members of the comprehensive tribal group known to the scribes of ancient Mari as the *binu jamina*.

How the two parts of the Benjaminites are related is unknown, but the following scenario may be possible. The documents from Mari make it apparent that a serious conflict existed between the authorities of the kingdom of Mari and the tribal society of Benjaminites, a conflict that mostly arose from the fact that the Benjaminites only temporarily visited the territory of Mari, and soon had to leave it again by crossing the Euphrates at a point close to the city of Mari to reach their winter grazing areas to the east of the Euphrates. During the summer period, the Benjaminites seem to have been visiting the area around Djebel Bishri in the central part of Syria, to the west of Mari. Although they often tried, the kings of Mari never succeeded in halting the migrations of the Benjaminites. Although it cannot be excluded and is only a theory that when Ḥammurabi conquered Mari and included it in his empire, he gained sufficient strength to impede the migrations of the Benjaminites to such a degree that at least a fraction of this tribal group decided to move, not from the west to the east, from Djebel Bishri to Upper Mesopotamia, but from north to south, from Djebel Bishri to Transjordan and Palestine, an area in those days not occupied by strongly centralized states as we think were present in Mesopotamia in the first half of the second millennium. The distance from Djebel Bishri to Jericho is about the same as the distance from Djebel Bishri to Upper Mesopotamia. So distance alone could hardly have prevented a change in the Benjaminite migratory route towards the south (though the terrain may have been more difficult along this route than along the usual one to Mesopotamia). The distance in time between the references to the Benjaminites in the Marian archive and the Old Testament narratives about Benjaminites is, on the other hand, formidable, and generally considered the main reason for not accepting a straightforward identification between the two tribal entities.

The last-mentioned problem can be compared to a hydra with many heads. One of these concerns the literary aspects. How old are Old Testament historical books: from the beginning, middle or end of the first millennium BCE? The importance of the chronological gap between the Mari letters mentioning Benjaminites and biblical sources for the history of Benjamin will increase or decrease depending on decisions made in this area. Another issue relates to the main historical problem: when did Benjaminites arrive in Palestine: circa 1200_{BCE}, which would be the natural consequence of an immigration theory, as

proposed by Alt and Noth? It can hardly have happened after 1200BCE, as nothing indicates a large-scale nomadic immigration into Palestine after 1200BCE, at least not before the Roman and Arab Periods.³¹ The date 1200BCE derives from the general Israelite immigration hypothesis, which, on the other hand, has little support in recent discussion.³² If anything like a nomadic migration happened in those days, the scale of action must have been so small that nobody noticed it, and certainly not archaeologists of the present. Such a small-scale migration would also seem inadequate to explain why we still possess a conquest tradition.

On the other hand, it would be possible to propose a date for the immigration of Benjaminites before the 'magical' year of 1200BCE, and to connect this migration with destructions at the end of the Middle Bronze Age. Conservatives and evangelicals alike would, or so I assume, be only too happy with such a theory because they would have found an explanation for the destruction of Jericho circa 1550BCE.³³ To accept such a connection would, however, be premature since it does not solve the problem of Ai, which during the sixteenth century BCE was in ruins for more than 700 years.³⁴ Benjaminites of the sixteenth century would still have to wait another 400 years before negotiating with the inhabitants of Gibeon, as no settlement was found on this spot before the Iron Age.³⁵ One thing speaks in favour of an early date apart from the fact that we possess no precise information about this period (always an advantage when historical conjectures are involved): demographic changes which occurred in the central highlands, which were almost completely devoid of village settlements in the Late Bronze Age, leaving only a small number of insignificant townships in that part of Palestine.³⁶ It is not before the beginning of the Iron Age that we see villages reappearing in central Palestine.³⁷ An important argument against

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31. I have problems with the proposal of G. A. Rendburg, 'The Date of the Exodus and the Conquest/Settlement: the Case for the 1100s', *VT* 42 (1992), 510–27, to be serious. It is a desperate wish that at least a tiny part of the settlement tradition be preserved!
 32. There is really no reason to discuss this subject any further at least not in light of our present knowledge of the situation in Palestine at the end of the second millennium BCE. The two studies by the late Gösta W. Ahlström, *The History of Ancient Palestine from the Palaeolithic Period to Alexander's Conquest* (JSOT supplement, 146; Sheffield: Academic Press, 1993) and Thomas L. Thompson, *Early History of the Israelite People* (1992) stand at the end of this discussion rather than at the beginning of a renewed one.
 33. The date, 1550BCE, for the destruction of MB Jericho is generally accepted; cf. T. A. Holland, *ABD* (1992), vol 3, 735–36. This destruction could, however, with some reason be explained as the work of marauding Egyptian troops.
 34. The former results of the French expedition under the direction of J. Marquet-Krause (1933–5) have been reconfirmed by J. Callaway's more recent excavations (1964–1976), as Callaway himself has observed in several publications, the most recent being his article 'Ai' in the *ABD* 1 (1992), 125–30.
 35. This is the outcome of J. B. Pritchard's excavations, as maintained in a number of publications, for example in his article 'Gibeon', *EAEHL* II (1976), 446–50.
 36. Cf. T. L. Thompson, *The Settlement of Palestine in the Bronze Age* (TAVO Beihefte B, 34; Tübingen 1979).
 37. Cf. on this, above all, I. Finkelstein, *The Archaeology of the Israelite Settlement* (Jerusalem: Magnes, 1988).

a theory of early Benjaminite migration is that they are not mentioned in any document from the Late Bronze Age, although it should not be forgotten that although a well-known and established feature of Late Bronze Age society, they were known to Egyptians solely as *Shasu*, and to people writing in cuneiform Akkadian as *Sutu*. Neither the term *Shasu* nor *Sutu* are names of individual tribal groups. In the Amarna Age, they were used by Egyptian as well as Akkadian scribes as designations for ‘nomads’. Thus human beings who, according to Egyptians, should be considered members of the *Shasu* group would, in an Akkadian letter, likely turn up as *Sutu*. Be this as it may, both Akkadian and Egyptian texts of the Late Bronze Age provide information about nomadic groups living in Palestine and neighbouring countries.³⁸

I have no intention of saying that this proposal is a well-founded one, and it would be difficult to object if colleagues would prefer to dismiss it without further discussion. However, even if the theory should be accepted as a kind of working hypothesis, it does not prove the Bible true. The conquest narratives in the book of Joshua do not prove that Benjaminites conquered central Palestine or even migrated to this area at some time between 1800BCE and 1500BCE. The only conclusion we can safely draw is that inhabitants of central Palestine may have preserved the general idea that they were not themselves indigenous, and that they may have maintained that their origins not be sought where they lived. Such an idea would not be remarkable, either among the inhabitants of the territory of Benjamin or among other comparable groups. It is certainly a coincidence that social anthropologist Abdul Lutfiyya, in his study of modern Beitin (Bethel), mentions that the inhabitants of this small Palestinian town considered themselves descendants of migrants from the Arabian Peninsula, though such a claim has little basis in fact.³⁹ The inhabitants of the tribal territory of Benjaminites in Palestine may never have been descendants of ancient Benjaminites who migrated from Syria to Palestine. It is enough that they considered themselves to be descendants of former nomadic tribal groups, regardless of the fact that this claim may not be true.

In conclusion, it may be argued that Old Testament historians had no idea of history as we see it. On the contrary, the example of Benjaminite migration and conquest narratives may illustrate the ways and manners of these ‘historians’. The writers who composed the book of Joshua were not forced to ‘invent’ the idea of a conquest; they possessed immigration traditions that circulated among the inhabitants of the territory north of Jerusalem. Such writers, however, knew little of the historical background of these legends and traditions, but it is obvious that this did not worry them. The inclusion of the Ephraimite hero of the conquest (i.e. Joshua) should be regarded as an effort to change the outlook of the conquest traditions from a local to a pan-Israelite perspective. I have often maintained that little of historical value has been preserved in the Old Testament.

38. On the *Sutu*, cf., among others, M. Heltzer, *The Suteans* (Naples: Istituto Universitario Orientale, 1981), and on the *Shasu*, R. Givon, *Les Bédouins Shasu des documents égyptiens* (Leiden: E. J. Brill, 1971).

39. A. M. Lutfiyya, *Baytîn. A Jordanian Village* (The Hague, 1966).

Nobody, however, ever forbade Old Testament historians to offer something that would turn out to be historical. The writers who created the book of Joshua will most likely have been in possession of migration traditions, though the concrete content of such traditions is impossible to recover today. The only thing we can safely argue is that writers had no concrete idea of what may have happened or when it happened. They merely turned a popular tradition into a literary invention, part of a much larger description of the early history of Israel.

David and Omri

The above example will not prove my case. Perhaps the next can provide my argument with necessary strength. It concerns the relationship between David and Omri in tradition and history. Both were kings of importance and founders of great kingdoms. Or, at least this is what the Old Testament has to say about David, while the importance of Omri is considerably reduced by Old Testament historians. Omri's greatness can only be deduced from other documents from the ancient Near East, which mention him or members of his dynasty as important West Semitic monarchs. The similarity between the two kings, however, goes further. As David was succeeded by his brilliant son Solomon, Omri was succeeded by his son, the no less important Ahab, the mightiest king Israel was ever to see. We could also provide more similarities like the one that says that both David and Omri were professional soldiers in the service of a previous king, whom they succeeded, not because they murdered their masters, but because they removed usurpers who were supposed to be the real scoundrels. It is a well-known fact that the author of 'David's Rise' (1 Sam. 16 to 2 Sam. 7) invested considerable interest in clearing his hero of accusations for having liquidated most, if not all, of the dynasty of King Saul. Omri's case is clearer: he had only to remove and execute the usurper Zimri, who rebelled against his and Omri's master, King Elah of Israel. It is a remarkable fact that there are plenty of references to the two Israelite kings, Omri and Ahab, while nothing has survived that has anything to say about David and Solomon, except for the narratives of the Old Testament.⁴⁰ This could be a coincidence and would not be very important if it were the only argument called upon when questioning the historicity of David and Solomon. Much more attention should be paid to the growing conviction that no United Monarchy and no Israelite empire ever existed in the tenth century BCE, which vaguely resembled the greatness of Omri's kingdom. It is unnecessary to present details here. More will be said in an article of mine that will be published in early 1994.⁴¹ Nevertheless, it is enough to point to the size of David's Jerusalem, the capital of a great empire,

40. This is valid as far as the moment of writing is concerned, although unconfirmed rumours say that a new inscription has been found in an archaeological dump at Tell Dan, mentioning King Asah of the Beth-David as well as Ben (Bar?) Hadad. However, before its proper publication, it is hard to say anything conclusive on this inscription.

41. Cf. note 1 above.

which biblical authors extended from the Egyptian border to the Euphrates. The 'great' city of Jerusalem in the days of David, however, covered an area of no more than 4 hectares, allowing (by generous calculation) for some 2000 inhabitants (men, women and children). If we estimate the average size of the family as about six persons, around 300 adult males (between seventeen to eighteen years and forty-five years) would have lived inside the walls of this 'city'.⁴² The kingdom of David was based on the tribal population of Judah, which, of course, numbered more than merely the inhabitants of Jerusalem. However, if we apply the same method of calculation for other sites of Judah in the tenth century, the total population of this area will not have surpassed 10,000 to 15,000 individuals, which allows for an army of some 2000. These conclusions are based on the recently produced statistical material found in David Jamieson-Drake's study of the kingdom of Judah. He maintains that there was never an empire in the tenth century BCE, the capital of which is supposed to have been Jerusalem, and second, that the only thing that may have existed in this area was perhaps a small and non-centralized chiefdom, ruled by the local chief, David. On the basis of this embryonic political assembly, a small state or kingdom was to arise after another 200 years, the short-lived kingdom of Judah known from the Old Testament. In the future, the results of Jamieson-Drake's study will certainly be questioned, and archaeologists may object to the value of his evidence or his way of presenting his material (although, to date, no challenge of importance has appeared). It should not be overlooked that the only legitimate way to depart from Jamieson-Drake's conclusions will be to show his statistics totally wrong or grossly misleading; they cannot be refuted by reference to the Old Testament. Furthermore, it is a safe assumption that it will not be possible to present archaeological material that will make it likely that a great Judean kingdom of the tenth century BCE ever existed.⁴³

It is a deplorable fact that no comparable statistically arranged analysis is available for the remains of the Northern Kingdom in the tenth century BCE. It is, on the other hand, possible to draw some inferences based on the present available material. To prove the greatness of David, and especially Solomon, many scholars have referred to the similarity between public buildings found at many sites, dating to the tenth century BCE. Such buildings may include so-called

42. Based on a calculation system explained by S. Parpola, in J. M. Sasson, *Jonah* (AB 24B; New York, 1990), 311–12, allowing for 358 persons per hectare (= 2.5 acres). That this calculation is generous to ancient Jerusalem can be seen from the fact that according to the same system, Hazor in the Bronze Age contained at least 25,000 persons, which is more than is usually assumed today, although Y. Yadin himself believed that the population of Hazor may have been even bigger than that.

43. D. W. Jamieson-Drake, *Scribes and Schools in Monarchic Judah* (JSOT supplement, 109; Sheffield: Academic Press, 1991). His results seem to be confirmed by the independent analysis by H. M. Niemann, *Herrschaft, Königtum und Staat. Skizzen zur sozio-kulturellen Entwicklung im monarchischen Israel* (Forchungen zum Alten Testament, 6; Tübingen: Mohr, 1993). As a matter of fact, Niemann's results echo Jamieson-Drake's, though Niemann, at the time of writing, did not know Jamieson-Drake's book, nor has he used the same method or materials as his North American colleague.

‘stables’ present at Megiddo, Hazor and Beersheba or city gates at Megiddo, Hazor, Gezer and elsewhere, understood as evidence of Solomon’s building activities, described in 1 Kings 9:15-19. Strangely enough, this building activity seems not to have made its imprint on conditions in the capital: at least not in the parts of Jerusalem that are available for archaeological exploration.⁴⁴ To the best of my knowledge, no archaeologist is able to date anything from the end of the tenth century and the beginning of the ninth century BCE, without allowing for a margin of error of about fifty years. This is not just another theory, but seems to be confirmed, for example, by the age-old discussion between Yigael Yadin and Yohanan Aharoni concerning the date of the public building at Hazor and Megiddo: whether these should be Solomonic or derived from the days of Omri and Ahab, a discussion that has yet to be terminated.⁴⁵ These buildings can hardly go back to Solomon, but it is still a matter of debate whether they were constructed in the ninth century BCE or at the end of the previous century (i.e. by King Jeroboam and his successors).

In contrast to the so-called great kings of Judah, some evidence of an early Northern Kingdom may be available, and especially its first king, Jeroboam Ben Nebat, may be a historical ruler of this kingdom. I am referring to the presence of the famous lion seal, found at Megiddo in the early twentieth century, which can be seen on the front page of every issue of the *Journal for the Study of the Old Testament*. The inscription on this seal reads ‘belongs to Šema, the servant of Jeroboam’. The general opinion has been that this Jeroboam must be the second who reigned over Israel, in the eighth century, although the archaeological context of the finding may point to an earlier date, which makes it a reasonable assumption to associate it with a person employed by Jeroboam I.⁴⁶ The seal was found in connection with the remains of public buildings that predate the ‘stables’ at Megiddo. It, accordingly, cannot be denied that before the days of Omri a centralized kingdom was in existence in Northern Palestine, on the basis

44. If we allow for some historical reality behind the description of Solomon’s building activities in Jerusalem, especially his construction of a palace complex and a small temple, this would hardly have changed the general conditions of the town or provided the town with a major increase of its population. The public area that consisted of the temple and the palace complex will not have been densely populated, but would mostly have comprised of workshops, archives, ceremonial buildings and housing for the royal family, some retainers and, perhaps, the highest officials and priests.

45. Cf. on Y. Aharoni’s criticism of Yadin’s Solomonic datings, Y. Aharoni, *The Archaeology of the Land of Israel* (Louisville, KY: Westminster/John Knox Press, 1982), 192–239. Cf. also the evaluation of this discussion in A. Mazar, *Archaeology of the Land of the Bible c.10,000–586 BCE* (New York: Doubleday, 1990), 381–82. Mazar favours Yadin’s datings, as does H. Weippert, *Palästina in vorhellenistischer Zeit (Handbuch der Archäologie. Vorderasien II/1)*; Munich: Beck, 1988), 431. Among other scholars who have criticized Yadin’s interpretation, we should mention K. M. Kenyon, ‘Megiddo, Hazor, Samaria and Chronology’, *Bulletin of the Institute of Archaeology* 4 (1964), 143–56, and D. Ussishkin, ‘Was the ‘Solomonic’ City Gate at Megiddo Built by King Solomon?’, *BASOR* 239 (1980), 1–18.

46. Cf. G. W. Ahlström, ‘The Seal of Shemae’, *SJOT* 7 (1993), 208–15.

of which Omri and Ahab were able to create a small empire which was among the important states of western Asia.

If so, we certainly have to discuss the background of the stories of David and Solomon in Samuel and Kings. From a Judean angle, it seems impossible to talk about an empire. However, the ancient world was rich in empires and great states, so it may be that the tradition of David's and Solomon's greatness derives from some other part of the Near East. It is possible that traditions which had originally nothing to do with Judah or Jerusalem were transformed and became Judean traditions. This is only a qualified guess. All that we can safely say is that we are looking at a possible background for the stories about David and Solomon. It cannot be excluded that the idea of a great Palestinian kingdom derives from the tradition of the Omride kingdom, a tradition that was later transferred to Judah and Jerusalem as a founding legend for the Judean kingdom (for my purpose, here, it is immaterial whether this happened in the pre- or post-exilic period). According to this reworked tradition, the two important Israelite kings were no longer Omri and Ahab, but David and Solomon, who if they had been historical personages, they ruled over an uncoordinated chiefdom in the backyard of ancient Palestine.

This may be another example of Old Testament writers who have included an old tradition without paying attention to its historical context. The perspective of these writers was certainly Judean and, accordingly, they transformed David and Solomon, ancestors of the Judean royal family, the House of David, into great kings of all Israel and creators of empire. It is an interesting fact that nobody seems to have known of or been interested in such two 'important' figures of Israelite history, not even the Moabite king, Mesha, who only few years after the time of Solomon described how he liberated his country from the yoke of Israel, which Omri had imposed on his land. His inscription does not include a single reference to David, supposedly the 'Israelite' king who subdued Moab (and killed a great number of its male population: 2 Sam. 8:2), nor does it refer to Mesha's father, who Mesha, himself, describes as reigning for 'thirty years', having recovered Moab by driving off the Israelite armies of Solomon.

In an article published many years ago, I demonstrated what a cunning work the story of David's Rise really is.⁴⁷ It is clear that external parallels to this narrative can be found in documents from Western Asia, not least the inscription

47. In my 'David's Rise', *JSOT* 10 (1978), 2–25. Other authors have since dealt more extensively with these matters. One important point should be noted, that so-called 'negative evidence' (i.e. stories of David's seemingly criminal acts, as well as the obvious cover-up in connection with the killings of Abner, Ishbaal and Saul, respectively, which are often considered proofs of the basic historicity of 'David's Rise') can just as well be seen as literary efforts to describe the hero as a clever 'trickster'. As a matter of course, such elements make it more likely that 'David's Rise' and the 'Succession Narrative' are products of literary invention, as only the hero of political propaganda (e.g. Idrimi) is blameless. I owe my thanks to cand theol. Pernille Carstens of Aarhus for presenting me with these insights into the nature of 'the hero as trickster'.

of King Idrimi of Alalah (sixteenth century BCE).⁴⁸ On the other hand, if it is correct to assume that the authors of David's Rise as well as of the Succession Narrative had their ideas of the greatness of their heroes from the traditions of the great Israelite kings, Omri and Ahab, this would be another example of how Old Testament historians felt free to manipulate traditions to serve their purposes regardless of the original historical context of such traditions. They also elaborated upon these traditions by adducing literary patterns of folktale or whatever stylistic means suited their purpose.

Conclusion

The results based on these examples could easily be multiplied if we direct our attention to the Pentateuch. This might lead us behind the present shape of Old Testament narrative, not only to show whether these are proper historical narratives connected with the real world or 'merely' brilliant fictions, but also to study the 'minds' of the writers who employed such means, including historical traditions, free of their proper historical contexts, to create a 'history of Israel' that conformed with the intentions of the writers and lived up to the expectations of their audience. In this, they were apparently not bothered by questions of historical correctness and they hardly possessed means and methods for distinguishing what was historically correct from what was invention. In spite of this, it should be maintained that their enterprise was successful since these narratives have survived to the present and have always been able to make an impression on the mind of the human race.

But let us return to the beginning of this chapter, where the central issue was whether it is still possible to write a history of ancient Israel. It is important to notice that my three examples are different in that they show three different ways of manipulating 'history'. The first example shows how late information is referred back to earliest times in order to create a picture of the Israelite sojourn in Egypt. The second example demonstrates the opposite: that older traditions were re-employed to create a story of an Israelite conquest. The third example clearly exposes an author who reshaped two great figures of Israelite history to create a new entity: a Judean empire of David and Solomon, although such a Judean realm may never have existed.

To compose a history of Israel based on the information of the Old Testament would be the same as to make a bargain with the authors who manipulated this history in their own interest – that is, it continues in the tradition of these authors to make their viewpoints one's own. This is certainly a legitimate procedure so far as the literary content of such stories is concerned, but it is hardly advisable for a historian interested in reaching historical 'truth' (whatever this means). It

48. Cf. my *Ancient Israel* (Sheffield: Academic Press, 1988), 53–4. The honour of having pointed at this connection should be bestowed on G. Buccellati, cf. his 'La "Carriera" di David e quella di Idrimi, re di Alalah', *Bibbia e Oriente* 4 (1962), 95–9.

is certainly best to proceed with historical studies in such a manner that we not confuse literary invention with historical event.⁴⁹

It would be correct to maintain that we are in possession of two ‘histories’: on the one hand, we have the history of Palestine, a history of the real world and, on the other, a history of Israel – that is, a literary history of the Old Testament. Sometimes, these two histories overlap, as in the description of Sennacherib *ante muros*. More often, however, two such histories have little or nothing in common. The situation of the modern historian can be summed up in the words of the late Gösta Ahlström, who once explained to me: ‘If I were to write a history of Israel in the Iron Age, it would hardly cover more than a few pages, but if I were to write a history of Palestine in the same period, it would take a thousand pages.’ As is well known, he actually wrote those thousand pages.⁵⁰

49. J. A. Soggin’s three ‘histories’ of Israel (*A History of Israel*, London: SCM, 1984; *Einführung in die Geschichte Israels und Judas*, Darmstadt: Wissenschaftliche Buchgesellschaft, 1991; and *An Introduction to the History of Israel and Judah*, London: SCM, 1993) show an increasing understanding of the problems involved. They are, on the other hand, also examples of the kinds of problems that appear when biblical and extra-biblical sources are believed to speak about the same thing: the history of biblical Israel. Extra-biblical sources do not speak about biblical Israel.

50. Ahlström, *The History of Ancient Palestine from the Palaeolithic Period to Alexander’s Conquest*.

Is it still possible to speak about an ‘Israelite religion’? From the perspective of a historian

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A question of this kind begs a negative answer and, as a matter of fact, it is difficult to escape such an answer. As I see it, it is increasingly problematic to speak about an *Israelite* religion in the way that this concept is normally used. It is my intention to present but a select few of the arguments that might be directed against this understanding of Israelite religion. The decision to let the historian speak, instead of the student of religious history, is deliberate and it is my hope that the historian’s perspective may help to cast light on the problems.

History *versus* religious history

Let me begin with a personal recollection: In 1986, during the IOSOT (International Organization for the Study of the Old Testament) congress, I was invited to the home of the grand old man of Israeli biblical scholarship, Benjamin Mazar. The obvious reason was my contribution to the then very lively debate about the origins of historical Israel. However, the real purpose of Professor Mazar’s invitation was to ask me my view on the theological motives behind the position of George E. Mendenhall, as formulated in his famous article on the Hebrew Conquest.¹ In spite of ferocious opposition, this article had caused a change of direction in the study of Israel’s history. Professor Mazar and I were in total agreement: Mendenhall had not intended to further such a radical change in this study. His real object was to ‘save’ the religion of ancient Israel – considering this more important than the biblical picture of the early history of Israel, which, according to Mendenhall, had to be sacrificed. Mendenhall’s motives were very conservative, if not (quasi-)fundamentalist. His intention was to sacrifice history on the altar of religion and support the positive notion of Israelite religion that had been formulated by his teacher, William Foxwell

1. George E. Mendenhall, ‘The Hebrew Conquest’, *Biblical Archaeologist* 25 (1962), 66–87.

Albright.² While it is always sad to dismiss beautiful stories about the origins of early Israel, it must be done out of respect for modern historical research and, in particular, the results of modern archaeological excavations in Palestine and the ancient Near East. There was no longer room for a conquest of 'Canaan'. It was better to let the people of Israel fail than demand the fall of God. Mendenhall's revision of the early history of Israel had the necessary consequence of abandoning the competing construction of Israel's settlement in Palestine. Few of his fellow students of Albright regretted this part of Mendenhall's argument.

His separation of religious from general history – an effort which reappears in Norman K. Gottwald's *Tribes of Yahweh* and which paved the way for the thesis of a 'revolutionary' Israel³ – must be considered unnatural, if for no other reason than that, in the Old Testament, history and religion are inseparable. I have consistently stressed that, in this literature, the relationship between history and religion is both logical and consequent.⁴ To be more precise, if we accept the unity of religion and history in the Old Testament, it is clear that such unity cannot be traced back to Israel's early history, but is rather an axiom of later Old Testament historiography, whose aim is to present the history of the people of Israel and their worship as a whole. Put in another way: the Old Testament's history of the people of Israel is not the history of an ordinary people but rather of the people of God. How we decide on the status of the Old Testament as a historical source, therefore, is paramount to our evaluation of the Old Testament as a source of the religious history of Israel. To the extent we give up the main lines of the construction of Israel's history as found in the Old Testament, we will have trouble maintaining the Old Testament's construction of religion.

Nevertheless, when introducing this subject, we must also say that it is not possible to transfer automatically the narrow literary relationship between the history of the people and of the Yahweh religion to the factual level of actual history. We cannot merely assume that religion in ancient Palestine was identical with the history of the nations of that time, simply because religious and historical event do not belong to the same logical categories. In order to avoid such severe categorical mistakes, we need to investigate each case for itself and find the best methods and procedures relevant.

In spite of all the objections which have been raised, we cannot exclude in advance that Mendenhall may be correct – namely, that the history of the people of Israel has to be submitted to a dramatic deconstruction. At the same time, the description of the Yahwistic–Mosaic religion, as presented by the Old Testament, may be correct – although I see little reason to suppose this to be the case. Rejecting a naive acceptance of the biblical description of the history of Israelite religion, I have already presented my own construction of this religious

2. Cf. the description of Mosaic faith in William F. Albright, *From the Stone Age to Christianity* (New York: Doubleday, 1940).

3. Cf. N. K. Gottwald, *The Tribes of Yahweh* (Maryknoll, NY: Orbis, 1979).

4. N. P. Lemche, 'The Development of the Israelite Religion in Light of Recent Studies on the Early History of Israel', in J. A. Emerton (ed.) *Congress Volume Leuven 1989: Supplements to Vetus Testamentum* 43 (1991), 97–115, 103.

history several times.⁵ Here, I concentrate on some new ideas which have arisen in the last decade or so.

Biblical historiography

It is common to speak today of a paradigm shift in scholarship regarding not only Israel's religion and its history, but also the evaluation of the Old Testament as a historical source. We should, however, ask if such a change of paradigm has, in fact, taken place. On the other hand, it is not totally unreasonable to argue that the studies by Mendenhall and Gottwald have brought at least a change of direction to historical studies because they have cast serious doubt on one of the most popular ideas of the Old Testament in previous scholarship: that of an immigration into Palestine at the end of the Late Bronze Age of Israelite nomadic tribes – an idea which has, however, no more substance than might be expected from a rationalistic paraphrase⁶ of a story found in the Old Testament. It is possible to muster several arguments, based on historical analyses and supported by social-anthropological parallels, against this paraphrase. Such criticism, however, cannot be decisive as long as the usual paradigm for explaining Israelite religion remains.

It is characteristic of both Mendenhall and Gottwald that, having dismissed the hypothesis of an immigration of Israelite tribes, they continue a path established long since. Both maintain the theory of a tribal league, where we find roots of earlier paraphrases of the history and religion of early Israel.⁷ What is new is their introduction of *modern* social anthropology to Old Testament scholarship. Neither, however, has contributed a revision of perspectives on the Old Testament as a historical source. When it comes to evaluating biblical sources as historical information, they are conventional if not trivial.

If we are to speak of a change of paradigm at all, it should be in regard to the debate during the 1970s about the Israelite amphictyony.⁸ Although critical voices which then arose against Noth's hypothesis merely achieved minor changes in the ruling paradigm – admitting that Noth's hypothesis was not based on actual history – the consequences of the successful criticism reached further

5. N. P. Lemche, *Ancient Israel* (Sheffield: JSOT Press, 1988), last chapter, and Lemche, 'The Development'. Both descriptions are, in fact, too short and do not represent adequate histories of Israel's religion, though they sketch the main outline.

6. Cf. N. P. Lemche, 'On the Problem of Studying Israelite History', *Biblische Notizen* 24 (1984), 94–124, especially 111–14. The expression 'rationalistic paraphrase' is based on studies by Mario Liverani and Eduard Meyer relating to the habit of extracting historical information from Old Testament narratives by applying rationalistic means.

7. Cf. my previous evaluation of Gottwald's acceptance of the main arguments of Martin Noth's *Überlieferungsgeschichtliche Studien*, I (Königsberg, 1943; repr. Darmstadt: Wissenschaftliche Buchgesellschaft, 1963): N. P. Lemche, *Early Israel* (VT supplement, 37; Leiden: E. J. Brill, 1985), 284–99.

8. The best overview over this debate is found in Otto Bächli, *Amphiktyonie im Alten Testament* (Basel: Friedrich Reinhardt Verlag, 1977).

and involved perspectives on the general study of the historical tradition of early Israel as found in the Old Testament. When there was no more reason to accept the idea of a sacral Israelite league of twelve tribes as part of Israel's early history, scholars were forced to look for a different background for the ideology of twelve tribes in the Old Testament – a background that would either be in the history of the Israelite tribes *before* the settlement in Palestine or *after* the conclusion of this settlement, if it had, in fact, occurred as described by, for example, Albrecht Alt.⁹ It is rather easy today to select which option is the most likely because there is little prospect of any longer maintaining the notion of an Israelite immigration, let alone a conquest.

This dismissal of the '*Landnahme*' theory is valid in spite of several studies that have been published recently, which still concern themselves with a historical immigration of early Israelites. For example, Gary Rendsburg dates an Israelite conquest to the eleventh century BCE. However, the argument is not convincing.¹⁰ Just as hopeless is the proposal by Rainer Neu, who wants to 'embellish' the history of Israelite tribes with anecdotes drawn from social anthropology.¹¹ In general, current discussions about early Israel hardly pay much attention to the immigration hypothesis any longer. The obituary of this discussion may have been written by Thomas L. Thompson in his *The Early History of the Israelite People* and Gösta W. Ahlström in his *The History of Ancient Palestine from the Palaeolithic Period to Alexander's Conquest*.¹²

It is no longer legitimate to speak of the historicity of the patriarchs, Israel's sojourn in Egypt or the wandering of Israel's tribes in the desert. The biblical tradition referring to such epochs cannot be considered reflections of Israel's actual history, but belongs, like the conquest in the Book of Joshua, to narratives rooted in a later ideology. These stories are fictive and cannot be used as historical sources for a reconstruction of events reflected by them. Following the stories of the immigration of the Israelite tribes into Palestine, which are fictive and not historical sources, comes the Period of the Judges. After the dissolution of the theory of an amphictyony, such a 'period of the judges' can no longer be considered the home of historical tradition. We must change our ideas in a fundamental way, not least because of historical arguments that Egypt controlled Palestine, or a fair part of that land, until at least 1075BCE.¹³ If this

9. Albrecht Alt, 'Die Landnahme der israelitischen Stämme in Palästina (1925)', in his *Kleine Schriften zur Geschichte Israels I* (Munich: Beck, 1953), 89–125.

10. Gary Rendsburg, 'The Date of the Exodus and the Conquest/Settlement: The Case for the 1100s', *VT* 42 (1992), 510–27.

11. Rainer Nau, *Von der Anarchie zum Staat* (Neukirchen: Neukirchener Verlag, 1992).

12. Thomas L. Thompson, *Early History of the Israelite People* (Leiden: E. J. Brill, 1992); Gösta W. Ahlström, *The History of Ancient Palestine from the Palaeolithic Period to Alexander's Conquest* (Sheffield: Sheffield University Press, 1993). Cf. also Diana Edelman (ed.) 'Towards a Consensus of the Emergence of Israel in Canaan', *SJOT* 1991/2, 1–116, with contributions by N. P. Lemche, G. W. Ahlström, R. B. Coote, I. Finkelstein and others.

13. See Donald B. Redford, *Egypt, Canaan, and Israel in Ancient Times* (Princeton, NJ: Princeton University Press, 1992), 290. At the same time, it has to be said that Redford

is true, then the time we allow for the 'Period of the Judges' is all too short, at least if one reckons with an introduction of the monarchy in the last decades of the eleventh century BCE. It is highly unlikely that traditions about the early history of Israel can be dated to a time when Israel was not yet a state. Instead of speaking of a 'Period of the Judges' as the formative period of Israelite tradition, it is more common to see the period of a 'united monarchy' under David and Solomon as the time when these traditions came into being – a construction which would fit the classical dating of the oldest sources in the Pentateuch excellently, as it places the Yahwist in the tenth century BCE. If we must lower the date of the Pentateuchal sources considerably, such a change would not itself create problems for the assumption that the tradition of Israel's prehistory was formed during the reigns of David and Solomon in the tenth century BCE. The problems arise when we begin to ask questions about the historicity of the biblical tradition of the 'united monarchy' and the glorious days of David and Solomon. If we have to relegate the tradition of an early Hebrew empire to the realm of mythology, we can hardly argue in favour of seeing this mythologically great period as the home of a historical tradition about early Israel. I find little to recommend the hypothesis of this great Israelite kingdom in the tenth century BCE. But if this, nevertheless, is the case, then the traditions of the twelve tribe league and of the emergence of Israelite Yahweh religion hardly belong to the tenth century BCE.

Ten years ago, hardly any serious biblical scholar would have questioned the historicity of the Davidic Empire. During the last decade, serious objections against the biblical imagery of Israel's early greatness have begun to appear. Because the historicity of this empire is relevant to our discussion, I will address it. We have only a single source which informs us of the period of David and Solomon (i.e. the Old Testament). Other sources, dating to the tenth century BCE, whether Egyptian, Syrian or Mesopotamian, have no information about any such empire. According to Giovanni Garbini and others, we must see the silence in non-biblical sources about David and Solomon as an argument against the historicity of the biblical story and it is hardly possible to claim that such an argument is without cause.¹⁴ According to the Old Testament, the Kingdom of David included the area between *Wadi el-'Arish* to the south-west and the Euphrates to the north-east. However, though this would have made David's kingdom the largest empire of its time, we have no references to its existence outside of the Old Testament. From a methodological point of view, objections may be raised against Garbini simply because it can be described as an *argumenta ex silentio*. It is also maintained that what we have of ancient Near Eastern documents relevant to the tenth century BCE is not much. Sources are,

is not talking about a stable Egyptian empire in those days, but of a weakened political organisation. Aside from this, he – like other Egyptologists – still reckons with an Israelite immigration with reference to the activity of the *Shasu* nomads.

14. Cf. Giovanni Garbini, *History and Ideology in Ancient Israel* (London: SCM Press, 1988), 21–32, and the serious criticism of the traditional view on this period in Redford, *Egypt, Canaan, and Israel*, 283–311.

indeed, few. Perhaps there were other documents yet to be found (also an argument from silence!)? It may be that the biblical historiographer is somewhat exaggerated. David's kingdom may have been great and important, though hardly as large as imagined by biblical writers (again, an argument from silence implied by this rationalistic paraphrase!¹⁵).

The argument in favour of the existence of a reduced Israelite kingdom, provoked by a methodologically questionable discussion, may indicate that the question about this kingdom may have been engaged from the wrong perspective, as the Old Testament has always been the point of departure for such discussions. The problem is the same as those presented for earlier periods of Israel's history – namely, that it is not possible to bring information concerning this history in the Old Testament into harmony with extra-biblical – mostly archaeological, but also textual – evidence. The case of a 'Davidic Empire' is hardly different. What has archaeology to add? For lack of something better, we depend upon the review of material in the recent book of David Jamieson-Drake, where it is argued that it is hardly legitimate to think of a centralized state within the territory of Judah before the middle of the eighth century BCE.¹⁶ According to Jamieson-Drake's observations, there is no need to speculate about a tenth century Israelite empire. If one were still to wish to save some of the biblical tradition, one must present a rationalistic paraphrase that has little to do with the Bible's narrative.

Although such arguments have certainly not been received with unified acclaim, it is easy to show that Jamieson-Drake's evidence goes very well with other sources related to a 'time of David', if for no other reason than that this kingdom is not mentioned by a single source outside the Old Testament. There is not a single reference to such a kingdom; nor is there archaeological evidence for its existence at present. We may have to conclude that the historicity of David and Solomon rests on an argument that is no different from those pertaining to the historicity of Joshua.

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15. Thus also Garbini, who reckons with a small Judean state of limited size (*History and Ideology*, chapter 2). Speculations along this line can also be found in J. A. Soggin, *Einführung in die Geschichte Israels und Judas* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1991), 42–61, and J. Maxwell Miller and John Hayes, *A History of Ancient Israel and Judah* (Philadelphia, PA: Westminster John Knox, 1986), 179–80 (with a map showing the 'small' Kingdom of David, 181!), but also outside the circle of biblical scholars in Mario Liverani, *Antico Oriente: Storia, società, economia* (Bari: Laterza, 1988), 669–72.
16. David Jamieson-Drake, *Scribes and Schools in Monarchic Israel: A Socio-Archaeological Approach* (Sheffield: JSOT Press, 1991). Cf., especially, his résumé, 138–9: 'There is no evidence that Judah began to function as a state at any time prior to the tremendous increase in population, building, production, centralization and specialization which began the 8th century.' See also Michael Niemann, *Herrschaft, Königtum und Staat: Skizzen zur soziokulturellen Entwicklung im monarchischen Israel* (Tübingen: Mohr, 1993), 282, who concludes, evidently without knowledge of Jamieson-Drake's book: 'Mir scheint von den Ergebnissen der vorliegende Arbeit her, daß ... für das Sudreich Juda erst ab Ussia, für das Nordreich Israel ab Omri, von einem "Staat" gesprochen werden kann.'

We have reached the tentative conclusion that the Old Testament is still important for this period simply because we have no other written sources pertaining to David and Solomon, or to anything related to an early Hebrew monarchy. Second, these biblical narratives are of questionable value, if not totally useless historically. The 'historical account' of the Old Testament can hardly be reconciled with the actual history of Palestine for the Iron I and II periods – and certainly not with any history that predates the ninth century BCE (in Israel's case), or the eighth century (in Judah's).¹⁷ Apparently, the Old Testament cannot be considered a historical source in the usual sense of the term. It might, rather, be better to give up the idea entirely that the Old Testament includes a 'history of Israel' (which, however, does not exclude the fact that we find historical information here and there). The Old Testament does not describe the past '*wie sie gewesen*', but presents opinions of various writers about the past.

There now remains the question of the relationship between such opinions of the past and what actually happened regarding the history of Israel in antiquity. Can the biblical narrative be seen as, in some way, comparable to the actual history of ancient Israel? Does the Old Testament contain history writing, or do we find only more literary genres there?¹⁸ When we speak of biblical writers as historians, we can only conclude that we are almost always wrong, both in great perspective and in minor detail.¹⁹ It would, perhaps, be better to compare these writers to fiction writers. It is obvious that they did not see historical reality as a problem because they did not see it as their task to cast light over the past. Their aims were different.

On the other hand, we definitely find a 'history of Israel' in the Old Testament, although it is a history that has very little in common with a proper history of Palestine. The biblical and real history forms two independent universes. It needs to be understood that the universe created by biblical writers was created entirely on the basis of their situation and time. The real past was only of

17. We need a survey, in the style of Jamieson-Drake, of Judean archaeological material and of the material from the northern part of Palestine. It is of decisive importance to ascertain whether or not the many monumental remains, including remains of fortress-like constructions, belongs to the late tenth century (i.e. to the 'time of Solomon' or Jeroboam I) or to the ninth century (i.e. to the 'time of the House of Omri'). At least so much can be said that the archaeological situation in northern Palestine is at this time very different from the impression we get from the southern part of the country.

18. The dichotomy between our usually rather naive use of the Old Testament, which is commonly merely paraphrased, and methods which have been developed to deal with other sources is remarkable. Cf., for example, the evaluation of the rabbinic sources to the early history of Judaism in Doron Mendels, *The Rise and Fall of Jewish Nationalism* (New York: Doubleday, 1992), 5: 'Rabbinic traditions were composed and put into writing centuries after the events took place, and therefore cannot be used as evidence for the period under discussion' (i.e. 200 BCE to 135 CE). It can really be said as simply as that.

19. Cf. also my review of Baruch Halpern, *The First Historians: The Hebrew Bible and History* (San Francisco, CA: Harper & Row, 1988), in *JNES* 50 (1991), 215–17. Halpern tries to defend biblical historiographers and considers them historians in our sense of the word. Halpern, rather, shows – against his own intentions – that biblical historiography and modern history writing belong to two separate categories.

importance if it helped to cast light over the fate of people living at the time of the writers of the Bible's historiography. This is very clear when it comes to the early 'history of Israel'. Although it is important to establish when such historical narratives came into being, an exact date for such historiography is not decisive. I will, therefore, merely express my opinion briefly.

It is not possible to argue in favour of an early date for Israelite historiography. We are forced to look for an alternative, and dates in the late monarchic period, the exile or even after the exile recommend themselves. Little can be said in favour of a pre-exilic date, except from the wish of some modern scholars to have at least something remain from the pre-exilic period. The same can be said about the exilic date for this literature. Only the hope of modern scholars that the historiography – or most of it – belongs to early periods keeps such early dates in focus. This is especially relevant for the time of Josiah. In regard to the exile, it is as if scholars are thinking of late pre-exilic Israelites as merely waiting to be dragged away into exile in Babylonia so that they could find the leisure to write their memoirs.

In favour of the third option, we might well refer to John Van Seters – although he himself favours an exilic date for the biblical historiography. He sees a marked mixture of Babylonian and Greek features in biblical historiography.²⁰ However, echoes of Greek historiography are hardly to be expected in biblical historical writings that date from the time of the exile. It is much too early, and it does not help that Van Seters refers to Hecataeus's history writing,²¹ not least as that is to be characterized as no longer extant! If Van Seters's observations are correct, they point, rather, to another period (i.e. the period when the Greeks 'ruled the East' – namely, the Hellenistic Period). We should think of the time of the Seleucid Empire, especially the early part of its history in the third century BCE. During this period we can expect an interchange between Greek and Babylonian culture, much in the way we find a blending of traditions in the Old Testament.²²

It is still open whether this proposal of a Seleucid date for biblical historiography will stand. We are in need of comprehensive comparative studies of biblical and Greek historiography and they are still to be written.

'Israel' as a people?

The consequence of modern studies of Israel's history is increasingly clear. It is difficult to speak of an ethnic unity called 'Israel' in any ordinary way. A number of scholars refer to the way in which we have been misled by biblical

20. Cf., already, John Van Seters, *In Search of History: Historiography in the Ancient World and the Origins of Biblical History* (New Haven, CT: Yale University Press, 1983), rephrased in an elegant fashion in John Van Seters, *Prologue to History: The Yahwist as Historian in Genesis* (Louisville, KY: Westminster John Knox, 1992).

21. So, Van Seters, *In Search of History*, *passim*.

22. Cf. Chapter 8, this volume.

historical concepts. A pioneering work along such lines is Gösta W. Ahlström's study of the identity of the Israelites, published in 1986.²³ Perhaps this study – not always in harmony with itself – appeared too early and was, for that reason, misunderstood. However, it is highly relevant as soon as a discussion of the 'ethnicity' of early Israelites comes to mind because the common use of such concepts as 'the people of Israel' and 'Israel's land' is problematic.²⁴ My own study on the Canaanites from 1991 follows the lead set by Ahlström:²⁵ a deconstruction of the biblical idea that Canaanites of the Old Testament represent an *ethnos*. We are confronting an ideological concept that does not reflect an ancient pre-Israelite people in Palestine before the Israelites. The Canaanites of the Old Testament constitute an 'anti-people': a negative counterpart to 'the people of Israel'. Philip R. Davies is definitely correct when he argues that Canaanites constitute an anti-model for Israel, the consequence of which is that Old Testament 'Israel' is also a construct and certainly not a historical reality.

Although such views may seem foreign to the continental European tradition of biblical scholarship,²⁶ it is necessary to take them into account. Otherwise, biblical scholarship is in danger of collapsing. A growing number of North American scholars are adopting – although often only in a partial sense – the position of Davies and his colleagues. It is accepted, for example, that the name 'Israel' refers to a historical reality, although this 'Israel' is not identical with the 'Israel' of the Old Testament. Historical Israel did not always represent one and the same thing. Thus, the 'Israel' of Merenptah, whose precise identity is unknown, is not the same as the 'Israel' of Omri's and Ahab's time, and none of these 'Israels' are the same as biblical Israel. Accordingly, the 'Israel' of Merenptah has perhaps little to do with any system of early 'Israelite' tribes. Likewise, it is difficult to see the 'Israel' of Omri and Ahab as identical with the people of Israel as we find them in the Old Testament, although their kingdom, the 'House of Omri', can be identified as the Kingdom of Israel of the Old Testament during the time of Omri and Ahab.

On the other hand, the ideological concept of 'Israel' in the Old Testament is to be identified with 'the people of God', embracing the twelve tribes of Israel and having a 'prehistory' reaching back to the narratives about the patriarchs. One only finds this 'Israel' in biblical literature, though it makes no sense outside of this literature. Biblical Israel – to put it simply – is the invention of the authors who put the Bible's historiography together.

Statements like this will, of course, lead to terminological conflicts (depending on different views of technical issues). Thus, J. Maxwell Miller argues that it is impossible to write a *history of Israel* without recurrence to the historiography

23. Gösta W. Ahlström, *Who Were the Israelites?*, (Winona Lake, IN: Eisenbrauns, 1986).

24. Marit Skjeggstad, 'Ethnic Groups in Early Iron Palestine: Some Remarks on the Use of the Term 'Israelite' in Recent Research', *SJOT* 6 (1992), 159–86.

25. Niels Peter Lemche, *The Canaanites and Their Land: The Tradition of the Canaanites* (Sheffield: JSOT Press, 1991).

26. Philip R. Davies, *In Search of 'Early Israel'* (Sheffield: JSOT Press, 1992).

of the Old Testament.²⁷ Amused by recent trends, he states that modern historians over the last generation have written a history of the landscape of Palestine rather than a proper history of the Israelite people. His observation is correct. As historians, we must decide whether we prefer to write a history of the Israelite people (i.e. a history based on the Bible) or, as ordinary historians, to concentrate on the fate of the landscape of Palestine and its people(s).²⁸

A history of 'Israel's' religion?

When talking about the history of 'Israelite' religion, it is most important to make a distinction between the two types of 'Israel' being discussed. A terminological clarification is also called for.²⁹ What are we talking about when we discuss the religion of Israel? Is the history of Israelite religion that we reconstruct identical with the religion of Israel as described by the Old Testament, or are we talking about the religion found in the historical state of Israel that existed between circa 900 and 722BCE? Is this Israelite religion also the religion of Merenptah's Israel? What kind of connections existed between the religion of the Northern Kingdom of 'Israel' and the religion of Judah before the exile? Are we permitted merely to accept as our point of departure that there was total agreement in the religion of these two small states? Would it perhaps not be better to assert that the description of Israelite religion in the Old Testament reflects a past created and nourished by later Jewish writers? Or should we rather speak of these writers' condemnation of a constructed pre-exilic religion?

We can, of course, speak of a history of *Israelite* religion in the same way as we speak of a history of Israel. Both religious and secular history, as constructed by biblical writers, are reflections of ideas of a past history and religion which is current among (later) Jewish historiographers. The religion of Israel is part of a worldview found in the Old Testament. However, we are not talking about

27. J. Maxwell Miller, 'Is It Possible to Write a History of Israel without Relying on the Hebrew Bible?', in D. V. Edelman (ed.) *The Fabric of History: Text, Artefact, and Israel's Past* (Sheffield: JSOT Press, 1991).

28. The contributions by Ernst Axel Knauf, 'From History to Interpretation', and Thomas L. Thompson, 'Text, Context and Referent in Israelite Historiography' in Edelman, *The Fabric of History* (pp. 26–64 and 65–92, respectively) show that it is possible to continue with this terminological problem.

29. We must reckon as paradigmatic in character, exactly because of its lack of clarification, the verdict of Mark Smith relating to the religious conditions of early Israel: 'In sum, the Israelites may [or may not?!] have perceived themselves as a people different from the Canaanites. Separate religious traditions of Yahweh, separating traditions of origin in Egypt for at least some component of Israel, and separate geographical holdings in the hill country contributed to the Israelite sense of difference from their Canaanite neighbors inhabiting the coast and the valleys. Nonetheless, Israelite and Canaanite cultures shared a great deal in common, and religion was no exception' (Mark Smith, *The Early History of God: Yahweh and the other Deities in Ancient Israel*, San Francisco, CA: Harper & Row, 1990), 7.

anything that existed apart from their current *Sitz im Leben* – namely, of the Old Testament. Religious life in ancient Palestine can be considered a Palestinian variation of religion as generally found among the people of western Asia and of the Levant, in particular. For these reasons, I concur with the remark by William G. Dever: 'there was little distinction between Canaanite and Israelite religion, at least in practice. The rituals were virtually the same, even if one assumes that Israel's Yahwistic theology was an innovation – and that is not always evident.'³⁰ Perhaps religion in Israel and Judah was generally the same because the god Yahweh was the dominant deity in both countries. On the other hand, it is not so easy to determine whether or not this Yahweh was identical with the Yahweh of the Bible, as he may have changed character as time passed (something which seems likely with regard to his marital status).

Although it is recommended that studies of Israelite religion change their orientation, we need a series of studies dealing with individual aspects of that religion because it is no longer relevant to study religious phenomena in isolation. As an example, I refer to Herbert Niehr's recent study of the development of monotheism in the ancient Near East.³¹ It would also be rewarding to present overviews of Palestinian religion in pre-exilic times along the lines of Frederick H. Cryer's book on divination, describing ancient Palestinian society as 'magical'.³² Against the impression of a Palestinian *magic* society, we have a description of Israelite religion as offered by writers of the Old Testament. In the future, we will most likely see more studies of this kind, bolstered by archaeological observations. The demonstration of an extended worship of the dead in Judah under the kings by Elizabeth Bloch-Smith may serve as an example of what to expect.³³

A change of paradigm?

In order to return to the issue of a change of paradigm, we need to state that this change is not automatically caused by concrete results from historical investigation or because of recent discoveries pertinent to the history of religion; nor is it caused by new proposals for dating the sources of the Old Testament. All such advances merely contribute to a modification of the ruling paradigm. It is not a consequence of a new paradigm that modern scholarship is no longer interested in talking about a conquest of Canaan by Israel or that it is becoming normal to speak about post-exilic writers as composers of biblical literature (if this is

30. William G. Dever, *Recent Archaeological Discoveries and Biblical Research* (Seattle, WA: University of Washington Press, 1990), 166.

31. Herbert D. Niehr, *Der höchste Gott: Alttestamentlicher JHWH-Glaube im Kontext syrisch-kananäischer Religion des 1. Jahrtausends v. Chr.* (Berlin: De Gruyter, 1990).

32. Frederick H. Cryer, *Divination in Ancient Israel and Its Near Eastern Environment* (Sheffield: Sheffield University Press, 1993).

33. Cf. Elizabeth Bloch-Smith, *Judahite Burial Practices and Beliefs About the Dead* (Sheffield: Sheffield University Press, 1993).

actually the case). Such changes belong within the old paradigm and are only variations within that paradigm.

A new paradigm will only appear when an absolutely new understanding of the character of biblical narrative is accepted, seeing this no longer as historical information about the past, but as literary fiction. The effort to excavate historical information from such fictive literature has been characterized by Bernd Jörg Diebner as 'Offenbarungs-Archäologie'.³⁴ As long as this kind of textual study survives, the old paradigm survives. As long as it is believed that the Old Testament is a *source* in itself, nothing changes. Only when we accept that there are two worlds involved (on the one hand, the world of the Old Testament, and, on the other, the world of ancient Palestine) can we speak of a new paradigm. We need to respect the individuality of both worlds, though we need also to introduce new methods to study such worlds. We need to introduce a dialectical situation in which it is possible to transfer the results of the one world to the other and thereby achieve a relevant synthesis.

34. Cf. Bernd Jörg Diebner, 'Wieder die 'Offenbarungs-Archäologie' in der Wissenschaft vom Alten Testament', *Dielheimer Blätter zum Alten Testament* 18 (1984), 30–53.

Kings and clients: on loyalty between the ruler and the ruled in ancient 'Israel'

1995

As described in Chapter 9, in the first scene of the movie *The Godfather*, the old Don, Vito Corleone, head of an established mafia family in New York, gives audience to whomever among his followers has a request to make. Among the supplicants appears a very shy person, asking for revenge because some youngsters have mishandled his daughter. They were arrested by the police, but in their appearance before the judge they got a very mild and, according to the girl's father, absolutely insufficient sentence. The content of the dialogue which follows is especially interesting. Don Corleone opens with a forewarning, first of all, because the applicant had gone to the police and not to the Godfather. He mentions that the applicant has been inattentive and has not shown him respect, and, further, that he has never wanted his friendship because he never wanted to owe the Godfather a service and be in his debt. As the scene continues, the Godfather refers to the fact that the applicant needed no protection, because he believed that the court would provide him with it. Only now, this being clearly not the case, the applicant asks the Godfather to give him justice, but without respect, as he still does not offer his friendship to the Godfather and is still not prepared to address Don Corleone as Godfather. When the applicant offers to pay for the service, the offer is simply refused as disrespectful. The applicant should have come at once, when he was first offended and the scoundrels would already have suffered. Finally, the Godfather offers his friendship to the applicant and prompts that any enemy of the applicant will at the same time be enemy of the Godfather and will therefore always fear the anger of the Godfather. The scene closes as the applicant agrees to become the client of the godfather, a relationship symbolized in his kissing the hand of Don Corleone and greeting him as Godfather. The applicant is warned that, although the present favour is given as a gift, the godfather may want his services at some later occasion, which comes soon thereafter, as the movie continues.

This scene excellently embodies the essentials of the concept of patronage: that special relationship that ideally exists between a patron and his clients or between a ruler and the ruled of traditional societies. Patronage is, briefly, the type of relationship found between people of different standings in decentralized, partly centralized political societies, as well as in centralized states, on the

verge of collapse. It is my conviction, accordingly, that the patronage system governs the political interplay between various members of such societies.

Formerly, patronage was considered peculiar to ancient Roman society, being, indeed, a lawful and accepted ingredient of that society.¹ As is well known, the great families of Rome collected a vast following of retainers, not only to promote their own interests but also to fight rival families, with their retainers. The patronage system was evoked, even at the highest level, when the Roman state introduced and made use of the concept on a large scale, as its veterans were promised land and safety in foreign, often newly conquered, provinces. They were to create colonies, directly subordinate to Rome rather than local authorities, thus establishing centres of Roman influence all over the empire, places that were particularly loyal to the Roman state. However, clientship could also be used to bind selected communities, primarily in the form of cities or city-states, directly to the Roman authorities in a friendship pact that existed between these cities and the city of Rome.

It should not, however, be argued that Romans had invented this system. They merely organized it on a large renowned scale. The influence of great and noble Roman families was so extensive that the system on the private level obtained official recognition, not just as a subsystem below the surface of official society and its authorities. The intention behind the system was not exclusively to provide the members of the Aemilian, Julian, Claudian or other families with advantages. It provided security and safety also to the common person who, when in trouble, could appeal to the patron family for help. As such, membership in this political system made life tolerable under conditions that would otherwise be unbearably harsh and difficult. Particularly in connection with the distribution of justice, patrons were extraordinarily important because they could secure the rights of the poor members of their *clientele*, including payment of expenses, connected with the judicial process or fines imposed. On the other hand, without a patron, the poor stood alone and no official institution was readily available that could ensure fair treatment in any conflict with an influential member of society.

It is obvious that the mafia, referred to at the beginning of this chapter, should be considered a late form of patronage. Don Corleone precisely diagnoses the situation of the person applying for help. The man asks for justice because he could not – in his own opinion – obtain it when he turned to the authorities. In this manner, the Godfather was obliged to act as substitute in the role of a good judge, a role the supplicant at first had believed belonged to the officers of the state in which he lived.

The problem connected with modern patronage organizations as they are still found in the Western world is, first of all, that state authorities generally provide the services and safety arrangements that were formerly an essential part of the patronage system. Second, the patronage system of modern times

1. An excellent though dated description of the Roman system on all levels of society can be found in Ronald Syme, *The Roman Revolution* (revised edn, Oxford: Oxford University Press, 1951).

has developed into a caricature (criminalized to a great extent – indeed, crime is nearly its sole object today). In this regard, the patronage system is no longer a protective organization, providing justice for its members, but a criminal institution, harmful and disastrous to the greater society around it. It is obvious that the system has been marginalized and is no longer at the centre of the socio-political organization of life. It has been moved to the fringe of modern society. It is, nevertheless, also clear that the system will continue to operate – at least theoretically – to the benefit of its members, according to rules that are essential to its system.

Another factor inherent in this system is the notion of loyalty, which must be considered fundamental to the system and which should not be limited to the notorious *omertá* (according to my Italian dictionary: the ‘solidarity that exists among criminals’); the essence of the concept is actually the obligation placed on members not to talk. Loyalty is a governing concept and without it a patronage organization will have no chance to survive. In this respect, it is important that Don Corleone expressly demand to be called ‘Godfather’ because, like a real god, he promises to fulfil his obligations and expects to be obeyed without question. As usual, when loyalty forms the basis of a relationship, with its obligations publicly expressed by both parties in the form of a vow, the penalty imposed on members who do not live up to their duties will be severe, more often than not the death penalty, frequently in combination with torture, corporal molestation and the like. Such pains are inflicted not to be cruel so much as to frighten ‘faithful’ members of the organization and prevent them from deserting.

It is my conviction, however, that this system, which has sometimes been called a Mediterranean social organization, is likely to be present in most if not all societies that are not governed by strongly centralized institutions belonging to a state. Moreover, it is the organizing principle that appears in many kinds of societies, including embryonic states similar to the ones we often confront when dealing with the history of Palestine in antiquity, also including, in somewhat altered form, the feudal organizations of the Near East and Europe in the Middle Ages.

It is a system in which both parties, patron as well as client, are bound by mutual oaths of loyalty. It is a system that, in principle, works to the benefit of both parties. Yet, it is a system that has hardly been adequately described by students of the ancient Near East and modern sociologists, working in the Middle East. Only occasionally do we get a hint of how this system today can serve as a subsystem below the surface of modern states in that part of the world. It shows up whenever such states are torn apart by conflicts as, for example, recently in Lebanon.

The shortage of studies on the extensive patronage systems to be found in most, if not all, modern Middle Eastern societies points to negligence on the part of social anthropologists, working in this part of the world. I would maintain that it is precisely their presuppositions and their methodological assumptions that have prevented them from accepting the presence of a system that runs counter to their general notion of the dominant factor in traditional society being the family system. If one is prepared to get involved in a survey of post-World

War II ethnographic treatises on Middle Eastern society, one will be struck by the importance attached to the family system. Most descriptions contain an extensive survey of the family under the rubric of ‘social structure’, providing a fair impression of the life and whereabouts of the nuclear family and the lineage, together with some, often vague, comments on the clan system, if such is present, which is not always the case (or so the ethnographers frequently maintain). Such treatment of the family system will close with an extensive but not well organized discussion of the importance of tribes. Generally, family and lineage are invariably considered the most important basis of the life of a Middle Eastern person, constituting the solidarity group on which each individual can count in times of crisis.

Although the nuclear family certainly plays a central role, such a group is far too small to provide effective protection for its members apart from the most commonplace problems. On the other hand, it is a strange fact that among the members of one and the same lineage, it is difficult to point to practical examples of a ‘solidarity’ which putatively binds members together; indeed, solidarity is far less pronounced than might be expected if this organization really were to function as decisively as is assumed. Most anthropologists stress that the individual family forms an economically independent group in traditional societies, regardless of whether we are speaking of a tribal or a centralized society. There are, of course, examples of impoverished lineage members who may get some help to survive physically, but can hardly count on assistance from the lineage to restore their fortune or support their survival for long. A very conspicuous process found in nomadic tribal societies, which otherwise is considered to epitomize tribal solidarity, is the fate of those who have lost their livestock, and who are forced to settle and survive as hired workers. Some, indeed, may be ‘luckier’ in finding employment as herders for rich members of their own lineage – often, however, without being properly paid.²

In descriptions of such societies, it is very unusual to find comments on other kinds of political organization than that based on family relationships. I cannot

2. This section builds on arguments in N. P. Lemche, *Early Israel: Anthropological and Historical Studies on the Israelite Society before the Monarchy* (VT supplement, 37; Leiden: E. J. Brill, 1985), especially 209–44, where the relevant anthropological studies are discussed. The analysis presented there seems to have gone unchallenged by Hebrew scholars. A sad fact of negligence on part of Hebrew Bible scholars when it comes to social-anthropological matters – and this is still to be found in current work – is the attention that continues to be paid to the stereotype of the extended family supposedly encompassing scores of members. As was already explained in 1985, such families simply do not exist except on the dynastic level or among the few rich families, likely to be present in a traditional Middle Eastern society, the reason simply being that no poor family can afford to support so many members. As I have previously described, it is truly remarkable that general confusion persists among modern scholars concerning the difference between, for example, an extended noble family, counting as many as *twenty* persons, and the lineage. For an archaeologically based study that differs with various of my arguments, see Lawrence E. Stager, ‘The Archaeology of the Family in Ancient Israel’, *BASOR* 260 (1985), 1–35.

remember having found a proper discussion on patronage, except very general comments on the relationship between rich and the poor. Some anthropologists, such as the late Jacob Black-Michaud, have questioned the importance of family solidarity and have, at the same time, referred to other political structures that are more important. However, not even Black-Michaud, who presents us with vivid descriptions of the 'tyrannical' use of family solidarity to suppress unlucky members of family and lineage,³ has ever discussed the subject of patronage to any satisfactory extent.

There are several reasons for this state of affairs. By comparison, it is much easier to describe the family, and local informants are generally ready to offer explanations about the tiniest details of the family system or to present the all-too-happy ethnographer with lengthy genealogies, tracing such societies and their lineages back to ancestors living at the beginning of history. However, when it comes to the more clandestine lines of patron–client relationships, these informants generally have very little to say – if they have been asked. Minimally, they may not have been prepared to guide the ethnographer into the various political alliances of their communities simply because it is an element of the system itself that it not be openly known, and certainly that it not be known to persons outside the given society. Another reason for this situation may rest in the fact that anthropologists have generally not been interested in ideological matters. A system as important as patronage will most likely be present on the ideological level, and if scientific caution prohibits tracing its presence in the communities of the Middle East, it should at least have left its mark on the tradition, though not necessarily in the form of fully developed systems. One should not expect to find the system described 'sociologically' or systematically in Middle Eastern traditional folklore, but one should at least be able to discover vestiges of it in literature and tradition. As a matter of fact, such indications will be plentiful as soon as one realizes that they are present.⁴

We limit ourselves to the situation in the Hebrew Bible. Nowhere in the text do we find a full description of the structure of so-called 'ancient Israelite' society, but merely schematic and superficial layouts – for example, in the short text of Joshua 7:16–18, which divides society into, respectively, families, lineages and tribes, or in the extensive reports of a census such as Numbers 26. However, if we move to the ideological level, another world opens up before our eyes: references to concepts are readily available that can be joined together to form the basis of my hypothesis – namely, that the society that produced the biblical literature was organized according to lines following patron–client relationships.

As already described, at the very centre of the system, we find the notion of 'loyalty', which binds patron and client together, at least on the ideological level, in an unbreakable relationship. In combination with this idea of loyalty,

3. Jacob Black-Michaud, 'Tyranny as a Strategy for Survival in an "Egalitarian" Society: Luri Facts versus an Anthropological Mystique', *Man* 7 (1972), 614–34.

4. As an example of what can be done in this field, see Michael E. Meeker, *Literature and Violence in North Arabia* (Cambridge Studies in Cultural Systems 3; Cambridge: Cambridge University Press, 1979).

other sub-concepts such as friendship, respect and fear appear. The patron asks the client to be a friend, to 'love' and to show the patron respect, which is certainly not passive, but a very active expression of subordination to the patron. On the other hand, 'fear' is not a part of the relationship between patron and client but the general attitude of foreigners who experience the negative effects of the system – for example, in a confrontation between two rival patronage groups. Fortunately, we do not need to break entirely new ground in the present context, although we will need to limit our discussion. Several scholars (e.g. Glueck,⁵ Sakenfeld⁶ and Clark⁷) have already published analyses of a few technical Hebrew expressions that obviously refer to the ideology underlying the patronage system. Among such studies, Nelson Glueck's old German dissertation from 1927 on the term חסד may count as a major contribution and should still hold its position in spite of Gordon R. Clark's new examination of חסד. Glueck's study is divided into three parts, the first devoted to the human sphere alone, the second to the attitude of humans toward God, and the third to the use of חסד to express the attitude of God towards humans. While Glueck does not explicitly address patronage in this small volume, some of his conclusions point directly towards it. Let me quote from his first section of conclusions: 'חסד ist die einem Rechts-Pflicht-Verhältnis entsprechende Verhaltungsweise. ... Versteht man חסד als eine solche Verhaltungsweise, so erklärt sich die früher festgestellte Tatsache, daß nur diejenigen, die in einem Rechts-Pflicht-Verhältnis stehen חסד empfangen und erweisen können.'⁸ These statements precisely articulate the essence of patronage! The rest of his book simply elaborates upon this theme; the essentials are all contained here. It is self-evident that a number of concepts can be introduced as components of Glueck's relationship characterized by obligations and duties; he himself immediately points to the concept of אמת.⁹ It is also obvious that his two subsequent chapters, which broaden the perspective to include the world of the divine being, contribute in fundamental ways to understanding the concept. They do not change its content in any important respect, apart from the fact that the relationship between patron and client will necessarily be clearer under such circumstances where one party is God and the other his creature.

It is meaningful and perceptive, however, that Glueck also includes the concept of 'knowledge of God' ('Gotteserkenntnis') and 'fear of God' ('Gottesfurcht').¹⁰ Without difficulty, the first can be compared to the idea of

5. Nelson Glueck, *Das Wort hesed im alttestamentlichen Sprachgebrauche als menschliche und Göttliche gemeinschaftmäßige Verhaltungsweise* (BZAW 47; Gießen: Alfred Töpelmann, 1927).

6. Katharine Doob Sakenfeld, *The Meaning of Hesed in the Hebrew Bible: A New Inquiry* (HSM 17; Missoula: Scholars Press, 1978).

7. Gordon R. Clark, *The Word Hesed in the Hebrew Bible* (JSOT supplement, 157; Sheffield: Sheffield Academic Press, 1991).

8. Glueck, *Das Wort hesed*, 20.

9. *Ibid.*

10. *Ibid.*, 34.

friendship as part of the system, and the second to the demand of respect for the patron. A number of Hebrew expressions are close at hand, but I will only refer to that of ‘knowing God’, expressed by the Hebrew verb יָדַע,¹¹ and, of course and above all, the ‘fear of God’, יִרְאֵת אֱלֹהִים.

When we direct our attention to the common function of these terms, our attention is directed to the concept of covenant. As already explained by Glueck, the establishment of *חסד* can be effectuated by a ceremony, which includes a solemn oath. When two parties decide to establish such a relationship, what is more natural than to conclude it formally in some kind of ceremony? As soon as we speak of an agreement of this kind, combined with such symbols as the pronouncing of oaths and claims, we are in the middle of a discussion on the concept of covenant. It is no accident that during the 1960s, when the discussion about the role of the covenant in ancient Israel reached its highest, numerous technical terms and ideas relevant to the present argument, including those mentioned above, were central to the debate. The discussion of patronage may thus stimulate a renewed interest in the importance of the covenant concept among ancient Israelites. This enquiry can, however, now be kept on a more realistic level than previously. The old debate closed in 1969 when Lothar Peritt published his study of ‘Bundestheologie’, which he identified as Deuteronomistic.¹² By and large, he was correct. In most places in the Hebrew Bible, where we find the specific expressions of the divine covenant, they are doubtlessly either Deuteronomistic or inspired by Deuteronomistic concepts. However, this Deuteronomistic theology is only connected in a limited way to the Hebrew term בְּרִית, which is certainly a solemn technical expression for ‘covenant’. The debate has overlooked that this term may not be exclusive, to the extent that all kinds of covenants must perforce include it. Other terms may be sufficient as expressions of the essence of the covenant relationship, whether between the divine and the human world or among human beings alone.

At this point, we can leave the basic question of whether or not *חסד* expresses the essentials of the patronage system. The next step involves a broader view of the old covenant discussion. Generally, ancient Near Eastern documents touching on the concept of covenant concern two different types of arrangement: on the one hand, pacts that regulate the connection between persons of equal standing, and, on the other, agreements that include persons on different levels. As patronage explicitly belongs in the second category, this will be the more promising subject to discuss in the present connection.

In 1955 when George Mendenhall started the discussion on covenant ideas, he referred to parallels to the biblical concept found in Hittite international treaties of the second millennium BCE, and rightly so, as such treaties – mostly vassal treaties binding vassals in Syria or Asia Minor to their Hittite overlord – can be considered expressions of the basic notions attached to the system of

11. See also Herbert B. Huffmann, ‘The Treaty Background of Hebrew *Yāda*’, *BASOR* 181 (1966), 31–7.

12. Lothar Peritt, *Bundestheologie im Alten Testament* (WMANT 36; Neukirchen: Neukirchener Verlag, 1969).

patronage.¹³ So considered, there can be no doubt that such a system existed, at least between states of unequal standing. In formulating such covenants, the patron, as king of Ḫatti, imposed his will on the vassal, who for all future time was bound, among his personal retainers, to appear before his lord every year and to swear loyalty to his overlord. The vassal was obliged to perform a number of ceremonies that expressed comparable notions.

In this way, the vassal treaties of Ḫatti contained all the above-mentioned elements. They firmly established a patronage relationship between local kings and the great king himself. Such treaties can be considered arrangements that curtailed the aspirations of the vassal. At the same time, they acted as guarantee for the survival of the vassal and his family. It is well known to most Orientalists that the Hittite System survived the fall of Ḫatti. Much the same treaty system also flourished in the first millennium BCE, not the least in areas governed by Assur.¹⁴ There is no reason to assume that it would have been unknown to the kings of the two petty states of Israel and Judah.¹⁵ Nor should we assume that allusions to such a system in the Hebrew Bible should necessarily relate to the Hittite evidence except in sharing its concepts. Mendenhall was certainly both right and wrong.

The Hittites did not invent the system of patronage, which, in such a form, existed, presumably, only at the highest levels and regulated affairs between states. Rather, they elaborated upon a system that was already widespread and well known. This cannot be inferred from the Hittite treaties themselves, but becomes evident when surveying documents from other parts of the Near East, which did not belong to the Hittite empire in the Late Bronze Age. The Amarna letters, originating in the Egyptian sphere, are of special interest in this regard.

More than twenty-five years ago, in a marvellous article dealing with the differences between the political ideas of Egypt and the political habits of its provinces in Asia, Mario Liverani demonstrated how this difference had been the cause of many misunderstandings between the Egyptian administration and their Palestinian and Syrian subordinates.¹⁶ It is clear that the local Palestinian

13. George E. Mendenhall, *Law and Covenant in Israel and the Ancient Near East* (Pittsburgh, PA: The Biblical Colloquium, 1955).

14. The Assyrian treaties are now available in Parpola, Simo and Kazuko Watanabe, *Neo-Assyrian Treaties and Loyalty Oaths* (State Archives of Assyria; Helsinki: Helsinki University Press, 1988).

15. In fact, the terrible fate of Zedekiah, contrasting with the lenient treatment of Jehoiachin, may be a consequence of what was likely to happen when a Judean king deserted his overlord. While Nebuchadnezzar merely confined Jehoiachin to a 'golden prison' in Babylon, Zedekiah was treated by the same Babylonian king in the harshest possible fashion. In contrast to Zedekiah, Jehoiachin was no vassal of Babylon, having been installed by the Egyptian king, whereas Zedekiah had been placed on the throne by the very king who was later to dispose of him. Nebuchadnezzar, therefore, had no legal rights to punish Jehoiachin and he certainly treated him in a most gentle way – considering the manners of the time – whereas he may have felt it quite correct to destroy Zedekiah, who had betrayed him.

16. Mario Liverani, 'Contrasti e confluenze di concezioni politiche nell'età di El-Amarna', *RA* 61 (1967), 1–18.

kings all considered the relationship between themselves and their overlord, Pharaoh, to be a form of patronage: they being the clients and Pharaoh the patron. They expected Pharaoh to protect them once they paid their dues. It is, however, also clear that the Egyptian ruler had another idea of their relationship: the Palestinian princelets were mere low-ranking Egyptian bureaucrats and were treated as such – that is, they were employees who needed to fulfil their duties and would receive compensation accordingly, a compensation quite different in kind than what was usual in a West Asiatic patronage system, where the patron *owed* his loyal client a recompense. It is impossible in the present context to continue much further along this line. However, I believe that I have formulated a theory of one of the governing ideas of political life – and perhaps, indeed, the central one: the relationship between client and patron. If this system was in force in Palestine in the first millennium BCE – and I believe that a fairly strong case in favour of such a suggestion can be made – the relationship between the kings of Israel and Judah and their subjects must have been regulated along such lines, as the kings were patrons of their state, whereas commoners acted as their clients, from whom the kings were entitled to expect and demand absolute loyalty, but to whom they also needed to give recompense for their services.

A number of ideological matters concerning the status of the king point in the same direction, not the least being the notion of the ‘just king’ who had his place at the city gate, where he distributed justice among his people. Although this is rather impractical for the ruler of a state, it belongs to the image of the just king in Israel and elsewhere in the ancient Near East. Supporting this ideal of the king as high judge, acting as personal patron of every single citizen of the state, seeking help in critical situations, is the peculiar fact that no laws have ever been uncovered in Israel, other than the clearly non-royal sections of the Book of the Covenant in Exodus, with all its Near Eastern parallels. It is, indeed, strange that no written law has ever appeared in the archives of a city in Western Asia, not even from the highly centralized states of the Bronze Age.¹⁷ The reason for this is obviously that no one could force patrons to act against their own judgement. The patron was, in this respect, surely a despot in Marx’s meaning of the word and the system may be called despotic because the rulers were the only people who had the ability to make final indisputable decisions. At the same time, it was believed that the good ruler would act as a just arbiter between his subjects. This faith was rooted in the understanding that the king of Israel, like his colleagues in other parts of the ancient Near East, was a client himself, not necessarily the client of some great king (although this was often the case), but always the client of the God of Israel. It is a well-established fact that from at least the days of the Amorite dynasties, at the beginning of the second millennium BCE, this notion formed a central part of royal ideology both in the Levant and Mesopotamia, but not in Egypt, where the king was believed to be the god himself. The god – whoever he might have been – was the personal patron of the king and royal family. The deity did not accept such

17. See also Gerhard Liedke, *Gestalt und Bezeichnung alttestamentlicher Rechtssätze* (WMANT 39; Neukirchen: Neukirchener Verlag, 1971), 57.

obligation for nothing. On the contrary, the king was forever in his god's debt and needed to fulfil duties imposed upon him by his patron. Such a relationship between god and king was a covenant relationship – echoing that described in the Hebrew Bible, where we find ample evidence that such a royal covenant must have formed the basis of the Davidic dynasty's claim to be the rightful royal family of Judah and Israel. There is no reason to elaborate further. It is enough to maintain that this relationship between king and god is the reverse of a normal relation between king and subjects. The clearest example of the interchangeability of such roles, is perhaps the description of the royal covenant in 2 Kings 11:17, which concludes the story of Athaliah's reign. According to this narrative, the high priest Jehoiada made a covenant between YHWH and the king and between the king and the Judean nation.

What happened when the patronage system failed to operate according to expectations? We have no hard evidence of a commoner's reaction against the king in such circumstances, although the Deuteronomistic history contains a number of passages that open to this question, such as the story of Naboth's vineyard (1 Kgs 21) or of the confiscation of grazing land for the royal horses in a time of famine (1 Kgs 18:3-6). A just king does not react in this way and the complaints against the king are in these stories very severe. However, Psalm 89 represents a much more vivid example of the reaction of the client when the patron–client relationship breaks down, though, here, the relationship is between God and king. Without doubt, Psalm 89 provides a first-rate impression of what may have been the usual reaction under such circumstances and there is reason to pay special attention to the psalm's use of the Hebrew word *חסד*. Indeed, *חסד* may be considered the dominant issue of the psalm, from the very first word of the psalm's text to its closure. At the beginning, the divine *חסד* has been established in heaven as an everlasting quality, on which basis the covenant between YHWH and David was concluded. The hymn that follows (vv. 6-19; English: 5-18) merely stresses that *חסד* is a creation of the divine being and, as such, should forever be considered an established fact. The plot engaged, however, is that God, the patron, has deserted his client, who had done him no harm and had neither broken his oath nor covenant. The hope for the future is that the correct relationship will someday be re-established, thereby securing the right of David's dynasty to sit on the throne of Israel. I cannot say whether, in ancient belief, the normal expressions of patronage were also considered as founded in heaven; but such a likelihood can be argued since kingship, as the Babylonians expressed it, was established in heaven and justice was a matter for the gods. Be this as it may, the best conclusion to the present discussion might be drawn from the famous words of Hammurabi of Babylon, who, in the prologue to his codex, states:¹⁸

18. ANET 164, translation by Theophile J. Meek.

When lofty Anum, king of the Annunaki,
[and] Enlil, lord of heaven and earth,
the determiner of the destinies of the land,
determined for Marduk, the first-born of Enki,
the Enlil functions over all mankind,
made him great among the Igigi,
called Babylon by its exalted name,
made it supreme in the world,
established for him in its midst an enduring kingship,
whose foundations are as firm as heaven and earth –
at that time Anum and Enlil named me
to promote the welfare of the people,
me Ḫammurabi, the devout, god-fearing prince,
to cause justice to prevail in the land,
To destroy the wicked and the evil,
that the strong might not oppress the weak,
to rise like the sun over the black-headed [people],
and to light up the land.

13

Justice in western Asia in antiquity, or why no laws were needed!

1995

Law seems to play a great role in the Old Testament. The central part of the Pentateuch, the five Books of Moses, consists of several collections of law material, among which we could mention the Book of the Covenant, Exodus 21:23, and the so-called Holiness Code, Leviticus 17–26. Also in Deuteronomy, the fifth Book of Moses, we find another extensive collection of laws, from Chapter 12 to 26. How on earth can any person be induced to believe that no laws were needed? A close look at the laws of the Old Testament, however, immediately changes that perception, as it becomes clear that only a limited part of the laws are laws in any normal sense of the word. In the Book of the Covenant, only the first part, Exodus 21:2–22:16, contains what are juridical laws; the second part (Exod. 22:17–23:16) is devoted to religious rules and regulations. Or, as it has often been maintained, the first part of the Book of the Covenant belongs in the realm of *jus*, while the second part represents *fas*.

Whether this distinction is absolutely clear – or was clear to people in Antiquity – may, of course, be questioned, but a fundamental difference of style between the laws of the first part and the religious regulations of the second cannot be disregarded. Apart from the very first law, that concerning the Hebrew slave (Exod. 21:2-11), which opens with ‘When you purchase a Hebrew as a slave’,¹ the laws are all in the third person singular and all should, according to normal usage, be styled simple casuistic laws. They open with a description of the case, while the second segment prescribes consequences to be drawn. The above-mentioned law of the Hebrew Slave continues: ‘he will be your slave for six years’. At the end, a special stipulation is attached to the simple law: ‘in the seventh year, he is to go free without paying anything’.

In comparison, most of the laws or rules of the second part are phrased in the second person singular or plural, and their form is less uniform than in the first part. Accordingly, we find casuistic law in this section, but more dominant are so-called apodictic laws. No situation is specified, only a prohibition against doing or accepting something. For example: ‘You must not revile God, nor curse

1. Which is, however, hardly the original formulation. Cf. Chapter 1, this volume, and the literature quoted there.

a chief of your own people' (Exod. 22:28) – a style strictly related to the form of the Ten Commandments.

The two other large collections already mentioned, the Holiness Code and Deuteronomy, both contain religious regulations; Deuteronomy, however, also has rules regulating the office of the king (Deut. 17:14-20), of the judge (Deut. 16:18-20; 17:8-13) and functions of the court (Deut. 19:14-21). These cannot, however, be understood as laws in the strict sense, though Deuteronomy also contains passages much closer in style and content to ordinary law, not least laws – or rules and regulations, concerning marital life and norms (thus, Deut. 24).

In spite of this, it is my thesis that written law did not play any role in Western Asia, and the presence of such legal material in the Old Testament cannot be used in support of such a role. This can be supported by the following observations. First of all, it should be stressed that, apart from the Old Testament, no laws have survived from ancient Palestine. This verdict should, perhaps, be modified in one respect, as the 'Temple Scroll' found among the Dead Sea Scrolls can be compared in many respects to the law collections of the Pentateuch, especially the religious regulations. Various explanations have been put forward to explain such similarity in style and content; the proposal that the Temple Scroll was composed as part of the canonical laws of Moses is one of the more fanciful, though not totally unreasonable.² We do not need to present a reasonable and exhaustive explanation for this, but only say that the Temple Scroll and its laws should be evaluated alongside the religious regulations of the Old Testament, rather than as an independent witness of a written legal tradition in Western Asia.

Neither has any law yet turned up in the documents of Western Asia, either in the form of single laws or as collections of laws. To the contrary, it is astonishing that none of the rather ample archives of the Bronze Age Syrian states of Ugarit and Alalakh have contributed to our knowledge of written law in Western Asia. Perhaps more correctly, they have, indeed, contributed to our knowledge, but by indicating that such laws did not exist. It is our task to explain why this was so, especially as it is obvious that these societies were not lawless bandit societies.³ How could people survive in fairly complicated societies without recourse to fixed rules, which could serve in disputes among the members of these small Syrian and Palestinian states? That they were quarrelsome is evident from reading their letters, local as well as international. Can the missing law texts be attributed to a lack of archaeological luck or is there another way to explain such absence?

I believe that a case can be made for the suggestion that such absence does, in fact, reflect a specific attitude to law present in such societies and that this

2. See, thus, Hartmut Stegemann, *Is the Temple Scroll a Sixth Book of the Torah – Lost for 2,500 Years?*, in Hershel Shanks, *Understanding the Dead Sea Scrolls* (New York: Vintage Books, 1993), 126–36.

3. Although it could certainly be argued that most bandit societies have laws of their own, though such laws are not normally written down, but should, nevertheless, be followed by the members of the society in question.

attitude is also reflected by the content of what is preserved as legal texts from the ancient Near East.

In Mesopotamia, quite a few collections of law, mostly in casuistic style, much like those in the Book of the Covenant, ranging from the beginning of the second millennium BCE (even earlier specimens may exist) and down to Neo-Assyrian and Neo-Babylonian times. Among the best preserved are those of Lipit-Ištar of Lagash (nineteenth century BCE) and Ḥammurabi of Babylon (eighteenth century BCE), along with the anonymous law collection from Ešnunna which is probably a little earlier than Ḥammurabi's collection.⁴ Altogether, they provide the student of ancient law with important material and give indication of the principles of redaction behind these laws.

The famous Code of Ḥammurabi should particularly attract attention as it is often described as a law code in use in the days of this important Mesopotamian king. A number of topics are taken up and dealt with in these laws: simple crimes, family matters, slave laws, etc. A certain – if not altogether conspicuous – arrangement also seems to structure the compilation. Would anything suggest that this collection could not have been the manual of a judge? I am not speaking about the clearly propagandistic presentation, partly pictorial and partly in the prologue and epilogue to this collection.

I think a double case can be made for not accepting this collection as a genuine collection of laws to be followed in court. The first argument – indeed, an old one⁵ – based on the long-established fact that among the thousands of juridical documents from the time of this king, not a single definite reference to the laws transmitted by the Codex can be found. Although this argument is certainly not absolute, as it must be said to belong among the more taciturn of *argumenta ex silentio* – it may be one of the instances where one is provoked to ask whether the 'ex silentio' part simply comes from the nature of these questions. If the basic assumption is wrong, that the Codex Ḥammurabi contained laws in the modern sense of the word, then proving that this was not the case by referring to missing references to this law collection would hardly be enough. Some may just argue that this only shows the limited extent of the influence of these laws

4. This law material is easily accessible in the recent edition by Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor* (2nd edn; Atlanta, GA: Scholars Press, 1997). Quotations from the Code of Ḥammurabi will follow Roth's edition.

5. Basically, the one made by F. R. Kraus, 'In zentrales Problem des altesmesopotamischen Rechtes: Was ist der Codex Hammurabi?' *Genava* NS 8 (1960), 283–96. A more recent general discussion of the character of the code of Ḥammurabi is to be found in Horst Klengel, *König Hammurabi und der Alltag Babylons* (2nd edn; Darmstadt: Wissenschaftliche Buchgesellschaft, 1992), 184–264. See also the recent discussion in Eckart Otto, 'Aspects of Legal Reforms and Reformulations in Ancient Cuneiform and Israelite Law,' in B. M. Levinson, *Theory and Method in Biblical and Cuneiform Law* (JSOT supplement, 181; Sheffield: Sheffield Academic Press, 1994), 160–96, and especially the summary in Johannes Renger, 'Noch einmal: Was war der 'Kodex' Hammurabi – ein erlassenes Gesetz oder ein rechtsbuch?', in Hans-Joachim Gehrke, *Rectskodifizierung und soziale Normen im interkulturellen Vergleich* (Tübingen: Gunter Narr Verlag 1994), 27–58. Cf. also the Introduction in Roth, *Law Collections*, 4–7.

on actual jurisprudence in Ḥammurabi's time. It could be argued that the Codex could be compared not to modern comprehensive collections, valid for countries and states as such, but rather to an example of European local law collections of the Middle Ages, such as the 'law of Jutland' in my own country'.⁶

This counter-argument is, however, neutralized by a reference to the tradition of issuing such collections of law in Mesopotamia, as we should at least expect some reference to a collection, which need not be Ḥammurabi's. If this is not the case, and I have no knowledge of such references, it would probably be best to adhere to the viewpoint of F. R. Kraus, that these laws are not laws but decision of the court, if not simply 'wisdom' literature, a form of academic tradition collected by the king to prove his claim as the just king.

The second argument for such an understanding of codes from Mesopotamia could be the limited number of laws which they contain. This is not a very strong argument as it could easily be answered by referring to the fact that even Mesopotamian society was fairly basic compared to modern times. A 'simple' society, mostly agricultural,⁷ will need uncomplicated laws and we should not be surprised at the limited extent and scope of even a fairly large collection of such laws as are found in the Code of Ḥammurabi. While this is certainly true, it does not address the actual content of the laws, where, indeed, something is missing, were they to provide juridical guidelines.

A casual glimpse at the beginning of the laws of Ḥammurabi indicates why this is so. The first law states: 'If a man accuses another man and charges him with homicide, but cannot bring proof against him, his accuser shall be killed.' This is understandable, as false accusations and false witnesses are surely factors which any court must know how to deal with and defend against. As a matter of fact, this paragraph introduces a small section devoted to false accusations, partly such that lead to capital punishment, and partly such with less severe consequences for the offender. At least one law is missing, however. The Codex does not say what is to happen to a person who has killed another person, as any decent collection of laws would. Why? Probably because every judge of the Kingdom of Ḥammurabi knew in advance how to deal with a simple murder; he had no need for guidance from a written law. The murderer would have to be put to death or so a 'law' – the accepted general opinion of that time – would tell the judge.⁸

6. A royal decree of justice issued at the beginning of the thirteenth century CE, and only valid for a limited part of the Kingdom of Denmark, whereas, at the same time, comparable collections of law were issued to be valid in other parts of the kingdom. In fact, Denmark was not to have a common law valid for the whole country before the end of the seventeenth century CE, King Christian V's so-called 'Danske Lov' (Danish Law, or rather: The Law of Denmark).

7. This should be understood literally. Traditional societies of the Middle East will have had more than 90 per cent of the population engaged in the production of food. In Western Asia, the percentage would be even higher.

8. We shall later deal with examples from social anthropological literature where this may not be as simple as that.

If I am correct in maintaining this, I may also indicate that we hereby obtain an impression of how legal tradition functioned in Mesopotamia. The judges of that society must have had some source of knowledge of how to judge. This would either be written tradition, such as the law codes – but we have just concluded that such codes did not play an advisory role to the courts of ancient Mesopotamia – or unwritten legal tradition. A third possibility is that future judges were trained in written law, much as in modern law schools, and that the tradition of law codes originated in the demand of the educational system for ‘school textbooks’.⁹

Western Asia

I am not going to continue with the Mesopotamian situation, but will instead turn my attention to the situation in western Asia. Because the societal situation in western Asia was less complicated than that present in Mesopotamia, it may be better able to tell us something about the general conditions of the enactment of justice in ancient Near Eastern societies.

On one very specific point, there was absolutely agreement between the ideology of justice in western Asia and Mesopotamia. Both traditions understood the king to be a righteous and just judge who was considered the highest institution of appeal to all subjects: the one who would distribute law and righteousness.¹⁰ This, of course, is part of royal propaganda as found in any corner of the territory and is, in itself, not very interesting as nobody would imagine the king to be unjust. It is only in the very late biblical account of the Hebrew kingdom that a pronounced criticism of the king as righteous can be found in the introduction to the period of the kingdom in 1 Samuel 8:10-18, according to which it should not be expected that the king will act as a just father of his country. To the contrary, the king reserves to himself the right of taxation and will force his subjects – men and women alike – to work for him.

This evaluation of the king’s role can only be understood as a prologue to the highly tendentious description of the history of the Hebrew kingdom that follows from 1 Samuel to 2 Kings, and runs counter to another description of the right of the king in Deuteronomy 17:14-20, which could be considered to counterbalance 1 Samuel 8:10-18. On the other hand, expectations are pronounced in some Psalms of the Old Testament, especially Psalm 72, of the righteous rule of the king, according to which God shall give his laws to the king that the king may provide for the welfare of his people:

God, endow the king with your own justice,
his royal person with your righteousness,

9. Cf. on this Otto, ‘Aspects of Legal Reforms’, 62f. (including literature).

10. On the notion of the righteous king especially in the Old Testament, see among other studies Keith. W. Whitelam, *The Just King: Monarchical Authority in Ancient Israel* (JSOT supplement, 12, Sheffield: Sheffield Academic Press, 1979).

that he may govern your people rightly
and deal justly with your oppressed ones.
May hills and mountains provide your people
with prosperity in righteousness.
May he give judgment for the oppressed among the people
and help the needy;
may he crush the oppressor.

(Ps. 72:1-4)¹¹

The parallel between these verses and the prologue to the Code of Hammurabi is striking and shows that the idea of a human law, written down and used as a guide by the judge in court, was foreign to the mind of the population of the ancient Near East. Justice was divine business given to man from the gods and effectuated by their representative on earth, the gracious king. A human law would border on blasphemy (i.e. to formulate a written law as substitute of the divine one would encroach on the prerogatives of the gods). What is written are the practical interpretations of divine law, showing that its principles have or will be followed.

A just king is not a very practical figure in daily life and the ideology of the just king may be a kind of social myth explaining why it should be expected that the enactment of law and order is per definition just and righteous, rather than an explanation of the social placement of justice in an ancient society of western Asia. The ideology of the righteous king not only legitimates kingship as such, but also the practice of law, regardless at what societal level the practice is sought. The king is almost never part of an ordinary court case, these being, rather, referred to in the administrative documents from Ugarit or in the traditions of the Old Testament. Not even his administration seems to interfere in the decisions of the court, if the case in question can be handled on a lower – local – level.

It is true that in the Old Testament we have a story like the one in 1 Kings 3:16-28 which narrates the famous incident of the two women fighting for one and the same child. The story is obviously not a reflection of any decision by Solomon but stresses the importance of the king as – ideologically – the just ruler. The concluding note to this incident is as follows: ‘When Israel heard the judgment which the king had given, they all stood in awe of him; for they saw that he possessed wisdom from God for administering justice.’ The king relies on his godly overlord to provide him with the means of judging correctly.

Apart from such romances as the one in 1 Kings 3:16-28, most reflections of the practice of law in the Old Testament point to the fact that this was local business and not the business of the royal court. To study the background of the missing written laws from western Asia – and probably also Mesopotamia – we should turn to the local level of society to investigate the conditions of law, knowing well that outside the Old Testament very little if anything is revealed

11. Biblical quotations are here from *The Revised English Bible*.

by administrative documents, mostly from royal administrations and reflecting relations between the palace and the local community, whereas cases limited to the interests of the local community never involved the palace if they, for example, could be settled among the inhabitants of a certain village.¹² The biblical information is of a different kind, partly because it is not official, coming from some state archive, and partly because they are narrative reflections on the practice of law and order on the local level, and as such distort or mould the evidence of real life according to the needs of the biblical writers themselves. When this limitation of the biblical material is taken into consideration, the Old Testament has probably a lot more to tell about locally administered justice than the official documents of the ancient Near Eastern states. It also sometimes provides what may be understood as a commentary on rules expressed in other Near Eastern sources.

The above mentioned ‘law’ of Ḥammurabi, the Codex Ḥammurabi §1, the one about false accusations for murder, finds its commentary in Deuteronomy 19:16-19:

When a malicious witness comes forward to accuse a person of a crime, the two parties to the dispute must appear in the presence of the Lord, before the priest or the judges then in office; if, after a careful examination by the judges, he is proved to be a false witness giving false evidence against his fellow, treat him as he intended to treat his fellow. You must rid yourselves of this wickedness.

Although the text probably expresses the opinion of some Jew of the Persian or Hellenistic periods,¹³ there is, in fact, no reason to see the reference to the evil and wickedness as a foreign element to the understanding of a text like that found in the code of Ḥammurabi. Without this original distinction between good and evil, oriental law would have lacked legitimation, whether in the Israel of the Old Testament¹⁴ or in the historical societies of Syria or Mesopotamia.

12. On this, including the status of law and justice in the relations between the palace and local community in Western Asia, see especially a series of studies by Mario Liverani, ‘La royauté syrienne de l’âge du Bronze Récent,’ in P. Garelli, *Le Palais et la royauté* (Paris: Geuthner, 1974), 329–56; ‘Communautés de village et palais royales dans la Syrie du II^e millénaire,’ *Journal for the Economic and Social History of the Orient* 8 (1975), 146–64; and ‘Communautés rurales dans la Syrie du II^e millénaire a.C.,’ *Recueils de la Société Jean Bodin pour l’histoire comparatives des institutions* 41 (1983), 147–85.

13. Cf. on this below.

14. This is not the place to discuss this ‘Israel’. It will suffice to say that a number of Old Testament scholars today distinguish between different Israels’: The *historical* Israel (i.e. the state called Israel, alias Bit Humriya or Samarina, which existed in central and northern Palestine between, say, 950^{BCE} and 720^{BCE}), the *biblical* Israel (i.e. the Israel as narrated by the Old Testament) and *ancient* Israel (i.e. the concoction of the historical and the biblical Israel which has been created by biblical scholars). Cf. further on this distinction, Philip R. Davies, *In Search of ‘Ancient Israel’* (JSOT supplement, 148; Sheffield: Sheffield University Press, 1992).

The code may also contain valuable information regarding the importance of witnesses, when it is prescribed in Deuteronomy 19:14-15 that no case can be decided on the evidence of a single witness; at least two or three are needed. This case deals with a murder, committed in the countryside, though the murderer cannot be found. Deuteronomy 21:1-9, which prescribes a special ritual to cleanse the inhabitants of the village closest to the place of the crime, also belongs in this category.

In looking for the social foundation of the distribution of law and justice on the basic level of society, an explanation can be found for the missing written legal tradition. It is a stereotype in biblical scholarship that although judges were officially appointed (by whom?), there was no official police force to secure the enactment of a court decision. Neither did an official body exist which safeguarded the interests of the poor and destitute. Finally, but not least, access to court was limited to full citizens. No case was brought before a judge on behalf of the society or state. Such a thing as 'The State of California against O. J. Simpson' would be unheard of. The state did not interfere in the lives and whereabouts of the ordinary man; it did not protect its unfortunate citizens from being maltreated or mishandled by more affluent members of the society. It is therefore that the pages of the Old Testament abound with admonitions that the rich should care for the poor and that judges should not accept or be offered bribes. At times, the scholarly reconstruction of justice resembles a scene from Hans Christian Andersen (or his Californian 'translator', Walt Disney). We are confronted by a small-scale society where the judge – once appointed by the king, his master – resides in court as an independent member of the local society, as he is paid by his superior officers of the state administration and does not have to think of his daily outcome as member of the local society in which he is active. Before him, people of all sorts – or their representatives – will bring their case aspiring for a fair and just decision made by this independent member of the court.

This picture has hardly anything to do with the actual distribution of law in an ancient oriental society. And, again, the explanation is that the royal administration would not have any interest in interfering in local business if it were not for tax issues or other cases, where its own interests are at stake. Why should the royal court be interested in a simple murder if one destitute peasant had killed another? It would have been an unrewarding enterprise for the officers of the royal court and would have been understood by the local community as an encroachment on its right to direct its own affairs.

If the usual way to proceed is to describe the forces which were operative in such a society, where are we to look for the decisive institutions of such a society: in the family or elsewhere? Let's start with the family, because here we are confronted with another stereotype of orientalist scholarship, according to which the most important part of the socio-political structure on the local level – that under the official level of the state – would be the family. It is suggested, accordingly, that law and justice at the local level is a matter of a 'family-oriented' society. This is, however, a loose definition, as the term 'family' is, indeed, loose. In itself, it says little about the real centre of power in small-scale

societies. We need to look for such centres where we find the foundation of the administration of law and order. The term ‘family’ is, however, rather meaningless. What is intended by the term: the nuclear family or a greater entity? This is not a reflection on oriental usage, but rather demonstrates how imprecise the traditional orientalist expresses him or herself. The traditional oriental family is – contrary to general opinion – not very large. According to social anthropologists currently working, the family was between 4.5 and 7 persons and we have indications that the average nuclear family in the ancient Near East may not have exceeded the upper limit.¹⁵ It is obvious that such a tiny group will not represent any kind of power or economic and juridical security. The family, as such, is much too weak for this. The nuclear family is, technically speaking, a residence group – people living together – but it is not economically, politically or juridically autonomous. It cannot guarantee the welfare of its members but must leave this to a higher level of integration, such as the clan or *lineage*, two concepts which have often been misunderstood.¹⁶

A lineage is often considered by anthropologists to be the important political and economic group in traditional Middle Eastern society – although it says something about the level of sociological understanding among professional orientalists that we most often must look in vain for this term in modern treatments of ancient Near Eastern societies. ‘Lineage’, however, is essentially equivalent to the much less precise term *extended family*, supposedly consisting of as many as twenty or more persons.¹⁷ A limited number of nuclear families normally form a lineage and it is headed not so much by a chosen leader as by some family member who, because of *prestige*, is considered the head of his lineage.

It has often been described how the lineage becomes important in juridical matters since it is reckoned to be the level on which such matters can be decided without the interference by state officials. The extent of the authority of the lineage in this respect is, on the other hand, amazing and might include even capital crimes.

Even murder may be resolved by the lineage. It is interesting that, in traditional Middle Eastern society, the saying in the Qur’an would normally be cited

15. Cf. Niels Peter Lemche, *Early Israel: Anthropological and Historical Studies on the Israelite Society before the Monarchy* (VT supplement, 37; Leiden: E. J. Brill, 1985), 231–32. In general, the description of the traditional oriental family-structured society will follow what has already been said in this volume, especially 202–44.

16. The lineage, according to the popular anthropological definition, is a kinship group, consisting of relatives with a fair knowledge of how the single members of the lineage are attached to it. The genealogy of the lineage should therefore be clear to all genuine members of one and the same lineage. A clan, by contrast, is also considered a group based on the notion of kinship. However, the single members of the clan may not know in detail how they relate to the clan itself, or how other members of their clan relate to it. Personally, I never found this explanation of the difference very useful, as it seems to indicate either good or bad memory, rather than a completely different organization, as the criterion for making the distinction.

17. Stereotypes describing up to 100 persons are more fantasy than reality.

to indicate that the murderer should die. This rule is accepted but not practised in many places, as everyone can see that such a demand could easily lead to blood vengeance and destructive vendettas. Instead, according to the testimony of anthropologists, even such serious cases are solved at the level of the local society in order to avoid that the society itself should be fractured because of the criminal acts of one of its members.¹⁸

In reality, this would imply – according to such authorities – that in case of manslaughter, the leaders of the lineages involved will meet in the house of some chosen arbiter, acknowledged by both lineages, in order to settle the matter. The claim would be that the murderer should die (or a close male relative of his) in order to re-establish the broken balance between lineages, belonging to one and the same village. That two persons should die is, however, from the perspective of the village, an undesirable consequence, so another solution must be found. Therefore, negotiations start in an effort to establish the value of the deceased and the amount of compensation to be paid by the offender's lineage. In general, or so we are induced to believe, such a solution will be found, after which the tranquillity of the village is re-established.

Anthropologists are not specialists in law, and their description of how the juridical system works in traditional societies may lack detail and precision. However, their indications are that such societies have no use of a written law. In general, people know what is going to happen to a murderer and that there is no need to have this in writing. On the other hand, the demands of the 'unwritten law' may only occasionally be followed, which indicates that the unwritten law, in this case, is best considered a 'metaphor' rather than a practical guideline for how to act.

If even a murder be solved without resort to anything written, most juridical cases would also be solved in the same fashion. In traditional Middle Eastern society, it is likely that it was uncommon that state authorities should be involved in local affairs if public interest was not directly involved. Furthermore, the stable character of such local communities makes it absolutely unnecessary to introduce changes to what may have been a very simple unwritten law code, consisting of just a few practical guidelines, which would not be followed slavishly, but indicated a minimal level of compensation.

We have, here, found the background of the missing written laws of western Asia in ancient times. On the local village level, where the majority of the population should be sought, no written law was ever needed. Life was simple and so were the basic rules of society. The lack of written prescriptions for how to behave when even a severe crime was committed was not a hindrance to the enactment of a form of retribution, whether this consisted of direct punishment or resulted in compensation paid by the lineage.

18. Emrys Peters, in his article 'Aspects of the Family Among the Bedouin of Cyrenaica', in Meyer F. Nimkoff, *Comparative Family Systems* (Boston: Houghton-Mifflin, 1965), 121–46, has described the devastating effects when such mediating forces are not at work.

A hypothesis like this suffices to explain the character of the administration of justice among 90 to 95 per cent of the population of an ancient state. However, was this the only explanation or should it be broadened, and – finally – is it true that the lineage is to be considered the decisive level for the distribution of justice? How, for example, would such a system guarantee the welfare of the orphan, the widow and the poor, as are so often mentioned in juridical language, not only of the ancient Near East – Mesopotamian as well as western Asia – but also in the Old Testament?¹⁹

Against a too positive evaluation of the importance of the lineage, a couple of observations should be called upon. It should be stressed, first of all, that, generally speaking, the lineage does not care for the economic welfare of its members. It is an astonishing fact, often referred to, that poor lineage members normally find only very limited support among their relatives.²⁰ Second, lineage members may not live together. It is, accordingly, not unusual to observe that the members of one and the same lineage are distributed among more than a single village and segments of the same lineage may dwell in different villages belonging to the same region. It is even known that such segments do not share the same occupations: some may be nomadic, others peasants. Nevertheless, from a genealogical point of view, they are members of the same lineage. Other examples indicate a distribution of a lineage in a single village, in which case the lineage seems to be segmented in different parts of the village.

Patronage

Such observations indicate that another power system may be operative in these societies, a power system that does not necessarily follow lines of kinship or, in which, kinship may be more a metaphor than a reflection of the realities of the people embraced by this ideology.

Many years ago a note in a study on a Lebanese village community by the well-known American social anthropologist John Gulick struck me as important. After having explained the social structure of his village, he had to confess that although it should be supposed that this social structure would also mark the power structure in this village, there were indications, which were not to be overlooked, that the real power structure was different from the social structure. He was, however, unable to trace the details.²¹ It seems likely to me that Gulick was blocked from doing further observations by the infamous *omertà*, an

19. Cf. on this 'triad' F. C. Fensham, 'Widow, Orphan and the Poor in Ancient Near Eastern Legal and Wisdom Literature,' *JNES* 21 (1962), 129–39.

20. The late Jacob Black-Michaud dealt with aspects of this issue in his very perceptive contribution, 'Tyranny as a strategy for survival in an "egalitarian" society: Lurid facts versus an anthropological mystique,' *Man* NS 7 (1972), 614–34.

21. John Gulick, *Social Structure and Cultural Change in a Lebanese Village* (Viking Fund Publications in Anthropology 21; New York: Wenner-Gren Foundation for Anthropological Research, 1955), 131.

expression well known from Sicily, meaning – according to Cassell’s *Italian–English Dictionary* – ‘connivance’. My Italian–Danish dictionary has it as ‘solidarity between criminals’. However, it is a well-known mafia expression often translated as ‘the obligation not to talk’, meaning that the members of a certain ‘family’ should not disclose the secrets of their organization to outsiders. The mafia, of course, is a criminal organization; but, nevertheless, it is well known that, in its present form, it is also the result of a special socio-political development which took place in Sicily over the last two centuries. Before the eighteenth and nineteenth centuries, its basis was already present but had not yet developed modern criminal tendencies. The system developed out of what has sometimes been termed the ‘Mediterranean social system’, according to which the population is divided between patrons and clients. The system seems almost omnipresent in the Mediterranean world, reaching from the Middle East and through North Africa, embracing (of course) Italy, the islands of Sicily, Sardinia, Corsica and even France (at least before the Revolution of 1789).²²

Indeed, it seems almost omnipresent and should be looked for, according to the definition of the sociologist S. N. Eisenstadt, in societies which are no more simple tribal societies but embryonic states with but a rudiment of bureaucracy.²³ In fact, bureaucracy is described as the enemy of the system. Wherever a well-functioning bureaucracy appears, with officials who cannot be bribed, as is the case, if nowhere else, in Northern Europe, including all of the Scandinavian countries, this alternative power system seems either to disappear or to lose its importance.

To be brief, we are speaking of the *patronage* system as perhaps the most important power structure in traditional Middle Eastern society. The basis of the system is the fundamental division of the population in such societies between a wealthy and independent segment, the ‘patrons’ and a far larger, poor and destitute segment, the ‘clients’. In pre-industrialized times, a third class never existed (i.e. an influential class of bureaucrats running the society on behalf of their king).²⁴

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22. The classic collection of studies was published by Ernest Gellner and John Waterbury, *Patrons and Clients in Mediterranean Societies* (New York and London: Duckworth, 1977). Another relevant collection would be Julian Pitt-Rivers, *Mediterranean Countrymen. Essays in the Social Anthropology of the Mediterranean* (Recherches Méditerranéennes. Études I; Paris: Mouton, 1963).
 23. Smuel N. Eisenstadt and Luis Roniger, *Patrons, Clients and Friends* (Cambridge: Cambridge University Press, 1984).
 24. Although this may be questioned as far as the Hellenistic-Roman period is concerned, as in the enormous cities of that time, such a segment must, of course, have been present. Its importance may, however, have been restricted to the Greek-speaking cities of the Near East, whereas in the countryside, still mostly unfamiliar with Greek, this class could easily have acted as local patrons. Parallels from modern Syria are well known, where, for example, rich people from Aleppo may turn out as the local patrons in villages in the countryside. Cf. Louise E. Sweet, *Tell Toqaan. A Syrian Village* (Anthropological Papers, no 14; Ann Arbor, MI: University of Michigan, 1960), and the commented review in my *Early Israel*, 171–3. It should, on the other hand, not be overlooked that the practi-

It may be premature to present the full lay-out of such a system, the presence of which is almost uniformly overlooked,²⁵ although the concept of patronage has begun to gain importance especially in biblical studies in recent times.²⁶ The basic problem for the poor is simply to survive in an inhospitable environment. In general, the Middle East is unkind to its inhabitants. Only comparatively small stretches of land are suitable for agriculture, and rainfall is always haphazard. Droughts are common and leave ordinary man almost defenceless in times of stress. In spite of the official propaganda of ancient times, no ‘Scandinavian’ welfare system ever existed. If one belonged to the hapless group of ordinary beings, how does one survive in a time of crisis?

As already mentioned, the support to be drawn from family members – and here the nuclear family is unimportant – (i.e. from the lineage) is hardly enough to save a person from servitude, well known for being the ultimate way of saving one’s life in Antiquity.²⁷ Turning to some ‘benevolent’ person might be necessary if the poor person wanted to survive. It is, therefore, my thesis that the ancient societies of western Asia were, in fact, *patronage* societies and that patronage played an extremely important (though not exclusive) role in maintaining the welfare of the inhabitants of this region of the world. The system is never described in any detail in any source from Antiquity, probably because it was too well known.²⁸ Its effects and especially its ideology are almost omnipresent. In the Old Testament, it is immediately apparent when you

cal Romans turned the system into a fully developed and acknowledged element in their state organization, and that to such a degree that it has been maintained that the system is a Roman invention. See, on this, the classic description in Ronald Syme, *The Roman Revolution* (Oxford: Oxford University Press, 1939), 369–86 (‘The Working of Patronage’).

25. An exception is the Italian Assyriologist Mario Liverani, who seems always to have been aware of its presence and importance for molding the ideology of the ancient societies of Western Asia. See, thus, his *Prestige and Interest. International Relations in the Near East c.1600-1100 BC.* (History of the Ancient Near East. Studies, 1; Padova: Sargon, 1990).
26. In the field of New Testament studies, the importance of the concept has been stressed by Bruce J. Malina in his *The New Testament World. Insights from Cultural Anthropology* (revised edn; Louisville, KY: Westminster/John Knox, 1993). In Old Testament studies, I have dealt with the issue in a number of essays; see Chapters 12 and 14, this volume, and also my ‘On Doing Sociology with ‘Solomon’’, in Lowell K. Handy (ed.) *The Age of Solomon: Scholarship at the Turn of the Millennium* (SHCANE; Leiden: E. J. Brill, 1997), 312–35.
27. On this, cf. now the comprehensive study by Gregory C. Chirichigno, *Debt-Slavery in Israel and the Ancient Near East* (JSOT supplement, 141; Sheffield: Sheffield: Academic Press 1993).
28. Ancient sources never systematically deal with social or political structure, allowing for a concise picture of the organization of society to be reconstructed. We do not know a single word from Western Asia to be translated ‘peasant’ or ‘nomad’, probably because there was no need to find a specialized word covering some 95 per cent of the total population. Everybody was assumed to be a peasant (or a nomad) if nothing else was said about him.

are prepared to look for it and it turns up in the most unexpected places. The central biblical concept of the covenant between God and Israel should probably be interpreted in the light of patronage ideology (it is hardly due to coincidence that the *capo di capi* in the mafia is called the ‘Godfather’!).²⁹

When, however, we return to the specific subject of this contribution, the missing laws of western Asia in Antiquity, we have some clue as to how the administration of justice took place. It was the duty of the rich to care for the widow, orphan, poor and destitute. This has generally been taken to mean persons who had not obtained juridical status because they were without a father or a husband to defend them in court, or they were without lands and therefore not fully recognized as citizens of the state.³⁰ They could not register a complaint against a full citizen before a judge if they were not supported by another full citizen, who would take upon himself the safeguarding of their rights. This may be the grim background of the life of ordinary man in ancient times. If a person was not a grown male, owning his own land, this person would not be reckoned a full citizen of his community and therefore was helpless if accused or attacked by one of the ‘*seigniors*’ of his society. There was no help to be found, no court of appeal, if such a person felt himself injured or his rights infringed by a landlord. There was, in fact, only one possibility left to the poor, either bow your neck to the inevitable or find a patron to protect you and, in practice, ‘own’ you. The difference between this practice and proper debt-slavery may have been marginal and, probably, hardly recognized and the terminology would, likely, be the same. As is well known, the Hebrew word ‘*ebed* (the Akkadian counterpart is *wardum*) normally translated ‘slave’, also means ‘dependant’ (i.e. a person dependent on another). It is obvious from the international correspondence of the Late Bronze Age that any high officer of the king would term himself an ‘*ebed* (or *wardum*) when directing his message to his lord, the king. To this officer, the king would be reckoned not only as superior but as his most important and ultimate patron, apart from the divine.

It is just as important that monarchs, generally, used family terms when addressing each other. Monarchs of the same standing – for example, imperial rulers of Egypt and Ḫatti, the Hittite kingdom of Asia Minor – would use the term ‘brother’. A mightier king would be likely to call another king, not quite in his class, ‘son’ (and, conversely, ‘father’).³¹

29. Cf. on this Chapter 12, this volume.

30. The Akkadian *awilum*, ‘man’, used in the already quoted §1 of the Code of Ḫammurabi, means something more precise than just ‘man’, In Theophile E. Meeks’s translation of the paragraph in James M. Pritchard, *Ancient Near Eastern Texts Relating to the Old Testament* (ANET) (Princeton, NJ: Princeton University Press, 1955), 166, *awilum* is rendered ‘seignior’. According to CAD A/2, 48 ff., it should be rendered as either, first, ‘human being’; second, ‘grown man, male’; or, third, ‘free man, gentleman’. In this context, *awilum* may here denote the patrons only, or at least the landowning part of the population.

31. Cf. the above-mentioned study by Liverani, *Prestige and Interest*, especially 197–202 (‘The Ideology of Brotherhood’).

Whatever it was, survival demanded that a tie be established between poor and rich, between client and patron. There is no need to proceed with the more specific details here.³²

Patronage and law

When we return to the administration of the court and take this structure of society into consideration, an avenue opens to us to better understand quite a few problems related to jurisprudence in the ancient Near East.

In Deuteronomy 16:18-20, we read:

In every settlement which the Lord your God is giving you, you must appoint for yourselves judges and officers, tribe by tribe, and they will dispense true justice to the people. You must not pervert the course of justice or show favour or accept a bribe; for bribery makes the wise person blind and the just person give a crooked answer. Justice, and justice alone, must be your aim, so that you may live and occupy the land which the Lord your God is giving you.

This quotation is, of course, embedded in the ideological phrasing of the editor of this part of the Old Testament, the so-called Deuteronomistic movement.³³ It is their ideology that carries the day. On the other hand, not even Deuteronomistic ‘welfare-theology’, as it has been styled (the Deuteronomists being especially concerned about the poor and weak in the Jewish society) can hide the fact that the person to whom they address their admonition, the ‘you’, is not himself a poor person, but a representative of the influential citizens – or this group as a whole. Without mentioning it expressly, it is therefore the obligation of this group to care for the administration of justice and it is their duty to appoint judges who can be trusted as impartial and righteous and do not accept bribes.

Does this make a judge independent – the mark of honour of every judge in this world? Can it be assumed that such a judge should decide against the interests of the group that appointed him to his office and side with the weak? This

32. Basically, my studies from the 1970s, reprinted as Chapters 1–3 of this volume, will still be valid in this regard, though the interpretation of the Akkadian term *ḫupšu* – Hebrew *ḥophšî*, as ‘Client’ (see Chapter 1) may be too broad (cf. Chirichigno, *Debt-Slavery*, at 210ff.). It is obvious, however, that the term denoted a person in a special relationship to his former master – whether client in the technical sense or something else.

33. This is not the place to discuss Deuteronomism and whatever attached to this phenomenon. Suffice it to say that it is likely a Jewish intellectual movement of the Persian and Hellenistic periods – probably the forerunners of later Jewish parties of the Hasmonean period – which left their impression on large stretches of the Old Testament. Other scholars would place them in the late pre-exilic period (roughly the seventh to sixth centuries BCE), but this is immaterial here. Cf., for example, in an argument about the dating with this author, Eckart Otto, ‘Programme der sozialen Gerechtigkeit. Die neuassyrische (*an-durāru*-Institution sozialen Ausgleichs und das deuteronomistische Erlaßjahr in Deut 15’, *Zeitschrift für Altorientalische und Biblische rechtsgeschichte* 3 (1997), 26–63.

is a totally improbable suggestion and if it were to happen, the judge would be thrown out of office.

However, this perspective is distorted. The judge would never go against the interests of the group behind his appointment because there would be no occasion for him to do so. No poor man would drag his *seignior* before the judge to ask for justice, only a *seignior* could bring accusations against another *seignior*. This is a fundamental and all-important principle of justice. The judge is therefore not a judge in the usual modern sense of the word; he is an arbiter chosen by patrons to act as an intermediary, whenever a problem arises between two or more patrons or patronage groups. The safety of the poor and destitute can only be guaranteed within this system, as only the personal allegiance between a patron and his clients provides the protection needed for survival.

It is also obvious why it is stressed in Deuteronomy that the judge should be impartial and fair; only an arbiter, whom both parties trust, is able to mediate between patrons and their *clientelae*. For his own sake, a patron standing behind the appointment of a certain person to the job of arbiter must, for the sake of the survival of the system as such, accept the risk that the decision may occasionally go against his interests. The integrity of the office of the arbiter must be safeguarded or it will be valueless.

The risk that the decision go against the interest of one patron may not have been as great as such. After all, most cases were handled in 'court' through a negotiation led by the arbiter, the 'judge'. Whenever possible and to avoid societal disruption, a compromise should be looked for and found, even when a severe crime had occurred. If we return to our 'case study' of the murderer who was not killed but charged with an indemnity, this murderer might, of course, have been an important person under protection. It is most likely that, in the case of an offender belonging to a lower group, he may have lost his life if it were not worth the indemnity.

All of this shows – I hope sufficiently – why written laws were not needed in traditional communities of western Asia in ancient times. Such laws would have been a hindrance to the administration of justice, as they would have created an obstacle to the function of power. No law was needed to inform a patron of his rights and duties; in principle, he decided what was right and what wrong. Nobody could interfere with such rights, unless the intruder was himself a patron of higher standing and, ultimately, a king and patron of a state. As everyone knew, the king was unlikely to interfere if his own interests were not at stake.

There is thus no reason to wonder why no written law has survived. There was no use for such laws. What was needed was a broad understanding of what was considered right and just. A collection of 'rules' such as those listed in the Ten Commandments would be sufficient to express the basics of this understanding. Such a 'code', printed twice, in Exodus 20 and Deuteronomy 5, is introduced by religious admonitions, connected with the specifics of the Jewish religion. They do not need to occupy us now. Neither is the admonition important – although basic to the societies in question: 'Honour your father and your mother' – the next five (according to some, six) categorical prohibitions tell us all we need:

- Do not commit murder.
- Do not commit adultery.
- Do not steal.
- Do not give false evidence against your neighbour.
- Do not covet your neighbour's household.

Most of the 'laws' found in collections such as Hammurabi's will, in some respect, have to do with either of these five aspects or principles of what is right and wrong in a traditional society: manslaughter, adultery, theft, false testimony and encroachment on possessions belonging to another. Such 'prohibitions' were in one form or another known to every member of the traditional societies of the ancient world and there is no reason to explain why the Old Testament is the only place where they were written. They represent common knowledge and sentiments. Everyone knew them and there was no reason to write them down.

Only one issue remains: the status of the Book of Covenant. How does the existence of this collection square with the argument of this chapter? Do we or do we not have a case of written law from western Asia – though this 'western Asia' is, of course, confined to the Old Testament?

In spite of a never-ending attention from biblical scholars on this part of the Old Testament and its relation to the Babylonian tradition of law codes,³⁴ the presence of the secular laws in the Book of Covenant in Exodus 21:2–22:16 does not prove or indicate that a written law ever existed in Western Asia. First of all, we cannot forget the problems of Babylonian law codes, whether or not they were collections of laws or something else. The same can be said about the rules of the Book of the Covenant. Were they intended to be laws or were they just a collections of court decisions, arranged so that they now look like a judicial commentary on the five prohibitions of the Ten Commandments which are placed just before the Book of Covenant – hardly a coincidence. Or were they composed in order to form such a commentary on the Ten Commandments? How far does the Book of the Covenant represent an independent biblical – not to say, Israelite – tradition?

To deal properly with these questions would carry us through the entire field of Old Testament studies as it appears today: hardly a promising perspective at this point and quite unnecessary. It is only necessary to note that the part of

34. To mention just a few of the more recent major contributions: Shalom M. Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law* (VT supplement, 18; Leiden: E. J. Brill, 1970), and Eckart Otto, *Wandel der Rechtsbegründungen in der Gesellschaftsgeschichte des antiken Israel* (Studia Biblica, 3, Leiden: E. J. Brill, 1988), and *Rechtsgeschichte der Redaktionen im Kodex Eschnunna und im 'Bundesbuch.'* *Eine rechtsgeschichtliche und rechtsvergleichende Studie zu altbabylonischen und altisraelitischen Rechtsüberlieferungen* (OBO, 85; Fribourg: Universitätsverlag Freiburg/Schweiz–Göttingen: Vandenhoeck and Ruprecht, 1989). In fact, over the last decade, E. Otto has published an almost unlimited but extremely valuable series of articles and books dealing with the relations between ancient Near Eastern and Old Testament law, and, since 1995, he has edited a journal devoted to this subject, *Zeitschrift für Altorientalische und Biblische Rechtsgeschichte*.

Old Testament scholarship to which this author belongs generally favours post-exilic dates of composition. The Old Testament was not an old Israelite book with a written history going back to the beginning of the first millennium BCE. It was, rather, a late composition brought about at the beginning of Jewish history, which cannot predate the formation of Judaism as a religion and ethnic term – a thing that certainly did not happen before the Babylonian exile. Most likely we have to look for a much later date.³⁵

In this light, a new understanding of the Book of the Covenant seems likely, according to which this collection does not reflect ancient Israelite society, but is, rather, to be attributed to the understanding of exiles – or in any case, of former exiles – being brought up in Mesopotamia and drawing on a Babylonian legal tradition. The sons of exiles became acquainted with the Babylonian codes during their education or, better, with the tradition of writing such codes – a peculiarity of the Babylonian tradition. At some stage of the composition of the Old Testament, they chose to introduce such a collection in their tradition as evidence of the importance of law and order for keeping the covenant of Israel's God – in fact, much like Hammurabi, in collecting his code, had tried to demonstrate that his reign had been lawful and righteous. In this way, the Book of the Covenant does not belong in the tradition of law and order in Western Asia, so much as to the Babylonian tradition. References in the Book of the Covenant which have been understood to reflect old practices in Israel, but which are also close to Babylonian tradition,³⁶ should be considered 'Babylonian' literature in a Jewish context. They are not reflections of Israelite tradition, inherited by late post-exilic Jews.

35. In favour of an exilic date, see John Van Seters, *Abraham in History and Tradition* (New Haven, CT: Yale University Press, 1975). A post-exilic date in the Persian Period is proposed by various members of the so-called Second Temple Group, sponsored by the Society of Biblical Literature, and among others by Philip R. Davies. See his *In Search of 'Ancient Israel'*. Cf. now also E. Theodore Mullen, *Ethnic Myths and Pentateuchal Foundations: A new Approach to the Formation of the Pentateuch* (Atlanta, GA: Scholars Press, 1997). A Persian date was also the one offered by my Copenhagen colleague, Thomas L. Thompson, in his *Early History of the Israelite People: From the Written and Archaeological Sources* (SHANE 4; Leiden: E. J. Brill, 1992), who is now, however, siding with this author in that the Hellenistic Period may provide an even more promising background for biblical literature. See Chapter 8, this volume.

36. Cf. among the more glaring examples the law of the goring ox, Exod 22.28-32, and the commentary in J. J. Finkelstein, "'The Ox that Gored'", *TAPhS* 71 (1981), 1-89. Among such contributions, Chapter 1 of this volume should also be reckoned. Cf., however, the criticism against that the law of the Hebrew slave should reflect second millennium language levelled by Oswald Loretz, *Habiru-Hebräer* (BZAW 160; Berlin: De Gruyter, 1984), 259f. It is difficult to escape the conclusion that Loretz is right.

From patronage society to patronage society

1996

At a meeting of the *Nordiberische Arbeitsgemeinschaft* in the spring of 1993, as I presented the first draft of the article ‘Is It Still Possible to Write a History of Ancient Israel?’,¹ Klaus Koch correctly drew the conclusion that, after having removed most if not all of Israel’s pre-state history, it was natural and logical to take aim at the so-called United Monarchy. There is no longer any reason to consider this a period, which, from a historian’s point of view, is acceptable as presented in the Old Testament.

At this conference, several contributors had already addressed the question of how Israel became a state. The sophistication of their approach differed from scholar to scholar, but the general outcome was that a naive acceptance of the biblical story as history cannot be accepted anymore. Scholars, especially, should no longer be dragged around by the nose by pietistic colleagues, or even by biblical storytellers who, far better than modern readers, knew the importance of a story, and who probably never had been interested in giving us historical facts about the ‘days of old’.²

As I wrote this paper, I did not have more than a vague idea of the other contributions to this conference and, accordingly, I will here only refer to what has already been published elsewhere. The two studies of David Jamieson-Drake and Michael Niemann are of special interest as they both reached almost the same conclusion – though by different approaches – that there was no state in Judea during the tenth century BCE.³ It has been interesting and depressing to be a witness to the near total silence about Jamieson-Drake’s study in scholarly literature. It would also be wrong to say that Niemann’s study has attracted the public interest it deserves and, as Niemann’s approach is obviously traditional and biblicist, I see little reason for this, except that the language of the

1. See Chapter 10, this volume.

2. Here I have hardly moved since my settlement with Abraham Malamat, ‘On the Problem of Studying Israelite History-Apropos Abraham Malamat’s View on Historical Research’, *BN* 24 (1984), 94–124.

3. D. Jamieson-Drake, *Scribes and Schools in Monarchic Judah: A Socio-Archeological Approach* (The Social World of Biblical Antiquity 9; *JSOT* supplement, 109; Sheffield: JSOT Press, 1991); H. M. Niemann, *Herrschaft, Königtum und Staat. Skizzen zur sozio-kulturellen Entwicklung im monarchischen Israel* (Forschungen zum Alten Testament 6; Tübingen: Mohr, 1993).

publication may be an obstacle to readers outside Germany. However, another explanation may be more correct: that whereas quite a few colleagues have accepted – after more than thirty years of discussion – that there was nothing like the biblical early Israel, the dismissal of the biblical United Kingdom of David and Solomon wreaks havoc among Jews as well as Christians. The pain threshold, so to speak, has been crossed because of the theological consequences of the possibility that there never was a David of history. People may instinctively react against such a suggestion with a hostility that was not displayed when we began demolishing biblical Israel's early history.

At a seminar in Copenhagen in April 1995 on 'Jerusalem in Archaeology',⁴ it became apparent that Jamieson-Drake's book was not a major piece of work. This was not because of its methodology, which is faultless, but because of the material on which he based his theories. Seemingly, Jamieson-Drake relies on material of low scholarly value, dated archaeological reasoning, wrong or simply bad archaeological sources, misleading conclusions, and so on.⁵ Nevertheless, it is still an obvious hypothesis that as far as material evidence from Judea in the Iron Age is concerned, there are few traces of anything which can be compared to a state organization before the eighth century – which, in fact, was the conclusion that was also reached by Niemann. It is sometimes maintained that this is immaterial, as we are not looking for a modern state, but an ancient one, which was certainly otherwise organized than modern states.⁶ Judah, therefore, may have been a state after all, in spite of the fact that its organization was, to say the least, embryonic and rudimentary in comparison to anything that would merit the name of a state in the present world. Although it is certainly true and not to be disputed that states of the ancient Near East were not modern, the argument is *per se* irrelevant as we, when attributing statehood to an ancient Palestinian society, are not discussing ancient theories of states, but are presenting our understanding based on a modern definition of a state. It is immaterial whether we accept one scribe as the sole and lonely administrative officer in ancient Jerusalem and maintain that an ancient state did not need more scribes to run the business. The important thing is whether this scribe fulfils the duties and obligations, which are parts of a society properly called a state. In this respect,

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4. Among the participants were Margreet Steiner from Leiden, Patrick McGovern from Philadelphia and John Strange from Copenhagen.
 5. To an outsider, this must sound almost ridiculous as there is hardly a region in this world which has been dug as extensively as Palestine. How can it be that, after more than 100 years of excavations, several experienced archaeologists are forced to admit that hardly any certainty about the status of the Judean territory at the beginning of the first millennium BCE can be reached, that we still have a long way to go before any safe or enduring reconstruction can be presented.
 6. This argument was used against my idea of a Hellenistic origin for the Old Testament (cf. N. P. Lemche, 'The Old Testament: A Hellenistic book?', *SJOT* 7 (1993), 163–93 – especially against my view of the kingdom of David – by F. Willesen, 'Om fantomet David', *DTT* 56 (1993), 249–65. Cf. my answer to this criticism in my 'Det gamle Testaments, hellenismen og David. Svar til Eduard Nielsen og Folker Willesen', *DTT* 57 (1994), 20–39.

Niemann is absolutely correct: the few scattered references to administration in the Hebrew Bible hardly imply the presence of a state. They are merely vestiges of a rudimentary administrative system, which might have developed into a proper one in a more complicated society. Any state definition must thus contain a number of elements and graduations, as there is a very long way to go from the primitive, or rather traditional, organization found in tribal societies to the fully developed bureaucratic systems of state societies. From this perspective, nothing from Judea during the tenth century BCE indicates that more than the vestiges of a state organization were present at that time and place. The implications of this cannot be overcome by the argument that if its people had accepted their community to be a state (how should that be?), it was, therefore, a state. This is, of course, not true. From a socio-political perspective, a state can only be such if it fulfils the requirements of an organized and administered society, including protection both of citizens and the state itself.

On the other hand, it is obvious that biblical narrative leaves us with the impression that Jerusalem was the centre of a mighty state and, thanks to Niemann, that the author of the narrative about the United Monarchy did not know much about what a real empire in the days of David and Solomon required. The biblical narrator is not very different from other ancient authors who, with the exception of Aristotle and perhaps also Plato and a few other Greek philosophers, never display any deep comprehension of how societies are organized and ruled. It is in this connection a truism that if the ancient authors were right in maintaining that almost every Roman emperor was mad and incompetent, it is hardly understandable that this huge political structure could survive for centuries. None of these so-called historians – whether the gossip-monger Suetonius or the supposedly more serious historian Tacitus – have really provided us with an explanation for the durability of the Roman Empire. However, the orientation of such writers is personalized. Suetonius and Tacitus see history as a series of events relating to individuals: to rulers or other persons in direct contact with the ruling few. This is the mode of narration to be found in the Greco-Roman world, and it is certainly the same mode to be encountered in the Hebrew Bible, not least in its description of the history of the United Monarchy.

The harshest criticism to be levelled against Niemann's study on administration is that the authors are not likely to present such facts as will allow a proper reconstruction of the central administration of the period of a David or a Solomon. What we have is merely chitchat, remarks torn out of context. On this basis, it could be argued that Niemann's study is inconclusive. However, he is probably right – as is also Jamieson-Drake – in maintaining that there was no state in ancient Judah before the end of the eighth century BCE at the earliest. Even though Jamieson-Drake's pins and columns may have to be moved around, corrected, or eliminated as one goes along, statistics are on his side, and some of his conclusions may eventually survive even a major revision of the single components of the statistics. Niemann's problem is different, as his conclusions are based on a rather historicist reading of his textual material. However, his narrator did not show any awareness of what a state is all about – that is, the biblical story offers us no evidence of a state.

There is, however, another way of entering this debate about the kind of society to be found in the central highlands – especially its southern parts – during the tenth century BCE. That is to discuss the nature of the society supposed to be around in those days. The normal method would be to discuss the progression from a tribal society to a state: *Die Staatenbildung der Israeliten*, as Albrecht Alt phrased it.⁷ This would require that we had a tribal society at one end of the continuum, and at the other, a state. Neither of these points of departure is evident. Because of this, I decided to discuss the progression from a tribal society to a patronage society. However, we must ask once again what we really know about tribal societies in Palestine in the period, say, of 1300BCE to 800BCE? Tribe is such a meaningless word because it embraces all kinds of traditional primitive societies and because no conclusive definition can be reached as to what a tribe really is except the conclusion that a tribal society is not a state.⁸

To avoid this problem, I have introduced the concept of patronage society as more likely to cover the societal varieties of Syria and especially Palestine in the Late Bronze Age (LBA) period. I am at the moment preparing a series of studies on the nature of such societies.⁹ Political power structures are personalized as the society is divided into two groups: the ‘haves’ and the ‘have nots’, the first being so-called ‘full citizens’ known from the Hebrew Bible, and the others, the many destitute to be cared for, the *dalim*, *ebyonim*, or whatever they may be called in Hebrew. This model, often called ‘the Mediterranean social system’, seems almost ubiquitous in – to use sociological terms – societies of a degree of complexity, not yet, however, bureaucratic states. They are neither tribal nor feudal societies, although they may develop into feudalism.¹⁰ Characteristic of a patronage society is its vertical organization, according to which we find the patron at the top. He is a member of a leading lineage. Below him are his clients, ordinary men and their families. The bond between patron and client is a personal one: the client having sworn allegiance to the patron and the patron having sworn to protect his client.

Once diagnosed, the effects of patronage can be found on all levels of society. To mention a single example, I refer to my lecture at a recent conference at the Robbins Collection, Berkeley University, in March 1995, dealing with

7. Cf. his article of the same name ‘Die Staatenbildung der israeliten in Palestinian’ (1930), in his *Kleine Schriften zur Geschichte Israels* II (1956), 1–65 (English translation: ‘The Formation of the Israelite State in Palestine’, in *Essays on Old Testament History and Religion*, trans. R. A. Wilson; Sheffield: JSOT Press, 1989, 171–237).

8. Cf. my *Early Israel: Anthropological and Historical Studies on the Israelite Society before the Monarchy* (VT supplement, 37; Leiden: E. J. Brill, 1985), 231–44 and the literature quoted there.

9. See Chapters 9, 12 and 13, this volume.

10. See E. Gellner and J. Waterbury, *Patrons and Clients in Mediterranean Societies* (New York and London: Duckworth, 1977). On the development towards feudalism in the LBA period; cf. M. Liverani, ‘Communautés rurales dans la Syrie du IIe millénaire a. C.’, *Recueils de la société Jean Bodin pour l’histoire Comparative des institutions* 41 (1983), 147–85. Liverani describes how the independence of the village society is threatened by the donation of villages as fiefs to privileged members of the palace community.

ancient law.¹¹ I traced the reason for the conspicuous absence of laws in Syria and Palestine in the Iron Age to patronage systems, which made such laws superfluous and unnecessary. Nobody tells his Godfather how to judge.¹² It is also obvious, from a closer juridical analysis, that passages on law and enactment of justice in Deuteronomy 16:18-20, 17:8-13 and 19:14-21 do not speak about court and justice in the normal Western sense of the word, but about the instalment and function of an agent to act between patron families of the same community.

The idea of a patronage as distinct from a tribal society is a very important part of the argument for the absence of a proper state in Judah in the Iron Age – or greater parts of Syria and Palestine in antiquity. The state is supposed to care for its citizens and this has been part of the ideology of ancient states since Sumerian times to Hammurabi and the Assyrian and Babylonian kings of the first millennium. Famous in this connection are the social decrees from Urnammu to Hammurabi and the prologue to the Codex Hammurabi, in which the king programmatically states that he was introduced to kingship in order to make his subjects happy.¹³ This concern is conspicuously absent from the biblical material, whether the outspoken anti-royalist tirades of Samuel (1 Sam. 8 and 12), the criticism of an unjust society in prophetic literature, or the description of the juridical system itself, which did not allow for ordinary people to find help and justice in court if they did not belong among the landowning ‘full citizens’. Social security seems to have been utterly ‘privatized’ in those days.

11. Cf. Chapter 13, this volume.

12. The Book of the Covenant belongs, as has been effectively demonstrated by S. M. Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law* (VT supplement, 18; Leiden: E. J. Brill, 1970), to the Babylonian tradition of law codes. Cf. among other studies, R. Westbrook, ‘What is the Covenant Code?’ in B. M. Levinson (ed.) *Theory and Method in Biblical and Cuneiform Law* (JSOT supplement, 181; Sheffield: JSOT Press, 1994), 15–36. It is certainly not old or part of ‘early Israel’s heritage’. Contrary to these authors, I would, however, argue that the Covenant Code is not an old collection going back to the early period of Israel’s putative history, but rather a literary recollection of the Mesopotamian law tradition as represented by the great codes of Lipit-Ištar, Hammurabi, etc. On the non-legal character of these codes in the current view of Assyriologists, see, already, F. R. Kraus, ‘Ein zentrales Thema des altmesopotamischen Rechtes: Was ist der Codex Hammurabi?’, *Genava* NS 8 (1960), 283–96. Modern statements: H. Klengel, *King Hammurabi und der Altg Babylons* (Darmstadt: Wissenschaftliche Buchgesellschaft, second edn, 1992), 184–264; E. Otto, ‘Aspects of Legal Reforms and Reformulations on ancient Cuneiform and Israelite Law’, in Levinson, *Theory and Method*, 160–96, and especially J. Renger, ‘Noch einmal: Was war der Kodex Hammurabi – ein erlassenes Gesetz oder ein Rechtsbuch?’, in H.-J. Gehrke, *Rectskodifizierung und sociale Normen im interkulturellen Vergleich* (Tübingen: Mohr, 1994, 27–58).

13. Cf. on the royal *misharum* act F. R. Kraus, *Ein Edikt des Königs Ammisaduqa von Babylonien* (SDIO, 5; Leiden: E. J. Brill, 1958), and also his *Königliche Verfügungen in altbabylonischer Zeit* (Leiden: E. J. Brill, 1984). Cf. especially the passage from the Codex Hammurabi: ‘at that time Anum and Enlil named me to promote the welfare of the people’ (ANET 164).

When we examine the development of political structure in the Palestinian world from the Late Bronze to the Iron Age, the period of the so-called Hebrew kings, it becomes obvious that social solidarity was not originally part of socio-political ideology. A number of studies of LBA society in Syria and Palestine have demonstrated that this system was formed around political centres, organized as palace states, with the king as the director of the business or industry which was the palace, while the rest of the society were his slaves. On the other hand, it is very clear that the palace state was not a welfare state and was never understood to be such; it was a patronage society on the border of the feudal system.

The ideology of petty kings of Syria and Palestine in the Bronze Age has been extensively studied by Mario Liverani, who, being an Italian, did not overlook what has almost always been overlooked: that the international political system of the Amarna Age was understood as a patronage system (the Egyptian Pharaoh seems to have seen it differently.)¹⁴ The political ideology of the kings of Palestine and Syria was, briefly, that Pharaoh was their protector, as they had been faithful to Pharaoh alone and had not been playing with other gods (kings). Therefore, Pharaoh would protect them and help them in distress. Pharaoh, for his part, understood the system as bureaucratic. Petty kings in Syria and Palestine were servants, employees, whom he might promote or sack as he wished.

Pharaoh's understanding of political relations was impersonal and state oriented. The petty kings were Egyptian officials employed by Pharaoh to carry out his orders and decrees; they were not to act on their own behalf. Loyalty to Pharaoh therefore meant being true to the orders given, not the more comprehensive feeling among people from Syria and Palestine of personal allegiance and loyalty.

The Egyptian system was, in fact, much closer to a modern concept of state, although the idea of God being the incarnate ruler of his kingdom may seem foreign to modern citizens. Nevertheless, this 'God' provided security and welfare for his subjects in the impersonal way that is usual for modern welfare states. In Syria, on the other hand, things were different, as relations between individuals were understood in a personal sense. The subjects of, say, Abdihepa of Jerusalem were allied to their ruler personally. They were not so much his subjects as his clients. He was their protector (as was Pharaoh for his subjects), not because he was king, but because he was patron. If the peasant was dissatisfied with his patron, he could switch patrons and find a better one – at least in theory, but sometimes also in practice, as shown by the burgeoning movement in this period of refugees, people without patrons, known as the *habiru*. In Syria and

14. Cf. M. Liverani, 'Contrasti e confluenze di concezioni politiche nell'età di El Amarna', *RA* 61 (1967), 1–18; 'Political Lexicon and Political Ideologies in the Amarna Letters', *Berytus* 31 (1983), 41–56, and *Prestige and Interest. International Relations in the Near East c.1600-1100 BC*. (History of the Ancient Near East/Studies, I; Padua: Saion, 1990), especially 187–96 ('The Ideology of Protection') and 197–202 ('The Ideology of Brotherhood').

Palestine, this political system of allegiance was supported by the homogeneity of the population, comparable to the relative physical heterogeneity of the territories, two factors which created both unity and discord. People of Syria and Palestine were more or less the same wherever they travelled. They lived, however, in different environments, and especially in Palestine, which was divided into many small self-contained units. In this territory, regionalism and internationalism survived side by side.

Of course, societal structure worked differently in different places. In a spatially affluent Syrian state such as Ugarit, the village structure, which embraced 80 to 90 per cent of the population, probably encouraged a system in which the king was reckoned the head patron – the *capo di capi*.¹⁵ The village itself, however, provided a sub-system, which was also subject to a patron, who could be the king or some local potentate, a high-ranking client of the king, entrusted with this village as a personal fief.¹⁶ On the local level the village, on many occasions, may have functioned as an acephalous tribal system, without officially appointed leaders,¹⁷ where decisions were made on a communal basis.¹⁸ Some juridical documents point in this direction, as in certain cases (infamous cases of unsolved murders of merchants) they treat the village as a collective rather than looking for an individual offender.¹⁹

In Palestine, the village system hardly existed during the LBA.²⁰ Instead, we encounter a system of small-scale townships (the normal scholarly term ‘city’ is unfortunate, as it directs our ideas in the wrong direction), ruled by so-called

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15. On village and city in Ugarit (and other Syrian states of the LBA period), cf. M. Liverani, ‘Communautés de village et palais royales dans la Syrie du II^e millénaire’, *JESHO* 18 (1975), 146–64; ‘Ville et campagne dans la royauté d’Ugarit. Essai d’analyse économique’, in *Societies and Languages of the Ancient Near East in Honour of I.M. Diakonoff* (Warminster: Aris and Phillips, 1982), 250–58. Another valuable study is M. Heltzer, *The Rural Community in Ancient Ugarit* (Wiesbaden: Reichert, 1976).
 16. On this, cf. Liverani, ‘Communautés rurales’. On royal agricultural estates in Ugarit, cf. M. Liverani, especially his ‘Economia delle fattorie palatine ugaritiche’, *Dialoghi di Archeologia* NS 1 (1979), 57–72.
 17. From Ugarit three titles are known: the *ḥazanu*, the *rab* and the *šakin* (cf. Heltzer, *Rural Community*, 80–83). The official headman, eventually imposed on the village by the palace administration, need not be the real head of the village itself, but just some intermediary who could represent the village in negotiations with the outside world, and to whom the palace would direct its instructions for the villagers. A number of modern analogies demonstrate that this office is neither much sought after nor respected. It is rather more likely than not given to a non-important or junior member of one of the leading lineages.
 18. See on this Heltzer, *Rural Community*, 75–7.
 19. On this *ibid.*, 63–5, Liverani, ‘Communautés rurales’.
 20. Cf. T. L. Thompson, *The Settlement of Palestine in the Bronze Age* (BTAVO 34; Wiesbaden: Reichert, 1979). Cf. also A. Mazar, *Archaeology of the Land of the Bible c. 10,000–586 BCE* (New York: Doubleday, 1990), 239–41. Generally, scholars have concentrated on the supposed reduction of urban culture in Palestine in the LBA period; cf. R. Gonen, ‘Urban Canaan in the Late Bronze Period’, *BASOR* 253 (1984), 61–73. Her conclusions are, however, questioned by Mazar (*Land of the Bible*, 240).

‘kings’,²¹ tiny political structures which probably allowed for a personal system of relationships between ruler and subject. No intermediary organization was necessary and only a most rudimentary administrative system was needed. We hardly have sufficient information to provide a secure picture of the political system in the nooks and crannies of Palestine during the LBA, but apart from Hazor – certainly not a typical Palestinian city in those days – and a few places on the plains in the north, such as Tell Keisan – by all criteria a Phoenician city – the walled settlements are tiny, so tiny that it is apparently impossible to find Jerusalem of the LBA. Nothing comprehensive was needed to control these societies: a scribe and a few soldiers were sufficient. Some years ago, I referred to the petitions of the kings of Palestine to Pharaoh for military support: ‘send me, not a thousand or a hundred soldiers, but twenty or thirty’. Even though the political situation in the Amarna letters is often described as catastrophic to the loyal vassals of Pharaoh, the problems were so limited that a dozen troops could establish order!²²

If we look for parallels to the structure of Palestinian society, I would suggest that we leave out greater Syria, as well as – of course – Mesopotamia throughout antiquity. I would rather suggest that better parallels can be found in medieval Europe, in the *Burg-Gesellschaften*, the ‘fortress-societies’ of the early Middle Ages. Embryonic, centralized organizations arose around the castles (strongholds) of the patrons, later to develop into cities. Denmark provides fine examples not least because, in those days, it was a small-scale society and the development is well attested in history – to such a degree that it is part of the ordinary curriculum in primary schools. Around the fortress, villagers settled for protection provided by the lord of the fortress, their patron. From this, cities developed. The proof of this is the number of medieval Danish cities with names such as Nyborg, Fåborg, Vordingborg, Skanderborg, and Aalborg. The Danish word *borg* is the same as the German *Burg*. Other names would be compounds with Danish *hus* (house), such as the second biggest city of the kingdom, Aarhus, or *gård* (farmhouses, but often used also for royal houses), often in the form of the name Nygaard (‘new farmhouses), like the Russian Novgorod (which is a Scandinavian word as Novgorod was in fact founded by Viking chiefs as a stronghold). Even Copenhagen traces its origin back to such a development in the twelfth century CE, as the city arose around a fortress built by an archbishop (Absalon) in 1167CE.

The end of the LBA probably relates to a societal crisis. It was, however, a crisis that arose not so much because of internal structural problems in the small political communities of Syria and Palestine; it was, rather, occasioned by an international crisis related to a breakdown of trade relations²³ or by changing

21. The Egyptians purposefully and realistically called these rulers mayors, *hazanu*.

22. Lemche, *Early Israel*, 419–20, including references to requests for support from Abdi-Heba, Rib-Adda and Abimilku.

23. The general thesis of R. B. Coote and K. W. Whitelam, *The Emergence of Early Israel in Historical Perspective* (The Social World of Biblical Antiquity Series 5; Sheffield: Almond Press, 1987).

environmental circumstances, such as drought and famine.²⁴ It is also well known that the effects of the crisis varied enormously from place to place and from region to region. Major cities such as Ugarit and Hazor – to stay with these – succumbed: Ugarit collapsed under a combination of factors (dissolution of trade, destructions wrought by intruders and a natural catastrophe); Hazor under as yet unknown factors, but, unlike Ugarit, which was abandoned, Hazor was eventually substituted by a ‘Burg-society’.

Out of the patronage society of the LBA period in Syria and Palestine arose a tribal society – though we may question whether we are really speaking about tribes. Of course, we know from the Hebrew Bible about tribes of Israel, but how far does such a description comply with reality? I argued several years ago that the description of the tribes of Israel is formalized to such a degree as to present a caricature of a living society.²⁵ Biblical authors display very little understanding of how such societies were organized and functioned. The description of this tribal system in the Hebrew Bible seems to belong to what a modern community of anthropologists would call arm-chair theory, so far is it removed from any real world.²⁶

We are often seduced by words and nothing but words. In the Bible, we read about tribes and we immediately believe what we are told: Israel was a tribal society, and – well – then, it was truly so. But we do not consider what this means. We compartmentalize our evidence: tribal society here, state society there and patronage society in the middle – somehow. From a logical point of view, we argue that we need a clear-cut boundary between the definitions of such categories to establish a line of development between these. People move from a tribal society to something else, perhaps a political system governed by chieftains, only later to become kings when they established succession. We create the rules for such ‘development’ from one structure to the next, without recognizing that there perhaps was no development at all, or, rather, many developments at one and the same time and in the same place and society.

Tribal society is but a metaphor for a society that is not organized as a state,²⁷ and by state I refer to a modern definition. In the period leading from the LBA to Iron II, the so-called period of the Hebrew United Monarchy, we find structures not dissimilar from ones belonging to the preceding period and also much like those yet to appear in the future. If we follow Finkelstein’s reconstruction of Early Iron I society in Palestine, as – in the central highland region – mainly a

24. As preferred by T. L. Thompson, *The Early History of the Israelite People: From the Written and Archaeological Sources* (SHANE 4; Leiden: E. J. Brill, 1992).

25. Lemche, *Early Israel*, 274.

26. Which did not prevent this author – like so many of his colleagues – from presenting another sophisticated but nevertheless speculative reconstruction of what an Israelite tribe might have been. Cf. *ibid.*, 274–90.

27. Cf. also – preliminarily – the discussion in my *Ancient Israel: A New History of Israelite Society* (Sheffield: JSOT Press, 1988), 98–9. A better definition would perhaps argue that ‘tribe’ is a metaphor that expresses the functions of a state in a non-state society.

village society,²⁸ we may have a tribal society, but probably more likely a mixture of tribal (rather, lineage) ideology and a patronage system.

This demands an explanation. Contrary to the opinion of many scholars, but thoroughly discussed in my *'Early Israel'*, the governing structure in traditional Middle Eastern societies not yet totally embraced by a centralized state is not the tribe but the lineage, defined as a patrilinear descent group of some extent.²⁹ The lineage survives political change (e.g. a shift from statehood to chiefdom and vice versa) and it is dominant on all levels of society. An ideology of belonging to a certain lineage dominates. Reality shows things to be different in that only the well-to-do lineages are politically important. The rest have to adjust their allegiance to a major lineage. This is the basis of the patronage system, according to which members of unimportant lineages look for richer – more influential, mightier – lineages for personal protection.

What may have happened in Palestine at the end of the LBA is that the walled fortress of the patron, the city of the king, disappeared and was substituted by local structures, villages, either organized without a protecting substratum like the patron, the so-called 'king' – or with local influential patrons, now impossible to trace in the remains of the villages. The presence of regional patrons may be seen from the distribution of clusters of villages in the central and Galilean highlands.³⁰ In this way, the village culture of the central highlands of Palestine simply represents an interval between two periods of more extensive and well-formulated patronage systems, simply because what happened, between 1000_{BCE} and 900_{BCE} was, in fact, the re-establishment of a system of *'Burg-civilizations'*, partly to be compared (but not identified) with the system of the LBA of the same area. It is guesswork to present any kind of reconstruction of the history of this period, but several avenues of development are feasible. I point out only two:

1. The villages were part of a tribal society of some kind, the correct nature of which is impossible to reconstruct. They were governed by tribal ideology³¹ according to the rules of such societies. However, at a certain stage and because of certain conditions – competition for dwindling natural resources, warfare or whatever – they had to invent a more secure organization, reuniting into chiefdoms run by families or lineages best described as patronage families, who later assume the language of kings and princes.

28. I. Finkelstein, *The Archaeology of the Settlement of the Israelite Tribes* (Jerusalem: Israel Exploration Society, 1988).

29. Lemche, *Early Israel*, 223–31 and 245–74.

30. Cf. the charts in Finkelstein, *Settlements*, 95 and 189. Mittmann's Gilead survey may provide the same picture; cf. *ibid.*, 115.

31. Perhaps rejected in traces of what is normally understood as tribal ideology, present in much later biblical writings. On this, F. Lambert, 'The Tribe/state Paradox in the Old Testament', *SJOT* 8 (1994), 20–44. It is, however, my opinion that this ideology is part of the lineage system and that it does not necessarily reflect the previous or current existence of tribes.

2. The villages were from the outset part of small-scale patronage systems, which, under the conditions mentioned (or others – none can really tell), were forced to be incorporated within a major patronage system, symbolized by the re-establishment of a centralized construction such as a fortress – a ‘*Burg*’.

In the first case, the system of government changed, but the ideology and life inside the lineage remained (almost) the same. In the second case, almost nothing happened, except that a tendency towards centralized settlement may be the reason for the building of fortresses such as Jerusalem and Beer-sheba in the second half of the Early Iron I period and beginning of the first millennium BCE.³² The establishment of these centres has been related to the disappearance of village culture or at least to a reduction of the number of villages and minor townships. We probably see a movement towards centralization and a strengthening of the position of some village patrons towards regional patronage, the people we have been used to calling kings.

In his 1995 article in *The Scandinavian Journal of the Old Testament*, Thomas Thompson directs his attention to the notion of a ‘house of David’ as evidence of the presence of a patronage system, organized around the descendants of the apical David, making the historicity of this David rather dubious and certainly unnecessary.³³ In this place, I will not repeat Thompson’s arguments, but only supplement him by referring to the fact that the many dynastic political names found in Western Asia in the Iron Age, stretching from such Mesopotamian Aramaic states as Bit Adini, over Syrian Bit Gusi, down to Palestine’s Bit Ḥumriya and Bet David, may hardly be evidence of tribal societies which changed into kingdoms. It is much more likely that they testify to the fact that assumption of power was based not on single persons, but on major patronage lineages, which arose among the small-scale lineages of the previous period. By changing the origin of the Judean ‘royal’ family from a single historical person into an eponymic ancestor of this lineage, we escape being entangled in the personalized mode of narrating history of the author of the books of Solomon. As is well known from general anthropology, apical ancestors attract traditions without themselves reflecting historical persons. A parallel to this would be the hero kings of ancient Ugarit, Kirta and Danilu – again probably never living persons,

32. The archaeological chronology of the Late Bronze and Early Iron periods seems again in jeopardy. According to M. Steiner (at the conference in Copenhagen in March 1995, cf. note 4 above), no evidence of a Jerusalem in the Late Bronze period has been found – apart from Abdi-Ḥepa’s six letters (EA 285–90). A fortress was built at this place in the twelfth century BCE, and some monumental structures were supplemented in the tenth century BCE. On this, see M. Steiner, ‘Redating the Terraces of Jerusalem’, *IEJ* 44 (1994), 13–20. Full evidence will be presented when her dissertation (*Jerusalem in de bronse en ijzertijd. De Opgravingen van de British School of Archaeology in Jerusalem, 1961–1967*, Leiden: E. J. Brill, 1994) is published, hopefully in 1995. On the relationship between Beersheva and its surroundings, see Finkelstein, *Settlement*, 37–47.

33. T. Thompson ‘House of David: An Eponymic Referent to Yahweh as Godfather’, *SJOT* 9 (1995), 59–74.

who, however, function as the ancestors of the reigning house of the Kingdom of Ugarit in the LBA period. Liverani pointed out many years ago that there is a huge distance between the imaginary presentation of the king in the epics of Kirta and Aqhatu and the management and royal organization of the state of Ugarit. The king of Ugarit needed such an ancestor to think of after finishing the tedious business of his industrial organization. He was like a modern business tycoon going hunting for the weekend.³⁴ That is what dreams are made of.

Acknowledgements

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34. M. Liverani, 'L'epica ugaritica nel suo contesto storico e letterario', *La poesia epica e la sua formazione* (Accademia Nazionale dei Lincei, Quaderno no 139; Rome: Accademia Nazionale dei Lincei, 1970), 859–69, and 'La royauté syrienne de l'âge du Bronze récent', in P. Garelli (ed.) *Le palais et la royauté* (RAI; Paris: P. Geuthner, 1974), 329–56, 338–41.

Are we Europeans really good readers of biblical texts and interpreters of biblical history?

1999

It is common to see the Hebrew Bible, played off against its environment in the ancient Near East, as being on a higher level than, say, Mesopotamian sources. An example of this may be the introduction to the story of the Flood in Genesis, often compared to Mesopotamian mythological texts. These cuneiform texts present a far more primitive explanation for the Flood. In the Old Testament, God realized that the human race is corrupt and therefore decides to destroy humankind, and so he does – with the exception of one person, Noah, who was the only righteous man of his generation. Noah's family is also spared. In the Babylonian versions, we are told that, after the creation of humankind, the human race increased to such a degree that the noise they made disturbed the gods in their sleep. The gods therefore decided to destroy all human beings. Humankind survived only because the wise god Ea betrayed his divine colleagues and disclosed the secret of the coming Flood to his hero, Utnapištim (or Atrahasis).¹

The decision made by the gods was certainly a foolish one. The gods were starving for the duration of the Flood, since nobody survived to till the fields and bring sacrifices. In the Babylonian version, the story of the Flood is obviously a total disaster for both humankind and the gods. No wonder the gods could easily agree after the deluge on never repeating this mistake of theirs.

In the Old Testament, the story of the Flood does not bring comfort to God. After the end of the Flood, he accepts the fact that nothing can be done to teach humankind to be righteous. 'I will not again curse the ground any more for

1. The Mesopotamian story of the Flood is – as is well known – preserved in more than one edition. Famous among these are the two more complete ones: Atrahasis (cf. W. G. Lambert and A. R. Millard, *Atra-Ḫasis: The Babylonian Story of the Flood*, Oxford: Clarendon, 1969; recent translations in S. Dalley, *Myths from Mesopotamia*, Oxford: Oxford University Press, 1991, 1–38, and in B. J. Foster, *Before the Muses. I*, Bethesda, MD: CDL Press, 1993, 158–201; it is preserved in fragments going from Old Babylonian to Late Babylonian times), and Gilgamesh (recent translation in Dalley, *Myths from Mesopotamia*, 39–153), again in versions spanning more than 1000 years. In this connection, see especially the epilogue to the Gilgamesh version is of interest.

man's sake; for the imagination of man's heart *is* evil from his youth; neither will I again smite any more every living thing, as I have done' (Gen. 8:21, KJV).

The two versions of the story of the Flood, Babylonian and biblical, are in agreement as far as the general evaluation of the deluge is concerned. Both agree that it was a mistake, never to be repeated, and both devote space to guarantee that another deluge will never happen. However, the foolishness of the God of the Bible seems to surpass that of his Babylonian colleagues. The Babylonian Noah, Utnapištim, survived because of a defiant god, who did not accept the decision of the assembly of the gods to destroy humankind. Only Ea was guilty, not the members of the divine council, if humankind once more created problems. In contrast, the God of the Bible is the same god who destroys humankind, yet rescues one specimen of this accursed race from the impending catastrophe and – at the end – is forced to accept that humankind will never in the future improve. If anything, this story seems to prove that this god is not in control; rather, the God of the Hebrew Bible is very 'human', making most obvious blunders and occasionally losing his grasp on things to come.²

The Babylonian version of the Flood has a rather surprising epilogue, when the gods convene in order to arrange for the new order of the world after the deluge. Ištar is the first who accuses Enlil, the god who had brought the deluge upon humankind, because he acted without reason (or, more likely, without reasoning). When Enlil arrives, he is, however, addressed directly by the wise god Ea, who asks him to respect the individual and not to punish humankind collectively in the future. Only the sinner and transgressor should be corrected because of his or her transgression (thus according to the version of the Flood in Gilgamesh;³ in Atrahasis we have a dialogue among the gods on the same issue, but in a broken context⁴).

Instead of being a myth about the original history of man, and a story that was primarily intended to suggest that another Flood will never occur, the epilogue to the Mesopotamian version indicates another interpretation. This narrative has to do with justice and argues that collective punishment is meaningless; only individual criminals can and should be punished, rather than a whole community.

This message has been placed within a narrative framework that seems not to convey the message of the epilogue; it rather has been understood to be a myth containing a cosmic message about the duration of the world. The gods failed, but they are not going to repeat their mistake. The message of this narrative does not concern the moods of despotic gods. It includes a message about right and justice to human lords who have always been too willing to sacrifice whole communities to settle a juridical case. The principle is that if we cannot find and isolate the culprit, we shall punish everybody. In this way we can be certain

2. This writer is, of course, acquainted with the various ways of explaining away this blunder of the God of Genesis 6–8, but none of these explanations can be said to carry much weight. Evidently, this god had to be taught a lesson as well.

3. Gilgamesh XI:159–85.

4. Atrahasis III v 34–vi 40.

that the sinner will be punished! As it stands, there is only a slight resonance of this theme in the biblical version of the Flood in the insistence that Noah is a righteous person and therefore to be spared. In the Genesis version, this theme is obviously not in the proper place, as the righteous person is to be the new progenitor of a wicked humankind, no better than the antediluvian generations.

There is, however, a parallel to the story of the Flood – namely, the narrative about of the punishment of Sodom and Gomorrah (Gen. 19). It is obvious that this narrative also has to do with a flood, though the story does not involve the world but only a part of it. Moreover, it is not a flood caused by rain and water, but of fire and brimstone.

Now, it goes without saying that this narrative in Genesis 19 deals with the punishment of the wicked. The inhabitants of Sodom have sinned in serious and disgusting ways and have parted company with the human race by such acts. They are obviously to be exterminated, rightly so. One person, Lot, has no part in their transgressions and, therefore, has to be saved. On the other hand, the salvation of Lot and his family does not form the essence of the narrative; rather, the narrative concentrates on the dialogue between Abraham and God about the collective punishment of the inhabitants of Sodom. This dialogue proceeds in the usual way of bargaining as Abraham negotiates with God and persuades him not to let the righteous perish with the unjust. If but ten persons among the people of Sodom are just, the city shall be spared. In the end, only one person could be found. He is saved because of his righteousness (together with his family). The moral of the story is that God cannot accept that a righteous person be punished with criminals. Every person must pay for his own crimes, not for those of others!⁵

This narrative will describe a certain cosmic situation: the impending destruction of the world. It is a story with an intended message that has to be repeated until it has been delivered and understood. The message is the vital part, the narrative a kind of envelope used to send the message. The story of David's Rise in 1–2 Samuel provides another example that illustrates my point. Since I have written about this narrative in different places,⁶ I can be brief. It is a story about a young man who – although the youngest – rises to power. It is related to the fairy tale about the young hero who, in spite of obvious shortcomings, is nevertheless destined to conquer the world, the princess and at least half the kingdom. The same story is told about King Idrimi of Alalakh, a historical king from northern Syria, who reigned around 1500 BCE. Like David, Idrimi (who commemorates the events of his life in an inscription on his own statue) says that he was the youngest son of his father, the former king of Aleppo who was exiled after a putsch in the palace. Although the royal family settles in Emar on the Euphrates among their maternal royal relatives, the youngest son decides to change his fate and to conquer the kingdom of his forefathers. Young Idrimi leaves Emar

5. This interpretation of the story of the flooding of Sodom and Gomorrah I owe to the Danish biblical scholar Hans Jørgen Lundager Jensen.

6. E.g. in my *Ancient Israel: A New History of Israelite Society* (The Biblical Seminar 5; 3rd edn: Sheffield: SAP, 1996), 52–4.

in order to accomplish this. His chariot driver is his only company. He passes through the desert (in Europe he would have had to fight his way through a wild forest, but these are in short supply in the Middle East), and arrives in another country to become the champion of refugees (*ħabiru*) from Aleppo. After seven years he returns to regain his father's throne in Alalaḥ.⁷

Now, it is easy to recognize that something is absolutely 'fishy' about this tale. Idrimi belongs to the royal house in Aleppo, and ends up as king of Alalaḥ. Alalaḥ was the capital of the north Syrian state of Mukiš; it did not belong to the state of Aleppo. In other words, Idrimi simply becomes king in the wrong place. From the perspective of the inhabitants of Alalaḥ, he was certainly a usurper; he was not the legitimate heir to the kingdom of Mukiš.

The story of David also tells a story about an illegitimate king. It is a much more complicated narrative than the story of Idrimi although the structure is essentially the same. We need not in this place address the question – however crucial it might be – of the historicity of this king of Israel.⁸ It does not concern the plot of the play. The biblical narrator delivered his message about David's accession to the throne of Saul in the shape of a fairy tale. The story has a message to deliver. It may not be the one most obvious when we read the narrative. However, there can be no doubt that David – like Idrimi – was in possession of a throne that did not rightfully belong to him.

These two stories – one about Idrimi and the other about David (more examples could be found) both belong to the genre of fairy tale. This fairy tale has

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7. The autobiography of Idrimi was published by S. Smith, *The Statue of Idri-mi* (London: British Institute of Archaeology in Ankara, 1949), and has been translated in J. B. Pritchard, *Ancient Near Eastern Texts Relating to the Old Testament: Supplement* (Princeton, NJ: Princeton University Press, 1969), 121–2 (557–8), and in W. W. Hallo and K. L. Younger, *The Context of Scripture. I. Canonical Compositions from the Biblical World* (Leiden: E. J. Brill, 1997), 479–80. On the character of the Idrimi text, cf. M. Liverani, 'Partire sul carro, per il deserto', *Annali dell'Istituto Universitario Orientale di Napoli N.S.* 22 (1972), 403–15. The relationship between this text and the narrative about David's Rise was recognized for the first time by G. Buccellati, 'La "carriera" di David e quella di Idrimi – re di Alalac', *Bibbia e Oriente* 4 (1962), 95–9. The attribution to the time of Idrimi himself has been questioned by J. Sasson, 'On Idrimi and Šarruwa, the Scribe', in M. A. Morrison and D. I. Owen (eds), *Nuzi and the Hurrians* (Winona Lake, IN: Eisenbrauns, 1981), 309–24. See also the discussion in T. Longman III, *Fictional Akkadian Autobiography: A Generic and Comparative Study* (Winona Lake, IN: Eisenbrauns, 1981), 60–66.
8. On this theme I would like to refer to the minutes of the Conference on the Formation of the State, held at the German Archaeological Institute in Jerusalem in June 1995. It is published by V. Fritz and P.R. Davies, *The Origins of the Israelite States* (Sheffield: Sheffield Academic Press, 1996). It was probably the general outcome of this meeting that little can be said in favour of a Davidic kingdom in Judaea during the tenth century. Here the results of D. Jamieson-Drake, *Scribes and Schools in Monarchic Judah: A Socio-Archaeological Approach* (JSOT supplement, 109; Sheffield: The Almond Press, 1991) and H. M. Niemann, *Herrschaft, Königtum und Staat. Skizzen zur soziokulturellen Entwicklung im monarchischen Israel* (Forschungen zum Alten Testament 6; Tübingen: J. B. C. Mohr, 1993), that no state arose in Judah before the eighth century, seem to be confirmed.

been transformed and used as a vehicle of so-called historical information. These stories have little to do with the actual accession of their heroes to the thrones of Alalah and Israel (again, it is not in this context important whether or not David is a historical person). The storytellers did not intend to tell us what happened; they knew their readers well, who would probably not have been very interested in ‘the plain truth and nothing but the truth’ (i.e. a report about what really happened). It is the deep structure of the narrative that interested readers. When the fairytale was transformed in this way, it contained a message of divine providence and guidance that protect the most unworthy – the youngest son, the lowest member of the male hierarchy of the family.⁹ It is also possible to decode this widely known fairytale and show that it intends to tell the reader that the hero of the plot may not be a legitimate king, but he is certainly the most able person on the throne. If a historical king or governor intended to persuade his subjects of his ability to rule, though without having a legitimate claim to the throne, he should not tell the ‘truth’ in the modern sense of the word. He should proclaim to his subjects the story of his life in a form of fairytale that, even before it was transposed into a personalized narrative about the king, contained a message of personal qualifications and divine providence.

We have two rather different examples of biblical texts by narrators who were not interested in historical truth in our sense of the word. The narrators probably never speculated much about historical ‘truth’. The true meaning of the narrative is not the plot but what is hidden ‘between the lines’. In my first example, the message was not part of the narrative. The biblical Flood story is about divine abuse of power. The Flood must be a failure because the god of the Old Testament is behaving improperly. People who abuse their power in the real world are not gods but kings and governors. They consider ordinary people to be like ants, to be wiped out at a whim. The biblical version of the flood, as well as the Gilgamesh epic, explains this very clearly. In Gilgamesh, it is directly stated when the gods convene after the Flood. In Genesis, Yahweh has to accept that the Flood did not solve any of his problems. Perhaps the story could be told and understood by ancient people without this moral being so explicitly underlined. In Genesis, the moral is confirmed by the parallel version in Genesis 19.

Nothing was as unimportant to the ancient narrator and, accordingly, to his readers than the historical truth (i.e. what happened in history, whether there ever was a deluge). History, as such, carried no meaning. On the contrary, only a narrative has a message that is meaningful, like the story of the old man, drowning in the shadow of a rotting roof somewhere in Africa, who is killed as the roof falls down. The reason why this fellow was killed seemed obvious

9. It is only infairy tales that the youngest brother plays the role of the hero. The case of a junior member of the family trying to assume power by removing his older brother is a recurrent theme in such political documents as the Amarna letters. In *EA* 137 the exiled king of Byblos complains that his brother, ‘younger than I’ (l. 16), has rebelled against him (this brother is in the same letter nicknamed ‘the dog’). Another case is Yapaḥu of Gezer who is complaining because his younger brother is plotting against him and has allied himself with the *ḥabiru* (*EA* 298).

to the European visitor. Nobody had repaired the roof! If this had been done, the old man would be alive. The African reaction is different: though the villagers understood the point, they did not see it important. What was important was, of course, why it happened exactly at the moment when the old man was sleeping under the roof. Somehow, this must be a message: that this old man had provoked the anger of demon or god, who wished to punish the old man. What was important was not to repair the roof, but to prevent that such a thing happen again: to sort out how and why the old man had angered the divine so that his offence not be repeated. If this is the case, the European visitor to the foreign world of the ancient Near East or modern African traditional society is at a disadvantage. The European might not be able to understand the meaning of a narrative, though the plot is simple enough. Meaning may not be what you see or what you hear. It can as well be implicit to the narrative without being expressed. Such implied meaning can be found in Genesis 13, when Lot is asked to choose his part of the country before his Uncle Abraham gets his share. Abraham is believed by many readers to act in his usual gracious way, asking the young person to step in front of him. As a matter of fact, Lot is breaking a social code. A young person should never step on the toes of his superiors. Lot seemingly chooses the best part for himself, but is, in the act, condemned, never to return to the land of his fathers. After the destruction of Sodom, he moves to Transjordan and, through his daughters, sires the nations of Moabites and Ammonites.

It may be time for a preliminary statement. In a contribution about historical research written several years ago, I argued that there is a vast difference between modern and ancient writers and readers of texts.¹⁰ The ancient authors represent a pre-Aristotelian and pre-Kantian universe of logic which is not limited to the two categories of time and space. Instead, they included a third, mythic category. If we consider our interpretation to be clear and limited as it is to Kant's categories and trained by the logic of Aristotle and his successor, the third category available to the ancient storytellers may allow for a more rich and variable interpretation. Although basically correct, I might have been wrong as far as the ancient concept of time is involved. People of the ancient world probably had little sense of the modern concept of time.

There are many examples which show that the ancients had little understanding of the importance of time as a logical category. It has been noted that no, or only very few, official documents from ancient Syria and Palestine are dated (I leave the Old Testament out of consideration as it is my conviction that this document is not part of a pre-classical oriental world¹¹). It is never indicated that a period of time has elapsed since the death of a former king. Let me offer an example from the inscription of Mesha.¹² This inscription states that, in the time

10. 'On the Problem of Studying Israelite History-Apropos Abraham Malamat's View on Historical Research', *Biblische Notizen* 24 (1984), 94-124.

11. Cf. Chapter 8, this volume.

12. Most extensive modern discussion in A. Dearman, *Studies in the Mesha Inscription and Moab* (ASOR/SBL Archaeological and Biblical Studies 2; Atlanta, GA: Scholars Press, 1989).

of Omri and his son, Israel oppressed Moab for forty years.¹³ We might question the historical information. The report that Mesha liberated Moab in the time of Ahab of Israel is not very likely in light of what is otherwise known of the mighty King Ahab. This, however, is not the issue at present. More interesting is the vague reference to time: the duration of Omri's reign and half: the duration of his son's reign.¹⁴ It equals forty years, which is, of course, a round or 'mythical' number, not a real date, comparable to the mythical reigns of David and Solomon, each of forty years. I could, of course, also speak of the problems caused by such a date for biblical historians, who have never been able to reconcile this date with anything from the Old Testament.

Instead of proceeding further, I will return to one of my favourite cases, the Amarna correspondence of King Rib-Adda of Byblus, seen through the lens of the Italian Assyriologist Mario Liverani.¹⁵ According to Liverani, the seventy odd letters of Rib-Adda to Pharaoh span a period of about ten to fifteen years. None of them are, however, dated. This agrees with, for example, the administrative documents from Ugarit. They are never dated, apart from occasional indications of the king who either issued the document, or during whose period of reign a certain document was drafted. It is interesting that nothing really happens in Rib-Adda's letters. Some important events are repeated again and again almost from the first letter to the last. Some of these events may belong to the reign of Rib-Adda; others may precede him. This is not important. It is possible to catch a glimpse of the realities behind the letters – for example, that the last letters from Rib-Adda were written after he had been exiled from his city. Otherwise, the correspondence has been structured on 'mythic' patterns, most notably the theme of the righteous sufferer. This sufferer, of course, is Rib-Adda himself. Another pattern is that of three ages. The past is the golden period, the present a cruel reality and the future a revitalization of a golden past. Nowhere does Rib-Adda show any interest in the 'real world', as we would put it. It is always a world, seen through glasses very different from ours. The past is interpreted in mythical patterns.

It is possible to continue this line. More examples could be taken into consideration: the apology of King Ḫattušiliš III of Hatti (a contemporary of Ramesses II of Egypt).¹⁶ It would also be possible to illustrate how unimportant space

13. Lines 7–8: 'Now Omri had taken possession of a[ll the lan]d of Medaba. He lived in it during his days and half of the days of his son(s) – forty years' (in the translation of K. P. Jackson, 'The Language of the Mesha Inscription', in Dearman, *Studies in the Mesha Inscription and Moab*, 96–130, 97).

14. Evidently Omri is not primarily a name of a king in this text. It is the *Bit Ḫumriya* of the Assyrian inscriptions that pops up here. If Omri was seen as a person, how could he reign for half of his son's time?

15. Cf. M. Liverani, 'Rib-Adda, giusto sofferente', *Altorientalische Forschungen* 1 (1974), 175–205. I consider the contribution of W. L. Moran, 'Rib-Adda: Job at Byblos?', in A. Kort and S. Morschauser (eds) *Biblical and related Studies Presented to Samuel Iwry* (Winona Lake, IN: Eisenbrauns, 1986), 173–81, to be not only a simplified version of Liverani's contribution; it is also more mundane and uninspiring.

16. Published by A. Götze, *Ḫattušiliš. Der Bericht über seine Thronbesteigung nebst den Paralleltexen* (1925; reprint Darmstadt: Wissenschaftliche Buchgesellschaft, 1967).

is to such writers. This also concerns narratives of the Old Testament, where space is used merely as a literary device. Space is not mentioned because of any interest in geographical circumstances in the real world, but as a remedy of the plotline.¹⁷ I will, however, hold this discussion and address, first of all, the form of society which produced such texts and, second, the problems or even fallacies of Western readers, confronted with ancient texts.

My colleague Frederick Cryer, the author of a major work on divination in the ancient Near East and Old Testament,¹⁸ once told me of his experience in teaching a class of mostly Asian and African students. For most of the time, these students had problems following the logic of his modern Western-dominated exegesis and historical explanations. This changed when, as part of his description of ancient society, he used the phrasing that ancient societies were ‘magic societies’ – this is the thesis of his book on divination. As he told me, it was easy to see that this description immediately caught the interest of his audience, especially as he broadened his argument by describing various forms of magic employed by the diviners of Antiquity. It dawned on these students that Old Testament literature does not reflect a society of the Western world. On the contrary, the society reflected by biblical texts was one of their own. This world could be retrieved in their own country, in its villages or cities. They suddenly realized that they could read and understand biblical texts without the scientific apparatus of scholars from the Western world. They did not need to know very much about English or German grammar to read biblical texts.

In a recent book, the American/French New Testament scholar Daniel Patte has described the core of the problem.¹⁹ When a scholar of the modern Western world reads an ancient text, he or she adopts a white, androcentric Northern European or North American perspective. The scholar ‘forgets’ that these texts were not composed by any who shared our Western and European culture. When we apply our terms and remedies to the interpretation of ancient texts, the text has little chance to defend itself.

‘Deconstruction’ has been a major issue in recent analyses of the history related by biblical storytellers. Such deconstruction, which may only have a slight resemblance to the one intended by a modern philosopher such as Jacques Derrida, has effectively removed the history of ancient Israel from the agenda of the modern historian. The historiographers of the Bible have narrated a story about ancient Israel that it is not only jeopardized and in danger of being retold without respect for the biblical version, it has disappeared.²⁰

17. Cf. my *Die Vorgeschichte Israels. Von den Anfängen bis zum Ausgang des 13. Jahrhunderts v. Chr.* (Biblische Enzyklopädie 1; Stuttgart: Kohlhammer, 1996), 27–30, English edition *Prelude to Israel's Past: Background and Beginnings of Israelite History and Identity* (Peabody, MA: Hendrickson, 1998), 20–23.

18. *Divination in Ancient Israel and its Near Eastern Environment* (JSOT supplement, 142; Sheffield: Sheffield Academic Press, 1994).

19. *Ethics of Biblical Interpretation: A Reevaluation* (Louisville, KY: Westminster John Knox Press, 1995).

20. After the effective removal of the patriarchs from the historical scene (T. L. Thompson, *The Historicity of the Patriarchal narratives. The Quest for the Historical Abraham*,

How can this be? It is hardly difficult to understand this in the moment we address the problems caused by ancient texts being read by modern eyes. The answer is simple: we have applied the wrong methodology. There can be no doubt about it. It cannot be avoided that more than 100 years of an intensive historical reading of Old Testament narrative has produced no more than a phantom, which, among scholars generally, is called ancient Israel: a projection of imagination.²¹

The reason is not that the Old Testament is, from a historical point of view, imprecise. All ancient texts are imprecise when scrutinized by modern scholars. We must look within ourselves; the fault is not in the ancient texts. When we ask these texts to be historical sources for the past, we apply false categories – namely, our concepts of ‘time’ and ‘space’.

In the modern sense of the word, history is an invention of the modern age; it stands at the very entrance to modernity, without which the modern world is hardly conceivable. As a concept, history hardly predates the romantic period (i.e. the beginning of the nineteenth century), although it would be foolish to say that it had no forerunners. Its origins should be sought in literature, not in the actual world, as becomes clear when we approach the question of terminology. Most modern languages cannot distinguish between ‘history’ and ‘story’, as in English. The situation in German is typical. In German, ‘history’ is translated as *Geschichte* but *Geschichte* also means ‘narrative’, ‘story’, though not, in itself, *Märchen* – that is, ‘fairytale’. I cannot recollect the source but once saw a reference to Goethe, who spoke of Old Testament history as *Die Geschichte sind*, ‘the stories say’, whereas one generation later the same subject would be addressed as *Die Geschichte ist*: ‘history says’.

BZAW, 133; Berlin: de Gruyter, 1974; and J. Van Seters, *Abraham in History and Tradition*, New Haven, CT: Yale University Press, 1975), this process continued with the next phase of the biblical history, first the period from the Exodus to the introduction of the monarchy (cf. initially N. P. Lemche, *Early Israel: Anthropological and Historical Studies on the Israelite Society Before the Monarchy*, VT supplement, 37; Leiden: E. J. Brill, 1985, and now the united monarchy, cf. note 8 above). All of this was combined into a major hypothesis by T. L. Thompson, *The Early History of the Israelite People from the Written and Archaeological Sources* (SHANE, 4; Leiden: E. J. Brill, 1992), and popularized in P. R. Davies, *In Search of Ancient Israel* (JSOT supplement, 148; Sheffield: Sheffield Academic Press, 1992). Many criticisms have been voiced. Most scholars have not yet realized that it is not a question of the Old Testament being imprecise as far as history goes. There is a systemic lack of precise historical information in the Old Testament narrative which shows that this narrative has nothing to do with history in our sense of the word. Our sense of history meant nothing to the authors of biblical literature. This does not mean that there can be no historical information preserved by the biblical narrative. The conclusion is that any such information is accidental and will not allow for historical reconstruction. Cf. on this Chapter 10, this volume. This conclusion is the backbone of such recent studies such as N. P. Lemche, *Die Vorgeschichte Israel, idem; The Israelites in History and Tradition* (Louisville, KY: John Knox and SPCK, 1998); and T. L. Thompson, *The Bible in History: How Writers Create a Past* (London: Jonathan Cape, 1999).

21. As described by Philip Davies, *In Search of Ancient Israel*, 22–48.

This relationship between literature and history was not forgotten at the beginning of the modern era. As late as the beginning of the twentieth century, the relationship was still acknowledged. Thus, the famous historian of ancient Rome, Theodor Mommsen, was awarded the Nobel Prize in literature. It is hardly difficult to point to several European and North American historians who were as much admired for their style and presentation as for the accuracy of their interpretation. The transformation of the discipline of history into modern historical investigation has been gradual and probably hardly noticed by the public. In the end, the dominant mode of thinking in the Western world changed and became 'historical'. The value of history no longer consisted in the way in which it was presented. It was believed to be accurate.

In the Western world, we live very much in the modern world and historical thinking is the way in which we understand the past. It has often been said that history – also modern history – is no more than narratives (somebody told us that something happened). The fallacy of modern reading appears when it is taken for granted that these narratives reflect what happened rather than opinions about what may – or may not – have happened. In the latter case, when we talk about what did not happen, we often refer to the literary category of propaganda which, however, in a North European and North American understanding, is automatically understood as lies because the only valid criterion is whether it really happened. I suppose that all of this has sharpened in biblical studies. The conservative religious mind (and it should not be forgotten – not even in an age of change – that theologians are 'conservative') became influenced by modern ideas about historical precision. Consequently, it analysed biblical texts by applying modern criteria (the time and space criteria). It is hardly a surprise that the question of historical accuracy and verification became more important than other issues, as ethics. We could say that God had been subjected to the tyranny of time and space.

Western tradition is truly imperialistic. It is hardly a surprise that it is also exclusive and willing to destroy other traditions. We cannot place the blame on ordinary men, as they have had no chance to escape the impression that we know everything. It is an amazing and sad fact that even today, scholars who work in a non-European environment are not aware of their inborn Eurocentrism.²²

Ancient Israel is merely one of many examples of this trend in modern scholarship. It is – as shown by Keith W. Whitelam²³ – a typical example which also tells us how dangerous our Eurocentrism can be for other cultures. By extracting this ancient Israel from biblical narrative, we have created a European bridgehead among the peoples of the ancient Near East. We have focused on ancient Israel. It has become the single most important component of our description of

22. It has never been so acridly explained as in M. Prior, *The Bible and Colonialism: A Moral Critique* (Sheffield: Sheffield Academic Press, 1997).

23. The most obvious example being perhaps what happened to the non-Jewish population of Palestine in modern times. See K. W. Whitelam, *The Invention of Ancient Israel: The Silencing of Palestinian History* (London and New York: Routledge, 1996). See also on this the notes in N. P. Lemche, 'Clio is Also Among the Muses. Keith W. Whitelam and the History of Palestine: A Review and a Commentary', *SJOT* 10 (1996), 88–114.

the ancient world. Yet, we have forgotten that it never existed apart from literature. We have also allowed this notion of ancient Israel to dominate our attitude towards recent events and our interpretations of the modern Middle Eastern world. It has been more than difficult for non-Europeans and for people who do not understand our notion of the world to penetrate the screen of imagination we have created that they might tell us that we are wrong. Sometimes explosives have been chosen as means of getting through.

I do not want to be misunderstood. Although I argue that we have been poor readers of ancient texts, I do not wish to say that we cannot read this literature. Nor do I recommend that these texts should be seen as modern texts, as literature in the modern sense. At the moment, we are flooded by an endless stream of narrative interpretations of the Bible and, for now, I welcome such readings. They are part of the post-modern project and are necessary. On the other hand, they are just as Eurocentric as what we have been doing since the beginning of the last century and they repeat many of the mistakes of the past.

This has to be said in light of modern trends among literary students, who argue that texts are no more than meaningless collections of signs until read, and that the important part of the interchange between a reader and his text is the reader. To the extent that we are currently enjoying our precious but short time in the world of the living, this may be true for us – as people. However, it is impossible to point to valid and generally accepted methods of reading. The resulting lack of confirmed results of the literary investigations may be a warning (as were formerly the clashes and disagreements between historians – a point often argued by conservative theologians) that, on this occasion, we place ourselves above the biblical texts. We do not allow them an opportunity to speak for themselves – whatever that might mean. Historians, in a post-modern, non-Eurocentric and non-androcentric world, may have something to contribute. But this requires that they distance themselves from their own tradition and are willing to read ancient texts within the context of ancient societies as products of a mythic and magic culture.

Acknowledgements

This chapter is based on a lecture given at the Conference on Restoration and Conciliation at the University of Stellenbosch in March 1996. It was a conference arranged by Hannes Olivier and his faculty. It is therefore an honour to present it to a wider audience as a token of my sincere respect for the late Hannes Olivier and a memory of a beloved friend, which I will always carry with me.

History writing in the ancient Near East and Greece

1999

It is with hesitation that I engage this subject as it has been so well covered by John Van Seters in his classic study *In Search of History* from 1983.¹ In this monograph, Van Seters sets the standard for dealing with historiography in the ancient world, with an extensive discussion of the genres, aims and techniques of ancient writers, their methodological outlook, interest in the past, propagandistic ideas, etc. It will be difficult to surpass this study. The scope of Van Seters's investigation is limited, however, by his earlier studies in the history of the Yahwist and the origins of biblical narrative, which he considers generally to be exilic (i.e. belonging to the sixth century BCE), an opinion he has never given up. This was revolutionary when it was first proposed more than 25 years ago.² It has now become mainstream and tacitly accepted by students of the scholars formerly in opposition to the idea of such a late date for the oldest history writing in the Old Testament.³ Although this has few consequences for his evaluation of the expressions of historical recollection within the ancient Near East, it restricts his interest in Greek history writing to the earliest of the Greek tradition: the logographers of the sixth century BCE and Herodotus of the fifth century BCE.⁴ Accordingly, Herodotus is not introduced as 'the father of history' but as a parallel to the history writing found in the Old Testament. Van Seters's

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1. John Van Seters, *In Search of History: Historiography in the Ancient World and the Origins of Biblical History* (New Haven, CT: Yale University Press, 1983). See also on historiography in the ancient Near East, John Van Seters, 'The Historiography of the Ancient Near East', *CANE IV* (1993): 2433–44.
 2. John Van Seters, *Abraham in History and Tradition* (New Haven, CT: Yale University Press, 1975) and repeated in the same author's *The Prologue to History: The Yahwist as Historian in Genesis* (Louisville, KY: Westminster/John Knox, 1992) and *The Life of Moses: The Yahwist as Historian in Exodus-Numbers* (Kampen: Kok Pharos, 1994).
 3. It is quite interesting that even scholarship that may be described as 'evangelical' can discuss such a date without a biased critique; cf. recently Gordon J. Wenham, 'Pondering the Pentateuch: The Search for a New Paradigm', in D. W. Baker and B. T. Arnold (eds) *The Face of Old Testament Studies: A Survey of Contemporary Approaches* (Grand Rapids, MI: Baker Books, 1999), 116–44.
 4. Van Seters, *In Search of History*, 8–54.

discussion does not include Herodotus's successors – not even Thucydides (late fifth century BCE) although, in the Greek tradition, Thucydides represents a different approach to history writing and was appreciated by both Greek and Roman writers as different in regard to style, intention and content. Hellenistic historiography (including Roman) is ignored as far as Greece is concerned, but not when it comes to Hellenistic authors of the Near East such as Berossus, Manetho and Philo of Byblos – the last mentioned belonging to the second century CE!⁵ It will be difficult to appreciate such authors of the Hellenistic–Roman period without considering the meaning of history and history writing for people living after Alexander rather than in the Iron Age.

The enduring value of Van Seters's approach to the comparative study of historiography in Antiquity may be so summarized: He places the biblical tradition, creating a collective memory of the past, within a general intellectual tradition that does not separate the literature of so-called ancient Israel from comparable literature in other parts of the ancient world. He thus confirms the impression of Bertil Albrektson's study of 1967 on *History and the Gods*,⁶ convincingly demonstrated that the differences between biblical historiography and that of other places in the ancient Near East was not so great as imagined by earlier Old Testament scholarship.⁷

When I studied theology, it was a truism of Old Testament studies that biblical historiographers were *linear* in outlook, while history in the ancient Near East was circular or, better, cyclic (i.e. indefinitely repeated).⁸ The idea of the linearity of Old Testament history was apparently derived from the Christian tradition within which such scholarship arose, seeing biblical history as purposeful, with a beginning and an ending, moving from creation to the fullness of time (i.e. the birth of the Messiah to the end of the world). According to biblical scholars of the early and middle twentieth century CE, history was eschatological

5. On Philo's 'Phoenician History', cf. Van Seters, *In Search of History*, 205–8.

6. Bertil Albrektson, *History and the Gods: An Essay on the Idea of Historical Events as Divine Manifestations in the Ancient Near East and in Israel* (Lund: Gleerup, 1967).

7. Basically, the idea that God governs the history of Israel from beginning to end, making the course of history 'circular', in contrast to the cyclic notion of time in the ancient Near East, is false. The gods were also perceived as agents of historical events in the ancient Near East.

8. Circular versus linear interpretation of history: ancient Israel as a contrast to the ancient Near East – and Greece: cf. e.g. Werner H. Schmidt, *Alttestamentlicher Glaube und seine Umwelt. Zur Geschichte des alttestamentlichen Gottesverständnisses* (Neukirchen: Neukirchener Verlag, 1968), 168–71; and the more complicated 'Einführung' in Gerhard von Rad, *Theologie des alten Testaments. II. Die Theologie der prophetischen Überlieferung Israel* (Munich: Chr. Kaiser, 1966), 108–21. For a critique, however mostly oriented against the line of difference between Israelite and Greek ways of thinking – including the concept of time – cf. James Barr, *The Semantics of Biblical Language* (Oxford: Oxford University Press, 1961), 72–85, and *Old and New in Interpretation: A Study of the Two Testaments* (London: SCM, 1966), 65–102, not forgetting the monograph by the same author, *Biblical Words for Time* (SBT 33; 2nd edn; London: SCM, 1969).

because it described the fate of humanity from its beginnings to a foregone conclusion at the end of the world.⁹

Albrektson clearly showed that this evaluation of Old Testament historiography was wrong. Moreover, he demonstrated that the historiographers who had created the historical narrative of the Old Testament were not much different from their ancient Near Eastern colleagues. The first cause of events is God himself. If history can be described as ‘the acts of God’ in the Old Testament, that is also so for the history of Mesopotamia and other places of Antiquity.¹⁰ The idea of the acts of the gods is not characteristic only of Near Eastern historiographers and the authors of the history of ancient Israel. Their Greek colleagues (both in the classical, Hellenistic and Roman period) shared this same notion of the gods in history.

No classical author would leave the divine control of historical events out of consideration. In this respect, the historiographer was not different from the author of epic literature, such as Homer and – from the Hellenistic–Roman period – Appollodoros or Virgil. In the ancient world, gods always decided the fate of human beings, who are victims of divine whim. They were merciful, but gruesome, when humans lost their divine support. Saul is merely one among many examples of a king destroyed by a god, who for one reason or another had lost divine favour. Another is Odysseus, nearly killed by Poseidon, but saved in the end by another god, Athena. We might also mention examples from Ugaritic epic literature, which describe people as toys of gods, who play with humans as they like. Kirta¹¹ is the favourite of El, who supports him and helps him find his queen, but yet nearly destroys the king merely to demonstrate that we cannot take anything for granted. Another example is the fate of the good King Danilu, whose son is killed as a consequence of having offended a goddess.¹²

The idea of gods as agents of history is common to every writer of the ancient world, whether Greek, Roman or from the Near East. It cannot be used as a criterion to make a distinction between classical and oriental history writing. In regard to divine forces governing the destiny of mankind, Greeks and Orientals are generally in agreement.

The discussion does not end here. Scholars of the previous generation reckoned authors of historical narratives in the Old Testament to be interested in history, as if they were colleagues, though not brought up within the then dominant German academic tradition. While the ancients were not able to distinguish

9. We have an old, yet clear review of the development of eschatological interpretation of history and how it grew into the concept of history in the Western world in von Rad, *Theologie des alten Testaments. II.*, 121–9.

10. We only have to recall Mesha’s introduction: ‘The king of Israel plagued Moab for a long time because Chemosh was angry with his land’ (Mesha inscription, II. 5–6).

11. Previously known as *Keret*. The name form is Hurrian and attested at Alalakh as the name of the founder of the royal house of Mitanni; cf. G. del Olmo Lete, *Mitos y leyendas de Canaan según la traducción de Ugarit* (Valencia: Institución San Jerónimo/Madrid: Ediciones Cristiandad, 1981), 240 n. 6.

12. In the Ugaritic epic *Aqhatu*.

between history guided by a divine agent and secular history, they were still understood to be interested in describing the past as it happened. They supposedly entertained ideas about the reality of the past, which could be likened to modern ideas. Although their writings were biased and not up to the standards of modern history writing, they provided material that allowed their modern colleagues to reuse their description of the past in a modern analysis of what really happened.¹³

As a consequence, much modern history writing – and I am not speaking only of Old Testament scholarship, but also of Near Eastern studies, in general – was but a modern rationalistic paraphrase of the description of the past found in ancient literature. To use one of my favourite quotes by Mario Liverani, modern scholars are simply lazy and therefore all too ready to accept what they find in an ancient source as if this was a source that was likely to contain exact historical information about the past.¹⁴

Hittite history writing provides one of the specimens of ancient Near Eastern history writing that has traditionally been held in high esteem by modern scholars.¹⁵ This embraces several genres such as royal annals, prologues to international treaties, royal decrees and autobiographical sketches. In two extensive articles on Hittite historiography published more than twenty years ago, Liverani presented analyses of Hittite historical literature. In the first article, he analyses the historical prologue to the treaty between Ḫatti and King Šunaššura of Kizzuwatna from the early Neo-Hittite Empire.¹⁶ In the second, he analyses the overview of early Hittite history found in King Telipinus's decree from the sixteenth century BCE.¹⁷ This historiography has been praised for being 'factual' to the point and generally trustworthy. However, this is hardly the case. The Šunaššura prologue is a fine piece of propaganda. It seems as if the relationship was based on equality and history is introduced to show that the treaty merely re-established relations as they had previously existed between

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13. I have dealt with this subject in a number of publications, including *The Israelites in History and Tradition* (London: SPCK/Louisville, KY: Westminster John Knox, 1998), 1–21. Cf. also my 'Om historisk erindring i Det Gamle Testaments historiefortællinger', in G. Hallböck and J. Strange (eds) *Bibel og historieskrivning* (Copenhagen: Museum Tusulanum, 1999), 11–28.
 14. Mario Liverani, 'Telipinu, or: On Solidarity', in his *Myths and Politics in Ancient Near Eastern Historiography* (London: Equinox, 2004), 27–52, 28.
 15. In general on Hittite history writing, cf. Hubert Cancik, *Grundzüge der hethitischen und alttestamentlichen Geschichtsschreibung* (Wiesbaden: Harrassowitz, 1976). Cf. also Van Seters, *In Search of History*, 100–26.
 16. Mario Liverani, 'Storiografia politica hittita – I: Šunaššura, ovvero: Della reciprocità', *Oriens Antiquus* 12 (1973), 267–97. A transcription and translation of the Akkadian version of the treaty is published in E. F. Weidner, *Politische Dokumente aus Kleinasien* (Leipzig, 1923; reprint, Hildesheim and New York: Georg Olms, 1970), 88–111.
 17. Cf. Mario Liverani, 'Storiografia politica hittita – II: Telipinu, ovvero: Della solidarietà' (1977). A recent study on the text has been published by Inge Hoffmann, *Der Erlass Telipinus* (Heidelberg: Carl Winther, 1984).

Ḫatti and Kizzuwatna. However, it is quite obvious to the modern reader of this text that the history between Ḫatti and Kizzuwatna presented here is, if not an invented history, at least a very partial one, with little regard for historical facts. It arranges the past to suit the current political situation of Kizzuwatna's submission to Hittite rule.

History has been arranged to fit present conditions in the Šunaššura treaty. This is also the case in the historical section in the Telipinus decree. Here Telipinus describes the past as a chaotic period characterized by civil war and endless quarrels for the possession of the throne. It is obvious that this historical sketch has been constructed to create a scenario to show that after Telipinus has been forced by circumstances to usurp the throne of Ḫatti after having disposed of the previous king, peace rules Ḫatti. There shall be no more fighting and killing. The author of the Hittite text creates a past to contrast with the present. In fact, Telipinus's ascent to the throne did not change much.

Liverani originally planned to write a third study on the autobiography of King Ḫattušiliš III – a contemporary of Ramesses II.¹⁸ It was never published (probably because the case is too obvious). In his autobiography, the Hittite king describes what led to his assuming power by disposing of his nephew, the legitimate King Urḫi-Tešub who was, according to the testimony of his uncle, unfit for kingship. It is clearly a fine piece of royal propaganda, including several elements borrowed from popular literature, such as the importance of the seven-year period.

Hittite history writing has little in common with modern history writing, as we prefer to see it. It is royal propaganda that invents a past which fits the conditions of a present, which bodes well for the future, now – as in the Šunaššura treaty – that correct relations have been 're-'established. There is no evidence in this literature that historians used recollections of the past to show how it happened. Should the events of the past not fit the demands of the present, the past was reformulated to fit the present. We may feel entitled to ask whether that people would accept a reconstruction of the past that was evidently far removed from the truth? Why did people not object? Did they not know? This deals with the understanding of reality in the ancient world. In his *In Search of History*, Van Seters presents a short comment on the history of King Idrimi of Alalah (c. 1500 BCE), who has presented a sketch of his early life.¹⁹ Van Seters draws on a study by Liverani (although only from an abridged version published in English).²⁰

18. Text published and translated by Albrecht Götze, *Ḫattušiliš. Der Bericht über seine Thronbesteigung nebst den Paralleltexten* (Leipzig, 1925; reprint, Darmstadt: Wissenschaftliche Buchgesellschaft, 1964) with a supplement *Neue Bruchstücke zum großen Text des Ḫattušiliš und den Paralleltexten* (Leipzig, 1930; reprint, Darmstadt: Wissenschaftliche Buchgesellschaft, 1970).

19. Van Seters, *In Search of History*, 188–91.

20. Cf. Mario Liverani, 'Memorandum on the Approach to Historiographic Texts', *Orientalia* NS 42 (1973), 178–94, but see the same author's 'Partire sul carro, per il deserto', *Annali dell'Istituto Universitario Orientale di Napoli* NS 22 (1972), 403–15.

In his autobiography, King Idrimi claims to be the youngest son of the king of Aleppo.²¹ A *coup d'état* led by his brother removes his father from the throne and the royal family seeks refuge at Emar, ruled by the queen's father. Conditions are favourable, but Idrimi wishes to regain the throne of his father and sets out to fulfil a vow to return to the throne in his chariot assisted only by his driver. He travels to Canaan and lives there as a refugee for seven years when he is recognized by some people from his hometown. He becomes the leader of these men and becomes king – not in Aleppo, but in neighbouring Alalah.

The autobiographical story of Idrimi blends history with fairy tale. It is probably true that Idrimi came from Aleppo. It is probably also true that he lived in exile for some years and it is an undisputed fact that he became king of Alalah. We do not know whether it is true that he was the youngest son or that he stayed in exile for seven years. As it is told, his story is more fairy tale than historical report. Evidently Idrimi chose to tell a story rather than a report of historical events. The reason seems clear: He had no claim to the throne of Alalah as it was not his family's traditional possession. He was not the legitimate king of this city-state, but needed to present an apology for assuming power where he had no traditional right to rule. He invented his history more than he reconstructed the past.

We do not know whether or not his version of the past was accepted in his new kingdom, but we do know that a similar story has been accepted for more than 2000 years – the story of King David's ascension to the throne. This story is so similar to that told by Idrimi that we are entitled to say that it is the same story with different actors and a different setting.²²

What binds Idrimi and David together? Not that they were historical persons. Idrimi certainly was, David probably not. They are, however, both usurpers to the throne and a defence has to be made to answer objections to their ascension to power. It does not matter much whether or not it really happened. Idrimi's story is invented history, David's fate even more. Both stories show how important it was to ancients to present the past in such a way that it could be accepted by the present: in Idrimi's case by his subjects, in David's by the readers of the biblical narrative.

Reality was not reality in Antiquity, even to the people who experienced it. Liverani has published an excellent analysis of this in his study of the correspondence of King Rib-Adda of Byblos, found among the Amarna letters (also available only in Italian).²³ He shows that Rib-Adda describes his life according to a mythical pattern, which includes a golden past, a brazen now and a golden future. To fit this pattern, Rib-Adda so manipulates events of his

21. Published by Sidney Smith, *The Statue of Idri-mi* (London: The British Institute of Archaeology in Ankara, 1949).

22. As first seen by Giovanni Buccellati, 'La "carriera" di David e quella di Idrimi, re di Alalac', *Bibbia e Oriente* 4 (1962), 95–9.

23. Cf. Mario Liverani, 'Rib-Adda, giusto sofferente', *Altorientalische Forschungen* 1 (1974), 175–205.

own time that it is almost impossible to say what really happened and what clearly invented.

The main difference between ancient and modern history writing is probably the concept of time. Generally speaking, time is to modern man a quantity that can be measured in a very exact way. To the people of ancient times, it was more a quality, something meaningful. Of course, they knew how to measure time, but this was less important than understanding its quality. Because history belongs to past time, it is by itself meaningful. The meaning is not what really happened but the impact the past has on the present. How can we learn from history? People of our time have often raised this question without getting an answer and we hear that life is meaningless, but this was never the case in Antiquity. Life was meaningful, not as we see it, but because of the will of the gods which directed the course of events. When it comes to ancient history writing, it was the intention of historiographers to show that life was meaningful. With that purpose in mind, they manipulated history to fit their objective. Royal inscriptions of all kinds were written to serve as royal propaganda. Religious inscriptions included propaganda, praising the acts of the gods. Although we possess from the ancient Near East only official material that illustrates my point, I am quite convinced that ordinary people would also have manipulated their own histories in such a way that it served their interests. Both oriental and classic historiography relied on this manipulation of the past to present a message of divine intent for the present. There is no great difference here between classical authors and their Near Eastern colleagues.

If we are to speak of real differences, they relate to genres. Nowhere in the ancient Near East do we find anything which remotely compares with Herodotus's *Histories*. Although it has a definite propagandistic touch – to describe how the Athenians destroyed their Persian foes – Herodotus's writings were not governed by obviously propagandistic aims. He was not employed by some public authority to construct an official history of the past, but was engaged in the project of describing Greek civilization as superior to that of the Oriental world. His *Investigations* – the correct translation of the title of his work – was likely a private enterprise and not a publicly commissioned task. It is also a universal history of the world. Only after a comprehensive introduction to the history and ethnography of the civilizations of the East does Herodotus concentrate on Greece. It is not different from the Hittite examples of history writing already mentioned. It arranges history as it suits the author. Past history is manipulated to improve understanding of present events. Herodotus shares a common background – the understanding of the universe – with his colleagues in the Near East.

The ancient Near East has, however, not produced anything that can even remotely be likened to Herodotus's investigations. Royal propaganda is officially commissioned literature – mostly prose. It does not cover world history but has a more specific task to fulfil. World history in the form of a universal history is presented in epic form, like the creation epic of *Enuma Eliš*, not in prose narrative. Albright probably understood this when he presented his theory of an ancient Hebrew oral tradition that was secondarily transformed into the prose

narrative of the biblical historical books.²⁴ It is the prose form of the biblical universal history that causes problems, not the existence of a universal history within this framework.

Here we might approach a solution to the problem by comparing ancient Near Eastern historiography with its Greek counterpart. In the ancient Near East, prose was used as a medium of reporting the past, however, only the not so distant past (exceptions are known such as the Tukulti-Ninurta I epic²⁵). The ancient past – with its mythic encounter between gods and human beings – was mainly reserved for poetry. In Greece, epic literature existed probably early, such as Homer (if he is really early – critical voices have been raised that argue in favour of a much later date than often assumed, the sixth century BCE or even later) or Hesiod. In the classical period and, later, in the Hellenistic and Roman periods, poetry has generally been substituted with prose as medium for narrating the distant past. Poets were still likely to use poetry as their vehicle of language, as is the case with Ovid, who recounts the changing of world ages in his *Metamorphoses* in a poetic form that borrows its content from Hesiod's *Work and Days*.²⁶

If we look at the historical narrative in the Old Testament, it opens with the most distant past. All except a few verses are in prose, including the tale of the Flood, which is so close to the Neo-Babylonian version we find on the eleventh tablet of the Gilgamesh epic. We sometimes get the impression that the biblical Flood story is a rewriting of the Gilgamesh tale in prose form (cf. the raven, the first bird to go – out of context in the biblical version – to set a world record for long distance flying for ravens; in Gilgamesh, the raven is the third bird, the one that does not return).

Previously, it was often assumed that poetic 'quotations' included in the historical prose narrative were more ancient than their prose context. This is hardly a necessary assumption. Some so-called 'archaic verses' of the Old Testament may be very young – for example, the reference to the Macedonians in Numbers 24:24: 'And ships *shall come* from the coast of Chittim, and shall afflict Asshur, and shall afflict Eber, and he also shall perish for ever' (KJV), a prophecy which Luther saw as a reference to the Romans.²⁷ Such quotations can hardly be used as evidence for an original Hebrew epic that was translated by the Yahwist into prose.

After the primeval history follows the heroic past of the Hebrew nation, almost exclusively in prose. Mesopotamian writers would, like Homer, have presented this age in poetry, Herodotus definitely in prose. The context of the

24. Cf. as the latest summary of his opinion about archaic Hebrew verse, William F. Albright, *Yahweh and the Gods of Canaan. A Historical Analysis of Two Contrasting Faiths* (London: The Athlone Press, 1968), 1–46.

25. Cf. the Yale dissertation on this epic by Peter Machinist, *The Epic of Tukulti-Ninurta I: A Study in Middle Assyrian Literature* (PhD thesis, Yale University, 1978).

26. Cf. Hesiod, *Works and Days*, 110–55, and Ovid, *Metamorphoses*, I, 90–162.

27. Note to his translation of Num 24:24, Martin Luther, *Die gantze Heilige Schrift Deusch* (Wittenberg, 1545; reprint, Darmstadt: Wissenschaftliche Buchgesellschaft, 1972).

primeval history is clearly, without dispute, Near Eastern. Some may want to discuss the relationship between the Genesis 1 and Greek (Ionian) philosophy of the sixth century;²⁸ but the moment we get to Genesis 2–3, we are firmly situated within Mesopotamian tradition. The form of the primeval history is definitely unusual and indicates a society that has found a more extensive use of prose than was normal in the ancient Near East.

The not so distant past, the history of the Hebrew kingdoms as narrated by the so-called ‘Deuteronomistic History’, is prose. As to form, it accords with Near Eastern practice as well as Greek ideas about history writing. It includes some passages that could easily be identified as archival notes, such as the passage that includes the famous incident of Sennacherib *ante muros* (2 Kgs 18:13–16), or the note about Tiglat-Pileser III’s rearrangements in the north (2 Kgs 16:29–30). Maybe the biblical authors who put Joshua together also borrowed the prose form of Assyrian royal annals (as proposed by K. Lawson Younger).²⁹

The form of Kings is unique, however, within a Near Eastern context because of its blend of official information – or information presented in a form that borrows from official types of information transmission, such as royal annals, chronicles, legend and saga. This kind of mixture we find in Greek historiography, but hardly in the Near East in pre-Hellenistic times.

To conclude: from a form-critical perspective, the historical narrative in the Old Testament resembles Greek historiographic tradition more than the historical recollections of the ancient Near East. However, form is not the same as content, and content deals with intention. The intention of royal literature in the ancient Near East is undoubtedly propaganda. It contains propaganda when the king boasts of his mighty deeds in inscriptions that only the gods can read, or when he directly addresses a public of human beings – even if hardly more than a few were able to read the inscriptions. Although such inscriptions might have been copied, it was, to the best of my knowledge, not educational literature (i.e. it was not used in the academic educational system). Myths and epics were copied and transmitted in writing at least in Mesopotamia in such institutions from one generation to the next. It was more than myth: it was wisdom and explained the wisdom of the divine arrangement of the world to the students who, in adopting this wisdom, became scholars and, in their own eyes, the masters of their time.

We find some resemblance to the meaning of history and history writing in the classical world because, in the classical world, history was considered a way to obtain wisdom and therefore an indispensable part of the academic curriculum. I have dealt with the subject of education and history writing more extensively in John Van Seters’s *Festschrift* and will not repeat the discussion here.³⁰ However, the quote from Cicero that stands as a gateway to antique

28. Cf. John Van Seters, ‘The Primeval Histories of Greece and Israel Compared’, *ZAW* 100 (1988), 1–22.

29. K. Lawson Younger, Jr., *Ancient Conquest Accounts: A Study in Ancient Near Eastern and Biblical History Writing* (JSOT supplement, 98; Sheffield: JSOT Press, 1990).

30. Chapter 17, this volume.

notions of history is very important: ‘Historia vero testis temporum, lux veritatis, vita memoriae, magistra vitae, nuntia vetustatis’ (‘History [is] truly the witness about the ages, the light of truth, the life of memories, the teacher of life, and the messenger of ancient times’).³¹ The fact that history is ‘the teacher of life’ is most important because it says that in order to understand the ways of life people must study history. History provides education for the next generation – in classical academia, the children of the elite, the next generation to govern and administer the world.

Most of what has been said about manipulating history to fit the purpose of the present holds true when it comes to history writing in Greece and in the Hellenistic–Roman world. Normally it was not officially sponsored – although official literature existed such as annals and royal inscriptions of the kind present in the Augustean *Monumentum Ancyranum*.³² It is mostly private in orientation, part of the academic life of the learned few. It was also a genre adopted by retired gentlemen or politicians, waiting for a new chance. It was one of the main ways to a better understanding of the meaning of life and, therefore, indispensable.

Greco-Roman historiography is very different from ancient Near Eastern and, at the same time, rather similar. History as it really happened is not very important. It is not that one might deliberately disregard facts, but it was accepted that facts be twisted and ameliorated to conform to current needs. The critical mind was not concerned with historical truth in the sense that things were supposed to have happened exactly as described. The question would likely be meaningless to both ancient historiographers and audiences alike. ‘What really happened’ is a kind of quantitative statement and quantity was not – as already stated – the object of the wise, but a subject reserved for business people and those engaged in practical crafts. Instead of quantity, scholars and students asked for quality: what the meaning of history was and not just what happened and what not.

The quality of historiography has to be kept in mind when one approaches biblical historiography. This subject is enormous. The question is, however, whether the historiography of the Old Testament expresses propaganda? If the answer is yes, then we may ask: for what purpose? Should we reckon the historical narrative to represent wisdom literature? Does it have an educational aim? Does it explain the present and does it have a programme for the future?

I am not going to answer any of these questions here as I have presented most of the answers elsewhere – easily available or soon to be published. Nor am I going to present any final verdict regarding the relationship between biblical and Greek historiography and biblical and ancient Near Eastern historiography.

31. Cicero, *De oratore* II.ix.36.

32. The *Monumentum Ancyranum*, a record of Augustus’s will read to the senate in Rome after he passed away. The best among the preserved copies of this inscription was found at Ankara in 1555. For a recent edition, cf. Marion Giebel, *Res gestae – Tatenbericht (Monumentum Ancyranum) übersetzt, kommentiert und herausgegeben von ...* (Stuttgart: Universal-Bibliothek, 9773/73a, 1975).

There are more arguments in favour of a Greek connection than an Oriental one, but the debate continues.

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Good and bad in history: the Greek connection

2000

John Van Seters, Herodotus and the Old Testament

John Van Seters opens his discussion on the origins of ancient Israelite historiography with a paragraph devoted to early Greek historiography, most notably Herodotus and his predecessors, the Ionian *logographers*.¹ This seems a natural option, the genre of biblical historiography being very close to the Greek although, to quote Van Seters, ‘the neglect of Greek historiography for any comparative study has been almost total’.² There are, according to Van Seters, two reasons for this neglect. First of all, biblical scholars have generally reckoned biblical historiography to be older than the earliest Greek history writing by several hundred years. It goes without saying that if the Yahwist composed his historiographical literature in the glorious days of Solomon, there would have been no direct connection between him and Herodotus or the Ionian logographers. If, however, the Yahwist belongs to the sixth century BCE, which is the opinion of Van Seters, it is more reasonable to study the closely related and more or less contemporary development of historiography in the Hellenic world. The second reason for the neglect of the parallel development in Greece was the old division created by Boman between the Greek and Hebrew mind, the Greek mind being cyclically oriented while Hebrew writers looked on time as linear.³

Van Seters reckons the second issue to be immaterial and nullified by James Barr, almost at the moment Boman’s monograph appeared in English. Greek history writing was no more cyclical than that of the Bible and the Greek mind no more cyclically structured than the Hebrew.⁴ The first issue is hardly relevant, any longer, but falls with the early date of the biblical literature. Herodotus,

1. J. Van Seters, *In Search of History: Historiography in the Ancient World and the Origins of Biblical History* (New Haven, CT: Yale University Press, 1983), 8–54.

2. *Ibid.*, 8.

3. T. Boman, *Das hebräische Denken im Vergleich mit dem griechischen* (Göttingen, 1954; English translation, *Hebrew Thought Compared with Greek*, London: W. W. Norton and Company, 1960). Boman’s *Ideas* had already been published in Norwegian before World War II, in ‘Den semitists tenknings egenart’, *NTT* 34 (1933), 1–34.

4. J. Barr, *The Semantics of Biblical Language* (Oxford, 1961), especially 46–79. Cf. also J. Barr, *Biblical Words for Time* (SBT, 33; 1962), 143–9.

the ‘father of history’, is, therefore, an obvious choice if we look in the classical world for parallels to biblical historiography. In spite of this, little has appeared in this respect until recently. Only a few authors have shown interest in the subject, though the monographs by Mandell and Freedman and by Nielsen should be mentioned.⁵ Apart from them, little has appeared that sheds light on the possible links between the Greek literary world and biblical history writing.⁶ However, Nielsen indicates a fruitful line of study, as it discusses the structure of narrative and compositional technique and does not linger on minor points.

These scholars have one thing in common with Van Seters: they only include discussions of pre-classical and early classical history writing. When scholars refer to the logographer and Herodotus, they bypass other and only slightly later Greek authors such as Thucydides and Xenophon.⁷ Their thesis repeats the mistakes of previous scholarship. They make chronology their most important argument. Scholars such as von Rad and Noth, on the one hand, and their North American colleagues, on the other, reckoned the beginning of biblical history writing to go back to the tenth century BCE or earlier. For seemingly obvious reasons they paid no attention at all to the Greek historians. Even if their dating of biblical historiography had been correct, their neglect of developments in the Greek world was mistaken. The similarity between Greek and Hebrew historiography, including technique, style and form of narrating the past, is obvious. Although the two bodies of literature need not be related in a direct way, they are so close in style that the process that led to historiography may have displayed common traits. If the oldest Israelite history writing goes back to Solomon’s time, we might simply have an example of a similar phenomenon originating in two separate cultures.

In this case, we would be speaking about developments taking place within hastily changing societies, including a growing literacy, at least among ruling elite groups. Both societies experienced a cultural stage dominated by oral literature⁸ and both possessed a heritage of oral as well as written epic

5. S. Mandell and D. N. Freedman, *The Relationship between Herodotus’ History and Primary History* (SFSHJ, 60; Atlanta, GA: Scholars Press, 1993); F. A. J. Nielsen, *The Tragedy in History: Herodotus and the Deuteronomistic History* (JSOT supplement, 251/ Copenhagen International Seminar, 4; Sheffield: Sheffield Academic Press, 1997).

6. The Dutch scholar J. W. Wesseliuss has produced a series of studies, mostly in Dutch, devoted to this theme. See his volume: *The Origin of the History of Israel: Herodotus’ Histories as Blueprint for the First books of the bible* (JSOT supplement, 345; London: Sheffield Academic Press, 2002) and his article: ‘Discontinuity, Congruence and the Making of the Hebrew Bible’, *SJOT* 13 (1999), 24–77.

7. Thucydides’ (c.460–400BCE) *History of the Peloponnesian War* was written at the end of the fifth century BCE and left unfinished (it stops in 411BCE). Xenophon (c.430–354BCE) took up the thread where it had been left by Thucydides in his *Hellenica* and covers the period down to 362BCE.

8. See my recent discussion of the oral tradition in the Bronze Age in *Die Vorgeschichte Israels: Von den Anfängen bis zum Ausgang des 13. Jahrhunderts v. Chr.* (Biblische Enzyklopädie, 1; Stuttgart: Kohlhammer, 1996), 161–70 (English translation: *Prelude to Israel’s Past Background and Beginnings of Israelite History and Identity*, Peabody, MA: Hendrickson, 1998).

literature.⁹ Although we have no safe knowledge of an epic literature in Israel, it is highly likely that it existed. Since the Palestinian society, of which Israel formed a part, was not essentially different from other cultures of ancient Syria in the Bronze and Iron Ages, an epic tradition must have also existed in Palestine.

Van Seters shows awareness of this cultural similarity when he discusses the use of sources in Herodotus's work and biblical historiography.¹⁰ However, basic cultural similarity does not show the technique of the early historiographers, including their handling of transmitted sources, to be the same. It makes it probable but no more. If, however, comparison between the two literatures showed that the compositional technique and understanding of the historical process was more or less the same in both, it would pave the way for a fruitful study of the development of both Greek and Israelite historical tradition.

Beyond Herodotus? The exile and historiography

A comprehensive comparative investigation into Hebrew and classical Greek historiographic traditions has never been published. We only have Van Seters's study on historiography and a few minor contributions, devoted to isolated subjects. Van Seters's decision to include only the earliest part of the classical historiography limits the scope and aim of his comparative work and makes it less useful than necessary. His decision is based primarily on chronological reasons, similar to those which prevented earlier scholarship from approaching Greek historiography. Because of an assumed difference in time, it did not occur to Van Seters that it would have been rewarding to include subsequent stages of Greek history writing, such as the Hellenistic.

For the last twenty-five years, Van Seters has advocated an exilic origin of biblical history writing, dating the Yahwist to the sixth century BCE.¹¹ When he published his thesis twenty-five years ago, it was a provocative idea. Today, it has become mainstream as it is now often assumed that biblical historiography presupposes the Babylonian exile. It was the experience of exile and national

9. Provided that the poems of Homer are really as old as they are usually believed to be (i.e. going back to, say, the eighth century BCE). Recent developments in Homeric studies tend to point to a later date, the sixth century BCE or later. Cf. M. S. Jensen, *The Homeric Question and the Oral-Formulaic theory* (Opuscula Graecolatina, 20; Copenhagen: Museum Tusulanum, 1980). The evidence of written epic literature in Syria and Palestine consists, of course, of the epic literature of Ugarit, written – if not composed – in the thirteenth century BCE.

10. Van Seters, *In Search of History*, 40–51.

11. Inspired by his mentor F. W. Winnett, J. Van Seters has been singularly faithful to his idea of the Yahwist as an exilic writer. Cf. his *Abraham in History and Tradition* (New Haven, CT: Yale University Press, 1975) and the argument is repeated in his more recent studies on the Yahwist in Genesis through Numbers (*Prologue to History: The Yahwist as Historian in Genesis*, Louisville, KY: Westminster John Knox, 1992, and *The Life of Moses: The Yahwist as Historian in Exodus-Numbers*, Kampen: Kok Pharos Publishing House, 1994).

disaster that gave birth to history as a reflection, explaining to Judeans reasons for their exile. Recent studies have questioned Van Seters's choice of comparative material. There is no reason to present an extended résumé of changes that have occurred over the last decade. I offer here merely a short summary. A very different scenario for the history of the Israelite–Jewish nation has arisen, which leads to a total dissolution of biblical history, understood as a reflection of the ancient Palestinian world of the Bronze and Iron Ages. This dissolution is not limited to a few isolated episodes, but involves the whole network of historical construction in the Old Testament. Since the mid-1970s, the period of the patriarchs has gradually disappeared from North American scholarship, something which occurred over 100 years ago in Germany. We are not surprised when we are taught that an exodus from Egypt never took place or that there never was a Period of the Judges or a united monarchy of David and Solomon. We should, however, not be surprised when we realize that there never was an Israelite–Judean unified kingdom as imagined by the biblical historiographers, nor an Israelite state which ruled most, if not all, of Palestine. Although deportations certainly occurred when the Assyrians and Babylonians ruled Palestine, the idea of a great Babylonian exile and the changes it brought about belongs among biblical stereotypes. The exile in Mesopotamia is normally considered to form the great divide in the history of Palestinian society, separating ancient Israel from the civilization of Palestine in the second half of the first millennium BCE. Accordingly, immigrants from Mesopotamia are supposed to have introduced a new culture and a new religion, but not a new tradition to Palestine in the Persian period. This concept of an exile, however, had little to do with historical realities in Palestine between the seventh and fifth centuries BCE. By and large, the biblical idea of the great return from exile is little more than a variant of the Bible's narratives about the Israelite conquest of Canaan. Like the book of Joshua, the tales of Ezra and Nehemiah are ideological constructs, foundation myths of Palestinian Jewish society in the Persian or, better, Hellenistic era.¹²

12. J. Pasto has recently tried to demonstrate the existence of a continuum reaching from W. M. L. de Wette (early nineteenth century CE) to P. R. Davies, K. W. Whitelam, T. L. Thompson and this author. Like de Wette and subsequent German scholarship, in general, the 'revisionists' of our time have created an artificial division between pre-exilic and post-exilic Palestinian society that probably never was. Cf., Pasto, 'When the End is the Beginning? Or When the Biblical Past is the Political Present: Some Thoughts on Ancient Israel, "Post-Exilic Judaism" and the Politics of Biblical Scholarship', *SJOT* 12 (1998), 157–202. Although it is easy to sympathize with Pasto's approach, which is well argued, I will maintain that it has been circumvented by recent developments within the circle of 'revisionists'. They now argue that this line of division never existed because ancient (i.e. early Iron Age) Palestinian society had very little or nothing to do with the image of ancient Israel created by the biblical historiographers. It is not a reformed society that returned to Palestine from Mesopotamia, but a completely new society that constructed its own past. Cf. N. P. Lemche, *The Israelites in History and Tradition* (Library of Ancient Israel; Louisville, KY: Westminster John Knox 1998), and T. L. Thompson, *The Bible in History: How Writers Create a Past* (London: Jonathan Cape, 1999).

In short, we should pay little attention to the historical construction presented by biblical historiographers. We would be better advised to accept their description of the past as a construct and concentrate on the manner in which they presented the past. By changing the direction of study, scholars should realize that the society reflected by biblical historiographers is not a society of the past, but the Jewish society of the writers' own time, transposed into the past. Although ancient Israel is already considered a Jewish community, in essence, it is a perverted society. The ancient Israelites never gave up their idolatry and were punished severely because of this, but they officially remained worshippers of Yahweh, the creator of the world and members of his chosen nation. After having been purified by the tribulations of exile, a tiny remnant of this old Jewish society was allowed to return to the land of their ancestors and re-establish the Kingdom of God in their old country. Seen in this way, the biblical history does not concern the past as much as it does the present. *It is a history of the writers' contemporary world.*¹³

Understanding the exile as a construct does not mean that it has no relevance for the historiography in the Bible. This literature is undoubtedly dominated by the idea of exile and restoration. It also carries a programme for the future establishment of the people of God in its own land¹⁴ and is thus, in essence, exilic or dominated by the notion – if not the mentality – of exile. It is, however, not reduced to an exile, which lasted from 587_{BCE} to 538_{BCE}.¹⁵ This idea of exile is another stereotype of the biblical account of ancient Israel: all of ancient Israel went into exile in order to return to its empty land after many years, thus changing Palestine and especially Jerusalem into a centre of post-exilic Judaism. Actually, however, only a fraction of the Palestinian population of the Iron Age was ever sent into exile, and only few people actually 'returned'. It is only from their own testimony that we learn that those who travelled from Mesopotamia to Palestine in Persian times were descendants of those exiled from Judah rather than usurpers of that tradition.

This revised understanding of the exile has no lower time limit which makes it necessary to compare biblical history writing solely to early Greek historiography. It opens up the possibility of including the Greek historical tradition as it had developed among Hellenistic Greek and Roman authors. It is certainly important to compare the Deuteronomistic history to the *Histories*¹⁶ of Herodotus. But it is counterproductive to limit the investigation to this relationship. Other Greek and Roman authors produced literature closer in style and

13. See further Chapter 11, this volume.

14. Cf. Lemche, *The Israelites in History and Tradition*, 86–132.

15. From a strictly historical point of view, it would be correct to argue that the Babylonian exile ended first in 1952 CE, when political circumstances forced the Jewish population of Iraq to travel to the newly founded modern state of Israel, marking an end to a Jewish presence in this area that had lasted more than 2000 years.

16. It should not be forgotten that Herodotus did not write a 'history'. The Greek word history means 'investigation, enquiry'. Hence, we should think of Herodotus's work as the presentation of the efforts of 'his investigations or 'research', not in the sense of scholarly research but more as journalists employ the term.

content to biblical history. We should think first and foremost of Livy and his *Ab urbe condita*, his great history of Rome from its beginning to the fall of the Republic, dating from the principate of Augustus.¹⁷

Historiography in the classical world

Livy's history differs from the historical tales of the Bible in its lack of a primary history. It opens with a résumé of the tribulations of the hero Aeneas and his crew of refugees from Troy during his travels to Italy. This section is comparable to the description of the Israelites wandering around in the desert for many years. After arriving in Italy, the Trojan hero set out to conquer a territory for himself and his men, thus creating the foundation for the establishment of the future Roman state. Aeneas did not found Rome. This was left to Romulus, when kingship began.

Like the Bible's history of ancient Israel, the scope and aim of Livy's work is obvious: to show how the virtues of ancient Romans deteriorated until the Republic could no longer survive and a new political arrangement had to be established. It functions as an apology for the changes brought about by the Augustan restoration. The narrative centres on the fate of important men – some good, some evil. It serves as an instruction to the reader. It is a reminder to Livy's contemporaries of the importance of the ancient virtues, forgotten for so long. In short, history in Livy's eyes is the *magister vitae*, the 'teacher about life'.¹⁸

There are, of course, no direct lines connecting the historical narratives of the Old Testament with those of Livy's history. Biblical literature is older, in some cases, much older than Livy's history and it is gratuitous to say that Livy never saw a page of what was to become the Old Testament. It is also very easy to point to differences between the two literary works. Although such dissimilarities involve many aspects of the narratives, they do not prevent us from speaking of a basic unity of intention and style. It might be rewarding to probe further into the realm of Greek and Roman historical tradition.

The studies devoted to Greek and Roman historiography, several of which are mentioned by Van Seters, are many. I would, however, like to call attention to such a work: a twenty-year-old study on Roman historiography by the Danish scholar Peter Ørsted. I do so not because it has never been translated into one of the major languages and therefore basically unknown outside of Denmark (though that is the case), but rather because it represents an interesting approach.¹⁹

17. Livy was born in 59BCE and died in 17CE. His history in 142 books was written between 26BCE and 17CE.

18. The expression was coined by Cicero, *De oratore* II.IX.36: 'Historia vero testis temporum, lux veritatis, vita memoriae, magister vitae, nuntia vetustatis' ('History is truly the witness about the ages, the light of truth, the life of memories, the teacher of life, and the messenger of ancient times').

19. P. Ørsted, *Romersk historieskrivning* (Copenhagen: Gyldendal, 1978).

Ørsted opens his investigation by reviewing the educational system of the Hellenistic and Roman world, which was essentially limited to the top echelon of society – the sons of noblemen and magistrates – who were to become the political leaders of the next generation. Accordingly, the scope and aim of education was limited to subjects that were relevant to future politicians and administrators. Rhetoric was the dominant discipline and most likely the only one taught at institutions providing a high level of teaching. Rhetoric embraced many subjects apart from the art of speech and included literature and philosophy. When we turn to theoretical statements about history writing, transmitted by ancient writers, the ties between rhetoric and historiography are apparent.²⁰

The connection between rhetoric, philosophy and historiography evident in Roman tradition can be traced back to Greek and Hellenistic tradition. The sophists of the fifth century BCE, in particular, Gorgias (485–375BCE), played an important part in this development, but the rhetor Isocrates (436–338BCE) was the central figure. On the one hand, Isocrates represented a continuation of the sophist tradition of the fifth century which established the connection between historiography and rhetoric. On the other hand, he built on the connection established in Greek political theory (Plato, Aristotle) between politics and ethics. Although he never composed a work of history, Isocrates saw historiography as a means of transmitting ethical ideas. We might call this ‘ideological historiography’. To a certain degree, Isocrates stood in opposition to the pragmatic tradition of history writing which Thucydides had introduced. According to Thucydides, history must be useful rather than merely aesthetically pleasing: ‘My work is not a piece of writing designed to meet the taste of an immediate public, but was done to last forever.’²¹ Isocrates moved further and demanded that history also provide moral guidance to young people.

Beginning in the fourth century BCE and lasting until the very end of the classical world, two lines within classical historiographical tradition dominated. On the one hand, pragmatic history writing undertook to educate the younger generation that it might not repeat the mistakes of earlier generations. On the other, ideological historiography saw fit to present ethical guidance by referring to examples of great persons – some good, some bad.

This short summary is enough to give an impression of some basic ideas behind classical historiography. Students of the biblical historical tradition should pay attention to it. It is particularly important to realize that education in the classical world was – apart from very basic training – reserved for the elite. Historiography was an elitist enterprise and should be seen exclusively as such. As time went by, the elite mostly belonged to the dominant philosophical trend of the Hellenistic–Roman period: Stoicism, which guaranteed that stoic ethical ideas and demands permeated the literature. The notion of good and bad thus came into focus in historical literature and remained there to the very end

20. Notably Quintilian’s (c.40–100) *Institutio Oratoria* or Cicero’s theoretical writings such as *De oratore Brutus and Orator*.

21. Thucydides, *The Peloponnesian War*, I.22.

of the classical world, with the great persons of the past providing examples to follow or scorn.

Biblical historiography and historiographers

This brief discussion of classical historical tradition, by no means exhaustive, is important when we turn to biblical historiography. Our first question concerns the system of education: what kind of education did the biblical historians receive? We know little about education in Palestine during the Iron Age. Some would argue that literacy was widespread and refer to the uncomplicated nature of the writing system.²² This is hardly a reasonable argument. By comparison, the Greek system of writing with just as simple a script did not create widespread literacy. Parallels drawn from other quarters, where civilization on the same cultural level can be found, indicate that in basic agrarian societies only a small percentage of the populace know how to read and write. Most people were in no need of such skill. Furthermore, although some people in ancient Palestine knew how to read and write, the few scattered Palestinian inscriptions of the Iron Age we have do not reveal extensive literary activity, much less a sense of literature and philosophy. It seems a safe assumption that training was rudimentary and did not involve higher education.

This changed when Palestinians were deported to Mesopotamia. Here an old university system had been around for a couple of thousand years, training scribes, doctors, lawyers and administrators. Although it was a learned tradition, it was very different from Greek and Roman higher education. Literature handed down from the past – such as the epics of Gilgamesh and Enuma Elish – were not copied to provide students with the ability to understand and interpret literature, but rather to make practical use of the complicated system of cuneiform writing. Apart from providing copies of old texts (including here and there ‘updates’), the literary activity of the elite was limited in extent and scope, its most exquisite examples being Assyrian and Babylonian royal annals and chronicles. We never find an example of an administrator or politician who also composed great literature, to say nothing of history writing. In contrast, this was common in the Greek and Roman tradition. Thucydides was an admiral, Polybius (c.200–120BCE) a general, Cicero a leading administrator and politician, a consul and proconsul, Tacitus (c.55–120[?]CE) a praetor, consul and proconsul. Sallust (c.86–34BCE) never progressed so far, but became a praetor under Caesar. Livy never participated in public life, but remained a private scholar for all of his life.

Although the Deuteronomistic History sometimes displays a form of narrative that can be likened to Assyrian annals,²³ nothing comparable to the

22. E.g. A. Lemaire, *Les écoles et la formation de la Bible dans l'ancien Israël* (OBO, 39; Fribourg: Presses Universitaires, 1981).

23. Cf. K. L. Younger, *Ancient Conquest Accounts: A Study of Ancient Near Eastern and Biblical History Writing* (JSOT supplement, 98; Sheffield: Sheffield Academic Press,

Pentateuch or the Deuteronomistic History has ever been found among the literatures of the ancient Near East. As a matter of fact, the ties that bind biblical literature to classical historiography are much more evident. While it is common for scholars to state that we know little or nothing about the identity of biblical historiographers, we do possess their literature and can describe the authors by referring to, first, its form, content, biases, ideas, ethics, etc., and, second, the information they provide (i.e. the range of their knowledge and education). This is an invitation to take up comparative studies of the Greco-Roman tradition with biblical literature. It is not my intention to go further here, although I cannot resist presenting some preliminary observations and ideas that might serve as an indication of how fruitful such comparison can be for understanding biblical historiography.

Evidently, biblical writers chose history as the medium most suitable for conveying their image of the past in a way that might also serve as instruction to the present generation. The Deuteronomistic History, for example, presents history as a perpetual struggle between good and evil. It turns on the careers of great men, mostly the kings of Israel and Judah – some of them good, many more instruments of evil. Only two are perfect: David and his late successor Josiah. The psychological characterization is clear from the beginning: the character of a person never changes and the original verdict is never ameliorated.²⁴ A good person may fail, as is the case of the great King David, but it does not change his character. He is a just king and an obedient servant of the Lord in spite of occasional human weaknesses. In opposition to him, we find his son Absalom – a truly tragic hero in the Greek style and a person who cannot escape his destiny. Never does Absalom change. He is forced by circumstances to oppose his family when his sister is raped by his brother – the very situation that does not allow for public revenge – but when pardoned by his father, he acts like the condemned person he truly is and cannot change. Moving on, Solomon's rash son Rehoboam, like many other kings of Israel and Judah, cannot repent and change; nor is it possible for Ahab and his queen to act as righteous people.

As a king acts, so does his nation. According to the biblical tradition, the great men are symbols of their time and their choices are the choices of their nation. When Ahab sins, it is Israel that sins and is punished because of its transgressions. At the end of its moral decline after so many bad kings, Israel is forsaken by the Lord and given over to the enemy. The fate of Judah is no better. In spite of its just King Josiah, there is no hope left; he is only able to postpone the inevitable. History is seen through the lens of the morality of its characters.

The course of fate is inevitable. To stress this point, biblical historiographers use a number of rhetorical devices. Secondary figures make their appearance in the form of prophets, who openly confront the monarchs and correct them

1990), who points to this similarity but uses the comparative material to make impossible statements about the content of the biblical literature.

24. Except in Chronicles when Manasseh is said to change character after he has been dragged into exile in Babylon (2 Chronicles 33). Like the post-exilic Jewish people, Manasseh became a different and better person after his tribulations.

because of their transgressions. These prophets also inaugurate the future of the nation by speeches, as does Samuel (1 Sam. 12) or Ahijah (1 Kgs 11), or they foretell the destiny of kings, such as Micaiah, the son of Imla, who foresees the death of the king of Israel in battle (1 Kgs 22:17). The historiographers also introduce speeches for other occasions. Sometimes, such speeches are delivered by an angel who foresees the future of Israel (Judg. 2). On other occasions, characters in the plot, such as Joshua, address the leaders of Israel in a speech (Josh. 23). The author may even speak directly to his readership, as when he explains why Israel was destroyed (2 Kgs 17), or indirectly, as when he delivers his condemnation of the people in the form of a prophecy from Yahweh (2 Kgs 21). Such comments on the tragedy of Israel fulfil the role of a chorus in the Greek tragedy.

The biblical historiographers' understanding of history as a place of struggle between good and evil employs the same 'technique' as classical authors use. Had it been in the biblical historiographers' interest, they could just as well have presented the life and fate of their characters in pairs as Plutarch did in his collection of great Greeks and Romans.²⁵ It is obvious that biblical historians are rhetorically trained as they make frequent use of speeches as the medium to convey the meaning of history. They are, however, not Greeks. They trace the cause of history back to the act of the God in a very direct fashion. It is ultimately Yahweh who punishes Israel as a consequence of its sins. Although all classical authors would see the divine as ultimate cause of historical events, this aspect of history never played a vital role. It is, after all, difficult to blame people – good or evil – if everything is decided in advance by divine agents. The moral lesson to be learned from history is less persuasive if deities arranged everything, without regarding human concerns and conditions.

This is not true of biblical historians. They see themselves as members of a people chosen by God, in opposition to all other nations. They are the religious elite, members of the new Israel, with whom God has created his new covenant (Jer. 31:31). They are among the law-abiding few who, according to the prophecies of Isaiah, are destined to survive and gather at Zion (Isa. 4). They are certainly members of a religious congregation, if not a sectarian movement in conflict – real or imagined – with the rest of the world. While Greek and Roman historiographers focused on human beings as good or bad, whose personal fate provided a lesson to other people, good and bad acts of human beings – kings – brought disaster on ancient Israel. The lesson of biblical historiography is not the difference between good and bad, but those who love God and those forsaken by God because of their sins.

All of this tells us that even though the biblical historians received an education perhaps very similar to that of their Greek and Roman colleagues, they remained Jewish sectarians. They were representatives of a minority group, which established borders between itself and the outside world. They eventually turned their Greek training against the Greeks themselves, when the Maccabees

25. Plutarch (c.46–120CE). His *Lives* belongs to the later part of his production.

openly opposed the Hellenization of the Jewish nation. Greek rhetoric became the medium of divine communication, but the message of biblical historiographers was very different from that of their classical colleagues.

I have presented a partial picture of authors who received an education in many respects very different from that found in the ancient Near East. Their education was, however, common in Greek and Roman academic institutions. In spite of this, biblical authors were also people of the Orient. They were well acquainted with oriental tradition – Palestinian, Mesopotamian and sometimes Egyptian. They were able to integrate such traditions within their work in a fashion that is vastly superior to the way in which it was done by Herodotus. Herodotus was never able to incorporate his information from the Orient synthetically. He considered the Near East exotic and exciting and an inexhaustible source of anecdotes, but he was not able to integrate this tradition in his description of the reasons for the great clash of Greek and Oriental civilization.

The biblical historiographers' incorporation of Near Eastern tradition in their narratives made these traditions an organic part of the narratives themselves. This becomes obvious from the very beginning of biblical narrative in Genesis 2–3. The oriental tradition was a part of the biblical historiographers themselves, a mental matrix that was not erased by their training. The conclusion to this observation seems logical: biblical historiographers were Hellenized Orientals.

On the problems of reconstructing pre-Hellenistic Israelite (Palestinian) history

2000

The so-called ‘historical-critical’ school, which created a universe of its own, dubbed ‘ancient Israel’, has dominated the last 200 years of biblical studies. The texts of the Old Testament – in some circles called ‘the Hebrew Bible’ – were believed to refer to an ‘ancient Israel’ thought to be a historical reality. Already at an early stage of the development of historical-critical methodology, scholars accepted that the Old Testament was not simply a history book – or textbook – that told the truth and nothing but the truth about ancient Israel. In accordance with developments within the field of general history, this was not considered an insurmountable problem to biblical scholars. Historians began, during the early nineteenth century, to develop methods of source criticism that enabled them – or so they believed – to make a distinction between real information and secondary expansion. In the words of the leading historian of this period, Johann Gustav Droysen (1808–84), the historian had to distinguish between *Bericht* – that is, story or interpretation – and *Überreste* – that is, what remains of historical information. In every part of the historical narrative in the Old Testament, it would, according to this view, be possible to make a distinction between information that originates in the past and additions and commentaries on this information from a later period.¹ Let me quote as an example of such a source analysis the story of Sennacherib’s attack on Jerusalem in 701BCE:

Now in the fourteenth year of king Hezekiah did Sennacherib king of Assyria come up against all the fenced cities of Judah, and took them. And Hezekiah king of Judah sent to the king of Assyria to Lachish, saying, I have offended; return from me: that which you putteth on me will I bear. And the king of Assyria appointed unto Hezekiah king of Judah three hundred talents of silver and thirty talents of gold. And Hezekiah gave *him* all the silver that was found in the house of the LORD, and in the treasures of the king’s house. At that time did Hezekiah cut off *the gold from* the doors of the temple of the LORD, and *from* the pillars which Hezekiah king of Judah had overlaid, and gave it to the king of Assyria. (2 Kgs 18:13-16, KJV)

1. More about this in my *The Israelites in History and Tradition* (Library of Ancient Israel; Louisville, KY: Westminster/John Knox, 1998), 1–21 and 22–34.

This story, which can be found in 2 Kings 18–19, opens with notes about King Hezekiah's reign, how he behaved well in the eyes of the Lord and how he revolted against the Assyrians and smote the Philistines. The narrative about King Hezekiah is broken off by a short interlude explaining how King Sennacherib of Assyria besieged and conquered the city of Samaria – an event already mentioned in the preceding chapter. After this break, the narrative continues with a description of Sennacherib's attack on Hezekiah's fortified cities. While the Assyrian king rests at Lachish, King Hezekiah gives in and surrenders to the Assyrians and pays a handsome tribute to mollify his overlord, the king of Assyria. After this tribute has been paid, the Assyrian king sends his general to Jerusalem. Then there is the famous Rabshakeh incident, when the Assyrian officer stands in front of the gates of Jerusalem and delivers a harsh speech, with the intention of scaring the inhabitants of Jerusalem and its king that they might surrender to the Assyrians. In great distress, Hezekiah turns to the prophet Isaiah who promises divine assistance against the Assyrians. The Assyrian general returns to his master with his army at Libnah in order to move against an Egyptian army, which is attempting to outflank the Assyrian army. Rabshakeh sends a letter to Hezekiah repeating many of the threats against Judah already delivered in his speech in front of Jerusalem. When he receives this letter, Hezekiah approaches the Lord for help against the Assyrians. As a result, the avenging angel of the Lord kills 185,000 Assyrian soldiers during the night, whereupon Sennacherib returns to Assyria in dismay, only to be murdered some time later.

Even a casual reading of these chapters makes it clear that the narrative does not constitute a homogenous description of the events of the fateful year 701 BCE. The Rabshakeh incident is clearly superfluous as Hezekiah had already surrendered and paid his tribute to the king of Assyria before Rabshakeh moved to Jerusalem to deliver his speech. There was no reason for the Assyrian king not to return home since he had already achieved his goal, stopping the rebellion in south-western Palestine. In the text, however, we find a letter from Rabshakeh to Hezekiah that includes the same themes as the speech, which provoked the intervention of Isaiah and led to God destroying the Assyrian army. It is as if the author of this narrative presents his scenes in pairs. However, from a modern historian's point of view, it should be possible to distinguish between Droysen's *Bericht* and *Überreste* in 2 Kings 18–19. Such a historian would look for historical information primarily in the short description of Sennacherib's campaign in the opening chapters of the narrative rather than in the literarily elaborated passage which follows. Most would say that after paying the tribute, what remains is *Bericht* (i.e. a reflection from a later date on the events of 701 BCE).

We actually possess another version of this campaign in Sennacherib's royal annalistic report of the campaign.² In this version, the campaign opens with a diversion to Phoenicia, to Sidon, to clear obstacles that might arise behind the front lines and to safeguard a route of retreat. The Sidonian king flees before

2. *ANET* 3, 287–8.

the Assyrians. The main aim of the campaign is, however, to settle matters in Palestine, where the Judean Hezekiah (Sennacherib's wording) has interfered with loyal Assyrian vassals, including Padi, the king of Ekron, who is kept as a prisoner by Hezekiah. Hezekiah and his allies had also approached the king of Egypt and an Egyptian army had arrived and prepared for a battle at Elteqeh. The Egyptian army, however, was no match for the Assyrians and Sennacherib could, after having dismissed the threat from Egypt, continue to settle matters along the coast of Palestine. He conquers the cities of Elteqeh and Timnah and attacks and occupies Ekron. Hezekiah is persuaded to set Padi of Ekron free and return him to his city, where he is reinstated as an Assyrian vassal. Hezekiah does not yield any further, and Sennacherib devastates his country, destroys forty-six fortified cities and shuts Hezekiah in his city of Jerusalem, like a bird in a cage. The devastated parts of Hezekiah's kingdom are handed over to the Philistine cities. Hezekiah gives up the hope of fighting the Assyrians and pays a heavy tribute that is delivered to the Assyrian king in Nineveh.

There can be no doubt that the biblical narrative and Sennacherib's annalistic report are two reflections of the campaign of Sennacherib that ended when Hezekiah gave in and paid the tribute which the Assyrians demanded – including his daughters. There are many differences between the biblical and the Assyrian version, but they also agree on several important points. Hezekiah rebelled against the Assyrians. Sennacherib attacked his country and destroyed many cities. At the end, Hezekiah paid a tribute, but Jerusalem remained in his hands unharmed. The astonishing claim made by 2 Kings that the Assyrians did not conquer Jerusalem is obviously a historical fact. Otherwise differences have mostly to do with chronological details and numbers, such as when and where Hezekiah sent his tribute (how large was this tribute?). These are minor points. Basically the two accounts are in agreement.

When these two versions are compared it is obvious that the Rabshakeh incident may have been invented by the author of 2 Kings in order to create the impression that Sennacherib did not conquer Jerusalem because the holy city was saved by its God.³ Rabshakeh's actions follow the payment of the tribute. The Assyrians had already closed the case on the rebellion. Although this section includes one piece of historical information – the appearance of an Egyptian army in Palestine – it is a safe guess to conclude that there is nothing historical about the Rabshakeh incident. The biblical narrative that follows the payment of the tribute is invented history or simply fiction.

This example is simple. Others are less obvious. The story about the campaign of the kings of Israel and Judah against King Mesha of Moab in 2 Kings 3 opens with a note that Mesha had paid a heavy tribute to Israel and that he had also revolted against his master after the death of Ahab. The king of Israel, accordingly, invited his colleague in Jerusalem to join him in a war against

3. For a different look at the Rabshakeh incident as historical, cf. among others Brevard S. Childs, *Isaiah and the Assyrian Crisis* (SBT SS, 3; London: SCM, 1967), 76–93, and more recently Mordechai Cogan and Hayim Tadmor, *II Kings. A New Translation with Introduction and Commentary* (AB, 11; Garden City, NY: Doubleday, 1988), 240–44.

Moab with the king of Edom. This campaign opens with a seven-day march, which, however, is halted for lack of water. The kings turn to a prophet for help, and, on the prophet's instructions, rites are performed and water made available by miracle. The prophet also delivers an oracle predicting the fall of all of Moab. However, the battle between the Israelites and Moabites which follows ends in disaster for the Moabites and Mesha retreats to his city of Kirhareth. After an unsuccessful breakout, Mesha sacrifices his son on the wall of the city, 'and there was great indignation against Israel' (King James Version), or better: 'there was such great consternation among the Israelites' (Revised English Bible) that the Israelites lifted the siege and returned home.

Is this a historical report? The central part of the story deals with a water miracle and the Moabite misinterpretation of it, which brings disaster on their head. Miracles are certainly out of focus in historical reports of events that really happened and very impractical for historical analysis. From a historian's point of view, it never happened. Does this mean that this narrative is devoid of historical information? Hardly, as we are in possession of two inscriptions, which bear the name of Mesha, king of Moab. One of them is a short fragment, the second is probably the most important royal inscription ever found in the southern Levant.⁴

Mesha too had a story to tell in which he describes how Omri oppressed Moab for forty years in all of his time and half of his son's time. Mesha, however, attacked Israel and destroyed it forever. Most of the inscription is devoted to a description of the cities retaken from Israel and their rearrangement by Mesha, all of this made possible by Chemosh, Moab's god. If we compare the biblical story in 2 Kings 3 with this inscription, there is a slight measure they have in common. Both texts explain how Mesha revolted against Israel and reckon Mesha as king of Moab. Otherwise, it is hopeless to try to harmonize the information in the biblical text with that provided by Mesha himself. Although the biblical text perhaps includes one or two pieces of information that are historical, it has little to do with Mesha's text. Mesha has a different story to tell. Mesha's story may constitute a historical report, but that is far from certain. It may be literature as much as the version in 2 Kings 3. Mesha is not telling the truth. It is clear that his inscription, to a large degree, is also fictional propaganda and includes such stereotypical elements from popular literature as a period of oppression of forty years. Mesha makes a show of not knowing the name of any king of Israel except Omri. He 'forgets' to mention Omri's successor, Ahab – after all, a very important king in his time, mentioned by the Assyrians – and thereby makes Omri the oppressor of Moab also in his son's time.

4. Cf. John C. L. Gibson, *Textbook of Syrian Semitic Inscriptions*, I: *Hebrew and Moabite Inscriptions* (Oxford: Clarendon Press, 1971), 71–84. For an extensive analysis of the main text, cf. Andrew Dearman (ed) *Studies in the Mesha Inscription and Moab* (ASOR/SBL Archaeology and Biblical Studies, 2; Atlanta, GA: Scholars Press, 1989). Although the second inscription from Kerak is broken at the beginning where one might expect to find Mesha's name, the name of his father (*kmšyt*) has been so well preserved that it is beyond doubt that this is a second inscription by Mesha king of Moab.

By introducing 2 Kings 3 and the Moabite royal inscription, we have exposed the problem of a history of ancient Israel. There are general similarities between Mesha's and the biblical version. Mesha was, indeed, the king of Moab and Moab had been, before Mesha's revolt, a vassal of Israel. Furthermore, Israel was not able to subdue Moab again. Apart from this, no extra-biblical evidence substantiates the plot of 2 Kings 3. The text might well be an invented fictional piece of work, which includes merely a name and a few other details as historical credentials. We cannot harmonize the information. Not even the chronology fits. According to 2 Kings 3, Mesha revolts after the death of Ahab, while Mesha speaks about Israelite oppression that lasted for half the reign of Omri's son, who only appears without a name in the Moabite text. Although the Mesha inscription is usually dated to circa 850 BCE, the vagueness of the information included here does not preclude that it could be later than that date. The argument in favour of such a position is the mentioning of Omri, who oppressed Moab in the time of his son. This indicates that in this text Omri may not be the king of Israel but rather an eponymous figure for *Bet Omri*, the 'house of Omri', which in Assyrian documents of the ninth and eighth century BCE is the usual name of the state otherwise known as Israel.⁵ In the Mesha inscription, Omri and Israel are synonymous. To conclude: the Mesha inscription does not support 2 Kings 3 as a reliable historical source nor change the genre of a miraculous fictional work, though it mentions a historical king of Moab and refers to a political situation that may have a historical nucleus.

It is, nevertheless, often assumed that 2 Kings 3 has a historical nucleus that can be reconstructed. Such historians may also believe that a distinction can be made between *Bericht* and *Überreste*. This is very imprudent. The only piece of *Überreste* is a name and some knowledge of the status of Moab in Mesha's time. This is hardly enough to make the narrative historical. This is hardly surprising. Ancient history writing is very different from modern historical reconstruction. When reconstructing the past, a modern historian rejects much information found in ancient sources. For example, Danish 'national' history, as related by Saxo Grammaticus, includes a long tale about the Viking King Regnar Lodbrog, who killed a dragon to find a wife.⁶ All kinds of legendary material are included in Saxo's version of Regnar's life. Such tales can easily be dismissed when we write a history of Denmark's beginnings. However, the name of Regnar is historical, as he appears in a Frankish chronicle from the ninth century CE as a contemporary.⁷ It is, alas, hardly fact that the historical Regnar killed a dragon.

In biblical studies, it is almost impossible to decide which part of a narrative belongs to the genre of *Bericht* and which includes *Überreste* if we have no

5. For a recent review of this evidence, cf. my *The Israelites in History and Tradition*, 51–5.

6. Saxo, a monk in the service of the Bishop Absalon, the founder of Copenhagen, wrote his *Res gestae danorum* towards the end of the twelfth century CE.

7. The reference dates to 845 CE when Regner's army of Normans at the Seine was destroyed by a plague. He may also be mentioned in other contemporary sources as one of the main figures in the Danish process of conquering England in the second half of the ninth century CE.

other information than what is included in the text. If we do not possess external evidence, it is the scholar who decides what is history and what fiction, for only common sense is the guide. This is a systemic problem with historical-critical studies.

Historical-critical scholarship operates within a hermeneutical circle that is really a logical circle. The source of information is a biblical text, which stands alone. Conversation moves between a scholar who studies the text and the text itself. The scholar presents a theory, based on the text, and the text confirms that theory. It is amazing that this has been acceptable for almost 200 years, since the early days of modern scholarship at the beginning of the nineteenth century. Nevertheless, every historical-critical scholar admits there is a problem which has largely been ignored in writing history. The standard procedure is to assert – according to Bernd Jørg Diebner – that although we cannot prove it, it is a fact! We cannot prove that Moses ever existed but as we cannot explain the development of Israelite monotheism without Moses, he must have existed. Otherwise we would have to invent him ... disregarding the possibility that ancient writers had done exactly that! When in a bad mood, one may be willing to say that historical-critical scholarship is a bluff. The procedure – locked within the hermeneutical circle – is, from a scientific point of view, false. The recognition of false procedures in science tells you that results obtained are false and can be discarded without further ado. That historical-critical scholarship is based on false methodology, leading to false conclusions, simply means that we must disregard 200 years of biblical scholarship and commit it to the dustbin. It is hardly worth the paper on which it is printed.

No warrant is gained by claiming that this is the only way we can draw historical information from the Bible. That is merely a poor excuse for laziness. It also reflects greediness: scholars want to say more than they can. Since the Bible deals with religion and since most scholars have been and are still religious, there is a constant pressure on biblical scholars to produce results, which concur with those obtained in other fields, such as general history, and biblical scholars have readily lived up to such expectations. In my dissertation on *Early Israel* (1985), I presented a number of maxims, the first of which was that the most important thing is to acknowledge your ignorance. The second added that when you know the extent of your ignorance, you also have an idea about what you know.⁸ Such maxims form a Procrustean bed on which to place various forms of biblical studies. The demand is that we start our investigation by accepting that we know almost nothing about the past and must begin with that little we know.

Some may object. Is it really true that we know so little about ancient Israel that we cannot reconstruct its history and religion? The truth is that from the time before the so-called ‘Hebrew Monarchy’, we possess a single external source mentioning Israel. This is included among a host of vanquished foes in Palestine in an Egyptian inscription dating to the time of Pharaoh Merenptah circa

8. N. P. Lemche, *Early Israel: Anthropological and Historical Studies on the Israelite Society Before the Monarchy* (VT supplement, 37; Leiden: E. J. Brill, 1985), 414.

1210BCE.⁹ It is likely that this inscription refers to Israel as a population group of some kind. Otherwise, nothing is known of the circumstances related to this inscription, which uses traditional language and might reveal less about historical events in Palestine at the end of the thirteenth century BCE than often believed.

There is a gap of more than 300 years from the Merenptah inscription to the next references to Israel. One of these has already been mentioned – namely, the Mesha inscription. A second inscription contains an Assyrian reference to a battle in 853BCE in which Ahab of Sirla'a (definitely a corrupted form of Israel) participated.¹⁰ The third mentions an anonymous king of Israel who was supposedly killed by the author of the recently found so-called 'Bet David' inscription from Tel Dan in northern Palestine.¹¹ From the eighth century BCE, a small number of Assyrian texts refers to Israel either as 'the house of Omri' or as Samaria (i.e. the capital of the Kingdom of Israel in northern Palestine until 722BCE). Most of these inscriptions include short references to Israel. A few can be related directly to information in the Old Testament such as Tiglatpileser III's regulations for northern Palestine a few years before the fall of Samaria.¹²

This Israel of inscriptions from the first millennium BCE is, however, not ancient Israel but a state of Israel that existed between circa 900BCE and 722BCE. In the Old Testament, this state appears as one of the two successor states of David's and Solomon's empire.

The second is Judah. Not before the eighth century do Assyrian inscriptions refer to Judah. Again, most of the texts include rather limited information, the most important being the already mentioned report of Sennacherib's campaign to Palestine. After the fall of Nineveh, a few Babylonian inscriptions include references to Judah or to events that can be related to the fate of Judah in the sixth century BCE, the most important being the Neo-Babylonian Chronicle, which includes a report of the Babylonian conquest of Jerusalem in 597BCE.¹³

The ancient Near Eastern inscriptions that refer to Israel and Judah are limited in number but are nevertheless important. They tell us that the names of Israel and Judah are not invented fictitious names, but refer to historical-political structures. They also mention a selection of kings known from the Old Testament. Insofar as we can control the evidence, the succession of these kings and the synchronisms that can be established between the kings of Israel and Judah and Assyrian and Babylonian kings are not wholly misleading. Sennacherib did attack Judah in the days of Hezekiah, and Nebuchadnezzar did conquer Jerusalem and installed Zedekiah on the throne of Judah more than a century later.

9. *ANET* 3, 376–8.

10. *Ibid.*, 279.

11. Avraham Biran and Joseph Naveh, 'An Aramaic Stele Fragment from Tel Dan,' *IEJ* 43 (1993), 81–98, and 'The Tel Dan Inscription: A New Fragment,' *IEJ* 45 (1995), 1–18. As to this writer's present position on the inscription, cf. his *The Israelites in History and Tradition*, 38–43.

12. *ANET* 3, 282–4; cf. 2 Kgs 15:29–30.

13. *Ibid.*, 563–4.

To conclude this section, it is obvious that the history of Israel and Judah, as related by biblical historians, is not entirely devoid of historical information. The people who wrote the historical narratives of the Old Testament at least knew some facts about Israelite and Judean history. We might even say that there is a number of *Überreste* (i.e. historical remains) included in the texts of the Old Testament. There might even be a coherency which binds such information together and provides a chronological framework for the narrative.

This is rather unproblematic. Problematic is the task confronting us when we try to decide what is *Überreste* and what *Bericht*, when reading of events which are not comparable to external evidence. How do we avoid the hermeneutical circle already described?

We could analyse ancient Near Eastern historiography, in general, to see how it worked and how far it can be trusted. We could first establish the genres of historiography in antiquity. Two dominate: the year-chronicle system, which lists every year the most important events in a form of shorthand, and the more extensive royal inscriptions, such as the Assyrian royal annals claiming Assyrian world conquest.

Sometimes the authors of 1 and 2 Kings refer to the chronicles of Israel or Judah.¹⁴ If we are to trust these notes as references to something that really existed (we must never forget that it was not uncommon in literature from ancient times to include fictitious references in order to create confidence), these chronicles would most likely be of the shorthand type. Such annals included only short references to past events. They would probably not have contained extensive narrative, much less long reports. If we turn to the chronicles of Assyrian and Babylonian kings, it might be possible to gain an impression of what kind of information we should look for to reconstruct this source. Again, we should not forget that the biblical author may have invented the reference while writing in a chronistic style as suited his purpose.¹⁵

In regard to royal literature of the type found, for example, in Assyrian inscriptions, it is much more difficult to establish the presence of similar sources in the Old Testament. A large part of the Assyrian inscriptions contain war reports. Although it cannot be excluded that such literature also existed in Israel and Judah during the Iron Age, we cannot be certain on the basis of the books of Kings that it did. It must be realized that as soon as we approach this genre, we move into literature, into the world of fiction and invention. This is certainly the case in regard to many Assyrian inscriptions where the acts of the king are embellished and defeats hardly acknowledged. Such reports are always written

14. E.g., 2 Kgs 15:6, 11, 15, 21, 26, 31, 36.

15. Cf. on the possibility of information coming from royal Israelite and Judaeen archives, J. A. Montgomery, 'Archival Data in the Books of Kings', *JBL* 53 (1934), 46–52. The question by Gösta W. Ahlström is, however, very relevant: 'But where have these archives been preserved so that the material could be used by later scribes or historiographers?' (*The History of Ancient Palestine from the Palaeolithic Period to Alexander's Conquest. With a contribution by Gary O. Rollefson. Edited by Diana Edelman, JSOT supplement*, 146; Sheffield: Sheffield Academic Press, 1993, 661 n. 9).

with a purpose and are often composed to make an impression on the gods who were to approve the acts of the king in question. Some might call it propaganda!

Although minor sections of Kings may have an annalistic background in royal chronicles, most of the literature neither belongs to this genre nor to that of the royal inscriptions of the Assyrian and Babylonian type. This is a natural consequence of the aim and scope of the books of Kings, which are not written in praise of kingship in Israel and Judah or to establish an exalted position for kings. On the contrary, the impression gained from reading these biblical books is the opposite: that their human kingdom represented a departure from the just rule of God and that its human exponents were hardly heroes of Yahwistic faith. Very few among the kings of Judah are praised for piety – all the kings of Israel are condemned. Royal laudatory inscription is the wrong type of literature to compare and is hardly implied by the narratives of Kings. Rather than trying to trace non-existent historical events, we should study the *topoi* of the Kings. It would be the goal of such an investigation to identify the patterns which can be found. Several years ago, scholars realized that the books of Chronicles are dominated by a series of stereotypical *topoi* – each of them with a special purpose, either to recommend a king loved by God or to reject one as godforsaken.¹⁶ The very character of the narrative in 1 and 2 Kings speaks against extensive use of royal inscriptions. The authors used some extant annalistic information, but merely selected what suited their purpose. Their selection was dominated by the wish to create a negative impression of the period.

When a modern author writes historical fiction – for example, books such as Robert Graves's *I Claudius* – we do not expect such a writer to be faithful to history. We allow such an author liberty to reformulate history in such a way that it supports the author's intention to make history conform to his fictive goals. Although we may be in possession of an interpretation of the past by professional historians, we enjoy and appreciate historical fiction. This, however, is quite extraordinary and contrary to the expressed beliefs of many scholars. Furthermore, people today can be more interested in literature than in history. Hollywood would have gone bankrupt long since without such an ability to disregard historical facts.

If we – having studied history in a scientific way for 200 years – do not always think that historical exactitude is a virtue that cannot be counterbalanced by morally acceptable fiction, what about people of ancient times who never shared such a sense of history? Would they have paid attention to the historical correctness of a narrative about the past or would they have placed emphasis on aesthetic and moral values? The answer is not provided by ancient Near Eastern literature – we know very little about the reception of this literature among ordinary people – but by the discussions of classical intellectuals on the value of history. Cicero's famous characterization of history as the 'teacher of life' is important: on the basis of Hellenistic philosophy, Cicero regards history not as

16. Cf. the interesting study by Peter Welten, *Geschichte und Geschichtsdarstellung in den Chronikbüchern* (WMANT, 42; Neukirchen: Neukirchener Verlag, 1973).

a literary genre dealing with the past, but as a genre that uses the past to educate present and future generations.¹⁷

We should not limit our interest in Kings to a search for historical information. Such may only be present in short notes. We should pay attention to the purpose of this literature because it is a safe guess that this literature was composed to impress the present rather than save recollections of the past for their own sake. It is a long story, which exceeds the limits of a short article.¹⁸ It is my thesis that the authors of ancient literature of the type that is found in the Old Testament did not care much about the historical exactitude of descriptions of the past. The past was not interesting, except for its examples of good and bad behaviour which might be provided for the present and future. The past was interesting because it explained the present – even sometimes made present arrangements seem legitimate or natural. Otherwise, let the dead bury the dead!

This is one side of the coin. The other has to do with the claim that we should not expect ancient historical narrative to be precise about the past or even related to it except in a superficial way. How can I prove my case? The easy solution to this problem is to say that it is sometimes possible to point at passages where the authors of Kings directly say that they are not interested in history. The previously mentioned references to the chronicles of the kings of Israel and Judah actually tell us this. Thus, King Omri is done away with in a few verses in 1 Kings 16. We are informed that he assumed power by a *coup d'état* and that he ruled Israel for twelve years and built Samaria. After this the focus changes and we hear about his sins against Yahweh. The author of 1 Kings 16, however, knows that Omri was a great king, but advises his reader to go and look for himself in the chronicles of the kings of Israel (1 Kgs 16:27)! The biblical historiographer has no intention of providing his reader with a report of Omri's reign, although he accepts the idea that Omri was a great king. After all, after his death his kingdom carried his name for more than 100 years, a fact which is immaterial from the perspective of the ancient history writer. Omri's greatness is not denied; it is silenced.

A more complicated way to solve the problem presented will be to establish whether or not the history of ancient Israel, as narrated by biblical writers, is precise in any comprehensive way. It can be split into several succeeding periods: the period of the patriarchs, of the Exodus, of the Israelites travelling in the desert for forty years, of the conquest of Canaan, of the hero-judges of Israel, of the national greatness under David and Solomon, of ever-impending disaster under the kings of Israel and Judah, etc. Has this anything to do with the real past of this geographical region, otherwise known as the southern Levant or Palestine? I have no intention of reviewing this history in detail now. I have already presented such in several publications.¹⁹ Other scholars have contributed as well. The history of Israel as told by the Old Testament begins with the

17. Cicero, *De oratore*, II.ix.36.

18. Cf. also Chapter 17, this volume.

19. For convenience, Lemche, *Ancient Israel: A New History of Israelite Society* (The Biblical Seminar 5; Sheffield: JSOT, 1988) – which is, after all, not so new anymore.

patriarchal age. It continues with the sojourn in Egypt, followed by the Exodus and the wanderings in the desert. It then follows, successively, the conquest of Canaan, the Period of the Judges, the empire of David and Solomon, the era of the Hebrew kings, the exile and the Persian period. This history ends with Ezra's promulgation of the *Torah*, the Law of Moses, in front of the assembled inhabitants of Jerusalem and Judah.

1999 represents the silver anniversary of the final settlement – represented by the contributions by Thomas L. Thompson and John Van Seters – with the idea that there ever was a patriarchal period.²⁰ This is based on family stories, sagas and legends about the past, and has nothing to do with history. The idea once formulated by Albrecht Alt that there was a special patriarchal religion based on the belief in *der Gott der Väter*, 'the God of the fathers', is simply nonsense as Alt based his argument on Nabataean evidence from the second century BCE through the second century CE.²¹

A long time ago, the Exodus passed from history into fiction. It never happened. Neither did the conquest. Several biblical scholars, including myself, have made this clear. From a historical point of view, Israelites could not have conquered Canaan by destroying Canaanite forces for the simple reason that Egyptians still ruled Canaan when Joshua is supposed to have arrived (i.e. shortly before 1200BCE).²² Second, there is no trace of foreign immigration and, third, even the biblical account about the conquest is contradictory (compare Josh. to Judg. 1).

In my original monograph on the Period of the Judges, which appeared some thirty years ago, I argued that the narratives in Judges about the heroic exploits of the Israelite judges were coloured by later experience.²³ They were also dominated by the wish to demonstrate how Israel should fight its enemies – Canaanites, Moabites, Ammonites, Philistines, Arameans, etc. – in a paradigmatic way. These narratives do not allow us to reconstruct the history of the period between a non-existent conquest and a likewise non-existent empire of David and Solomon. The stories about the judges of Israel belong among the genre of heroic tales that most civilizations include among their memories of the past.

The empire of David and Solomon, believed to have existed in the tenth century BCE, is apparently based on a fictional representation of the past. Many

20. Cf. Thomas L. Thompson, *The Historicity of the Patriarchal Narratives: The Quest for the Historical Abraham* (BZAW 133; Berlin: De Gruyter, 1974), and John Van Seters, *Abraham in History and Tradition* (New Haven, CT: Yale University Press, 1975).

21. Albrecht Alt, *Der Gott der Väter. Ein Beitrag zur Vorgeschichte der israelitischen Religion* (BWANT 48; Stuttgart: Kohlhammer, 1929; English translation by R. A. Wilson, 'The God of the Fathers', in Albrecht Alt, *Essays on Old Testament History and Religion*, The Biblical Seminar, Sheffield: JSOT, 1989, 1–77).

22. For a recent evaluation of the duration of the Egyptian empire in Asia, cf. Donald B. Redford, *Egypt, Canaan, and Israel in Ancient Times* (Princeton, NJ: Princeton University Press, 1992), 283–97. Redford dates the Egyptian withdrawal to circa 1150BCE.

23. *Israel i dommertiden: En oversigt over diskussionen om Martin Noths 'Das System der zwölf Stämme Israels'* (Tekst og Tolkning 4; Copenhagen: CEG Gad, 1972), 86–7.

things speak in favour of this conclusion. One of them has to do with the status of Jerusalem in the tenth century BCE when Jerusalem was at most a village or small town.²⁴

We have already discussed the period of the Hebrew kings. Although the two kingdoms of Israel and Judah are historical facts, we are in possession of very little in the way of solid knowledge about them. Furthermore, when reviewing the evidence we have in the Old Testament and other sources, it is evident that the Old Testament has distorted our view of ancient Palestinian history. This was far more complicated and included many more actors than merely these two kingdoms. The Old Testament never explains why or how this territory got the name Palestine ('the land of the Philistines'). Foreigners, including Assyrian authors of royal annals and Herodotus, knew the name Palestine. Herodotus simply states that Palestine is the part of Syria that is situated between Lebanon and Egypt.²⁵

There is hardly time to discuss the historicity of the exile, which might not have been as important as described by the Old Testament. Recent investigations have shown that the 'land of Israel' was not deserted in the time of the exile and that it only affected very few among the population of Palestine. There was no 'empty land' as postulated by the biblical books of Chronicles and other biblical literature.²⁶

The Persian period is, finally, a dark spot on the historical map of Palestine. We know almost nothing about this period. Ezra, the great hero of post-exilic Judaism, is probably a late invention (by Pharisaic authors?), probably 200 years old when he arrived (his father was killed by Nebuchadnezzar's general, Nebuzaradan, in 587BCE – according to the biblical evidence).²⁷

24. I have no intention to go into a detailed discussion about the historicity or non-historicity of David and Solomon. The idea of a united monarchy of Israel/Judah died as terminology changed. Now, it is preferable to see the period from circa 1250 to circa 900 as one long intermediary period, a 'transitional period', and the way to approach this period has been demonstrated by, for example, Israel Finkelstein, 'The Emergence of Israel: A Phase in the Cyclic History of Canaan in the Third and Second Millennia BCE,' in I. Finkelstein and N. Na'aman (eds) *From Nomadism to Monarchy: Archaeological and Historical Aspects of Early Israel* (Jerusalem: Israel Exploration Society, 1994), 150–78, and Shlomo Bunimowitz, 'Socio-Political Transformations in the Central Hill Country in the Late Bronze-Iron I Transition,' in Finkelstein and Na'aman (eds) *From Nomadism to Monarchy*, 179–203.

25. Cf. Herodotus, *The Histories*, I, 105; II, 104; III, 5.91; IV, 39; VII, 89.

26. Cf. Hans M. Barstad, *The Myth of the Empty Land: A Study in the History and Archaeology of Judah During the 'Exilic' Period* (Oslo: Scandinavian University Press, 1996). See, however, also Ehud Ben Zvi, 'Inclusion in and Exclusion from Israel as Conveyed by the Use of the Term "Israel" in Post-Monarchic Biblical Texts', in S. W. Holloway and L. K. Handy (eds) *The Pitcher is Broken. Memorial Essays for Gösta W. Ahlström* (JSOT supplement, 190; Sheffield: Sheffield Academic Press, 1995), 95–149, and the discussion in Lester L. Grabbe (ed.) *Leading Captivity Captive: The 'Exile' as History and Ideology* (JSOT supplement, 278; Sheffield: Sheffield Academic Press, 1998).

27. Cf. Ezra's pedigree, Ezra 7:1: Ezra, son of Seraiah, son of Azariah, son of Hilkiyah, son of Shallum, etc. On Seraiah's death, cf. 2 Kgs 25:18. Hilkiyah was high priest in the days of

Although this review is ‘reductionist’, it is to the point. It is based on a review of all kinds of evidence, not least the results of extensive archaeological excavations in Palestine that have lasted for more than 100 years. I need not say that archaeology is not an exact science like mathematics and never will be. Any result obtained by an archaeologist will include a number of hypotheses, based on the material that has been found. Furthermore, the basis of archaeological theories can never be revisited. In Kathleen Kenyon’s words, all excavations include destruction. An archaeologist destroys evidence with excavation. The original archaeological situation can never be re-established.

However, archaeologists continually formulate general hypotheses about the development of this geographic area that speak against the evidence of a late written source such as the Old Testament (which, according to me and the members of my school, hardly predates the Greco-Roman Period). It is therefore a safe guess to argue that this late source – though written – does not constitute a historical source. It is not – to recall Droysen – *Überreste*; it is definitely *Bericht*, a tale about the past.

The development in Palestine between, say, 1250_{BCE} and 900_{BCE} is an example of this. Archaeology and other non-biblical information about ancient Palestine implies that Palestine in the late Bronze Age (roughly the second half of the second millennium _{BCE}) was an Egyptian province ruled by local princes who looked upon themselves as faithful vassals of their patron, the Pharaoh. For most of the time, Palestine was left alone. Only occasionally did Egyptians interfere directly with the mundane problems there. The everlasting internecine war games played by local chieftains who saw themselves as ‘kings’ (the Egyptian had other ideas about their importance and called them *ḥazanu* – that is, ‘mayors’) had a devastating effect on the well-being of the country. It was not before the so-called ‘Ramesside restoration’ of Egyptian presence in western Asia after the debacle that ended the eighteenth dynasty that matters changed and the Egyptian presence became more dominating. Some could say that Ramesses II created a kind of ‘Pax Egyptiaca’ in Palestine. The Egyptian masters limited the devastating effects of the ‘free-for-all’ politics of the local Palestinian chieftains. The Egyptians created a situation of relative peace in the country that might have had a positive demographic effect as people moved from the cities to the countryside to live closer to their fields. The late thirteenth, the twelfth and the early eleventh centuries _{BCE} were witnessing the foundations of scores if not hundreds of insignificant and unprotected village settlements, not least in the mountains of Palestine. Life must have become pretty safe. From at least the eleventh century _{BCE}, a certain reduction of the number of villages took place. This demographic change was counterbalanced by the rise of certain settlements to the status of heavily fortified townships. Tel Beersheba with its circular walls and planned layout is a typical example of such a settlement that may look more like a medieval fortress than a proper city or town.

Josiah, 2 Kgs 22:4. Of course, many scholars will maintain that the genealogy is either false or telescoped.

This stage may have occurred as a consequence of an at least partial Egyptian withdrawal from Palestine (although it now seems likely that, at least in Bet Shean, an Egyptian garrison was present as late as the beginning of the tenth century BCE²⁸). Life became more dangerous and the socio-political system of the past (local patrons fighting other local patrons) emerged again. I have once described this development as a move from one patronage society to another patronage society, from an old political system to a new system that was an exact copy of the former system.²⁹ This period lasted until probably the middle of the ninth century when some of the local chieftains were able to create large political structures that exceeded the boundaries of those present in the Late Bronze Age, a time when most Palestinian political systems were extremely small. Such large political structures might have existed before the Iron Age – for example, in the Early Bronze Age (third millennium). Here, remains of considerable cities are found. The Middle Bronze Age might be another period that included comprehensive political organizations, although we have very little precise knowledge about the political structure of Palestinian society before the Late Bronze Age.

The biblical picture of ancient Israel does not fit in but is contrary to any image of ancient Palestinian society that can be established on the basis of ancient sources from Palestine or referring to Palestine. There is no way this image in the Bible can be reconciled with the historical past of the region. And if this is the case, we should give up the hope that we can reconstruct pre-Hellenistic history on the basis of the Old Testament. It is simply an invented history with only a few referents to things that really happened or existed. From a historian's point of view, ancient Israel is a monstrous creature. It is something sprung out of the fantasy of biblical historiographers and their modern paraphrasers (i.e. the historical-critical scholars of the last 200 years).

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28. Cf. the short discussion by Patrick E. McGovern, 'Beth-Shean', *ABD* I, 694–5. The Late Bronze Age phase of occupation continued to about 1000BCE. Only after that date does a new stratum reveal different layouts and culture. The city was hardly Philistine (the author of 1 Sam. 31 got it totally wrong); only a single piece of Philistine pottery has been found at the tell (McGovern, 'Beth-Shean').

29. See Chapter 14, this volume.

How does one date an expression of mental history? The Old Testament and Hellenism

2001

In the good old days – not so long ago – a biblical text was usually dated by its historical referent. A text that seemed to include historical information might well belong to the age when this historical referent was likely to have existed. This was the general attitude. The referent was the decisive factor. If the information included in the referent was considered precise or at least likely, the text that provided this information was considered more or less contemporary with the event – that is, the historical referent, though the only source for such an event, was often the text in question. Everyone spoke of a ‘hermeneutical circle’ and it was generally accepted that the study of ancient Israel was based logically on a *circullus logicus vitiosum*. Nobody within biblical studies believed that it was possible to avoid this logical fallacy. A classical example of such ‘methodology’ – or lack of methodology – relates to studies dealing with the last years of Judah’s history. It has become common to argue that the united monarchy of David and Solomon never existed. It is also accepted, in regard to the early days of the independent kingdoms of Israel and Judah, that most information in the books of Kings is legendary. Nevertheless, when it comes to the closure of the history of Judah, scholars consider large sections of the Deuteronomistic History to include vital historical information about Judah in the seventh and early sixth centuries BCE. The reform of King Josiah is still generally assumed to have taken place in 623/622 BCE, much as described in 2 Kings. That Chronicles has a different story of this reform does not worry scholars who too readily accept the version presented in 2 Kings. Chronicles has King Hezekiah and not Josiah as the great reformer (2 Chron. 29–31). Although it knows the story of Josiah’s reform (2 Chron. 34–35), it is Hezekiah and not Josiah who reinstates the Passover as it had been in the days of old. Apparently, even if the author of Chronicles had borrowed from the Deuteronomistic History, he did not accept that view of the past, demonstrating greater independence than many scholars of the present have shown, who simply paraphrase 2 Kings, disregarding Chronicles’ *caveat*.

It is obvious that ancient historiographers handled so-called historical narrative in different ways. Sometimes, they elaborated upon a text, describing a well-known historical event, such as Sennacherib’s attack on Hezekiah in 701 BCE. The biblical historiographers include a short note with a series of ‘facts’

relating to Sennacherib's campaign (2 Kgs 18:13-16). This note might well have been found in an archive.¹ It is, however, more than likely that the biblical historiographers used it as a jumping-off point for an elaborate invented story of the liberation of Jerusalem from the mighty Assyrians (2 Kgs 18:17-19:37).² At other times, these historiographers found historical information about the past within their own tradition, but were not able to localize it historically.³ They were also able to create 'history' nearly from scratch.⁴ Altogether, it is clear that biblical historiographers did not share the modern idea of history as a scholarly discipline.⁵ They rather fit a tradition of the past to the version of the history of Israel they offered their audience, sharing in a common tradition of historiographers in the ancient world.⁶ The past was not something that merely happened and thereafter forgotten. It was part of a living tradition, brought to life again and again whenever an ancient author called on the past to illustrate the present.

Because of such standards for dealing with the past, it is unlikely that we can date a biblical narrative by its historical referent. It is obvious that historical truth was not a criterion employed by historiographers of the ancient world who constructed a past in this way.⁷ They evidently had a programme, and narrative

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1. Compare this note in 2 Kings with the version presented by Sennacherib (ANET, 287-8). Although the two versions are not identical or in total agreement concerning the course of events, they include much the same information.
 2. Cf., further, my 'Om historisk erindring i Det Gamle Testaments historiefortællinger' ('On Historical Remains in the Historical Narratives of the Old Testament'), in G. Hallbäck and J. Strange (eds) *Bibel og Historiekrivning* (Forum for Bibelsk Eksegese, 10; Copenhagen: Museum Tusulanum, 1999), 11-28 (20-24).
 3. Examples of this are the anachronistic note about Pithom and Ramses in Exod. 1:11, the settlement of the Benjaminites and the Kingdom of David; cf. Chapter 10, this volume.
 4. In Lemche, 'Om historisk erindring', 24-6. The example that illustrates this is 2 Kings 3: the legendary story of an Israelite and Judaeian campaign against Moab. The only historical element could well be Mesha, the name of the king of Moab.
 5. It is a revealing fact that Greek ἱστορία (from the verb ἱστορέω, 'to enquire') primarily means 'enquiry', and comes closest to 'history' in our sense when it is used in regard to reports of enquiries (cf. Liddell and Scott, *Greek-English Lexicon*, 9th edn; Oxford: Oxford University Press, 1925, 842). Herodotus opens his report in this way: 'Ἡροδότου Ἀλικαρνησσεός ἱστορίας ἀπόδεξις ἦδε, ὡς μήτε τὰ γεγόμενα ἐξ ἀνθρώπων τῷ χρόνῳ ἐξίτηλα γένηται, μήτε ἔργα μεγάλα τε καὶ θωμαστά, τὰ μὲν Ἕλλησι, τὰ δὲ βαρβάροισι ἀποδεχθέντα, ἀκλεᾶ γένηται, τὰ τε ἄλλα καὶ δι' ἣν αἰτίην ἐπολέμησαν ἀλλήλοισι' ('The enquiries of Herodotus from Halicarnassos presented here, in order that what people have done should not vanish with time, or that the great and wonderful deeds of the Greeks and the Barbarians should not fall into oblivion, but also why they engaged in a war among them'; Herodotus, Book 1, the opening). He does not present himself as a scholar so much as a journalist.
 6. Cf. further, with reference to the similarity to Greek and Roman historiography, Chapter 17, this volume. On the whole process of creating the past, cf. Thomas L. Thompson, *The Bible in History: How Writers Create a Past* (London: Jonathan Cape, 1999).
 7. Whereas Greek and Roman authors have been well served by modern students of ancient literature, the historiography of the ancient Near East has not evoked the same kind of interest. For a recent overview, cf. John Van Seters, 'The Historiography of the Ancient Near East', in J. M. Sasson (ed.) *Civilizations of the Ancient Near East*, IV

was the medium selected to present their case. Specific ideas and sentiments, religious convictions, as well as ideas about the nation and people of Israel directed their thinking.⁸ We may call it propaganda or educational literature as we wish. The aim of such literature was not only to entertain their contemporaries, but also, and more importantly, to impress the next generation.⁹

Political ideas and religious sentiments come together to form the ‘mental matrix’ of a person, governing the expressions of all writers – ancient as well as modern. Moreover, biblical historiographers carried within themselves mental matrices that were decisive when they chose what to include and what to leave out in retelling the past. The student of such literature should investigate whether or not it is possible to reconstruct such mental matrices. Were they governed by ideas that originated in ancient Palestine, Mesopotamia or Egypt, or had Greek philosophy already influenced them to such a degree that knowledge of Greek (Hellenistic) civilization is apparent? What did biblical historiographers know? They were governed by an antiquarian interest, which they share with modern colleagues, the historians of the present. However, this is a superficial similarity that merely implies that ancient historiographers wanted to attribute to their own time the meaning of the past.

To understand such interest in the past, it must be stressed that ancient societies were very conservative – if not reactionary. This is nowhere better reflected than in the tale of the ages of the world of an original ‘golden age’ supplanted by a less prosperous ‘silver age’, which, for its part, was supplanted by a ferocious ‘brazen age’.¹⁰ Everything in the beginning was perfect: ‘And God saw everything that he had made and, behold, it was very good’ (Gen. 1:31). Innovation was carried out to re-establish an original world order. This was the ideology behind, for example, the *mišarum* acts of old Babylonia, when debts were abolished and property handed back to an original owner.¹¹ Ancient

(New York: Simon & Schuster, 1995), 2433–44, but also John Van Seters, *In Search of History: Historiography in the Ancient World and the Origins of Biblical History* (New Haven, CT: Yale University Press, 1983) and, finally, the discussion in John Van Seters, *Prologue to History: The Yahwist as Historian in Genesis* (Louisville, KY: Westminster/John Knox Press, 1992), chapter 2, ‘Myth and Tradition in Ancient Historiography’, 24–44.

8. Cf. also on this my *The Israelites in History and Tradition* (Library of Ancient Israel; Louisville, KY: Westminster/John Knox Press, 1998), especially chapter 4, ‘The People of God: The Two Israels in the Old Testament’, 86–132.

9. Cicero’s characterization of history, in his *De oratore*, 2.9.36, *Historia vero testis temporum, lux veritatis, vita memoriae, magistra vitae, nuntia vetustatis ...* (‘History [is] truly the witness about the ages, the light of truth, the life of memories, the teacher of life, and the messenger of ancient times ...’), should never be left out of consideration when we evaluate ancient historiography. Cf. further on this Chapter 17, this volume.

10. Cf. Hesiod, *Works and Days*, 110–55, and Ovid, *Metamorphoses*, I. 90–162.

11. The classical studies on these decrees are F. R. Kraus, *Ein Edikt des Königs Ammišaduqa von Babylon* (SDOAP 5; Leiden: E. J. Brill, 1958) and F. R. Kraus, *Königliche Verfügungen in altbabylonischen Zeit* (Studia et documenta ad iura orientis ad iura antiqui pertinentia 11; Leiden: E. J. Brill, 1984).

societies were not ‘primitive’, but ‘traditional’ societies, a term adopted by anthropologists of the present. The past was preserved to provide guidance for the present and future. The past carried meaning, which should not be lost, and it was the duty of the historiographer to preserve the past by retelling it.¹² Meaning was more important than what happened: ‘Is this true or something that just happened?’¹³

The past as a concept and a reality also created a chronological distance to the present, and thus made unlikely things possible – that is, what is unlikely in the present ‘brazen age’. The past – the ‘golden age’ – was a never-never land. What happened in this world, once upon a time, has meaning for the present. Because ancient writers had no definite ideas about history in the modern sense of the word, they did not distinguish between many kinds of information about the past, but mixed genres together. It is understandable that literary genres such as fairy tales, legends, myths and so on are joined by biblical authors in a most uncritical way. According to ancient historiography, there were no qualitative differences between a fairy tale and a historical report. The past was the subject of both fairy tale and report. Therefore, both provided evidence for history’s meaning.¹⁴

Describing and dating the mental matrix of an ancient writer is difficult. It is especially difficult when the author in question is anonymous and not dated by external evidence. We have only one way to proceed and that is to concentrate on the written piece of evidence produced by the writer in question, in this case the biblical texts, to see whether it is possible to establish an intellectual ‘profile’ of the author. If this be possible, we can continue our quest and propose – but no more than that – the author’s situational background, which pins him to a specific period in the development of human thinking.

Authors of biblical literature are always anonymous. The text is the only evidence we possess. It is important, however. All texts come into being within a certain intellectual environment and are expressions of that environment. Allow me to illustrate this point. In a discussion about the similarities and dissimilarities between the Dead Sea Scrolls and the New Testament, my Copenhagen colleague in New Testament studies, Niels Hyldahl, talks about

12. Which has little to do with modern ideas of history as the reconstruction of the past for its own sake – *wie es eigentlich gewesen*, as expressed by Leopold von Ranke. Cf. also the ‘Prolegomena’ to my *The Israelites in History and Tradition*, 1–8.

13. I found this wonderful line some years ago in a Danish newspaper in a review of a book about the Icelandic sagas. I have forgotten both the author of this line and the exact place where it was originally printed. It does, however, express in a most precise way the difference between pre-modern and modern ideas of history.

14. This is definitely a subject that could be expanded upon. The ‘meaning of history’ has nothing to do with modern concepts such as ‘*la longue durée*’ of Les annales school which says that certain conditions are likely to produce certain developments over time (e.g. that in a certain geographical area the natural geography is likely to promote specific historical processes). ‘*La longue durée*’ promotes a kind of historical determinism that could, at best, be termed ‘quantitative’. The meaning of the ‘great deeds of the past’ was, in antiquity, rather qualitative.

‘structural similarities’.¹⁵ Scholars have pointed out the many such parallels as evidence of a physical relationship between Essenes (supposed to be the authors of the Dead Sea Scrolls) and early Christians.¹⁶ In the same way, other scholars have stressed the divergences between the New Testament and the scrolls from Qumran. Although it is a fact that the New Testament and the Dead Sea Scrolls are related in one way or another – both groups of texts belong to approximately the same age – it would be wrong to maintain that the authors of the Dead Sea Scrolls were Christians. However, the similarity between the two bodies of literature remains, though it should not be understood to establish an identity between early Christians and Essenes. The similarity has to do with the issues raised by both the Dead Sea Scrolls and the New Testament.

Every period has special questions and topics of discussion. An overview of scholarship within Old Testament studies during the twentieth century makes this not only obvious, it is a truism. Around the turn of the nineteenth century, the ‘Babel–Bible’ controversy was at the centre of scholarly (and public) interest, following the discovery of the ancient civilizations of Mesopotamia.¹⁷ This controversy died before the outbreak of World War I. All studies which centre on this discussion can, accordingly, be dated safely to the period between the decipherment of Akkadian cuneiform in the nineteenth century and 1914. After that date, it has been largely irrelevant, though scholars of this period had not resolved the controversy.

The amphictyony became a major subject after the publication in 1930 of Martin Noth’s study of Israelite society in the Period of the Judges.¹⁸ For the next forty years this hypothesis dominated every single study on pre-monarchic Israel. Although most scholars adopted the hypothesis as their own, a few important divergent voices were heard. However, even scholars who rejected the amphictyony had to address the question of such a tribal organization, if what they wrote was to be considered seriously.¹⁹ For the last two decades there has been almost total silence regarding an amphictyony after a series of studies

15. Cf. Niels Hyldahl, ‘Qumran og den ældste kristendom: En kort introduktion og problemorientering’, in N. Hyldahl and T. L. Thompson (eds), *Dødehavsteksterne og Bibelen* (Forum for Bibelsk Eksegese 8; Copenhagen: Museum Tusulanum, 1996), 9–16.

16. This is certainly not the place to get involved in the current discussion about the origin of the library found at Qumran. I have a certain preference for the theory of a library with mixed content, probably from Jerusalem and stored away in the Judaeen Desert, by, perhaps, 63BCE. This theory requires a new dating of the scrolls to show that they belong to the first century BCE rather than the first century CE.

17. A recent overview of this discussion can be found in Mogens Trolle Larsen, ‘The Babel/Bible Controversy and its Aftermath’, in J. M. Sasson (ed.) *Civilizations of the Ancient Near East*, I (New York: Simon and Schuster, 1995), 95–106.

18. Martin Noth, *Das System der zwölf Stämme Israels* (BWANT 4.1; Stuttgart: W. Kohlhammer, 1930).

19. Among the scholars who never accepted the hypothesis about the amphictyony, we may mention two important names: Otto Eissfeldt and Georg Fohrer. On the criticism of the amphictyony, cf. my *Israel i Dommertiden: En oversigt over diskussionen om Martin Noths ‘Das System der zwölf Stämme Israels’* (Tekst og Tolkning 4; Copenhagen: G. E. C. Gad, 1972), 31–8.

had appeared during the early 1970s, removing the historical foundation for its existence. In 1984, I was able to conclude the discussion in this way: ‘The hypothesis of the amphictyony by now is irrelevant to the investigations into Israel’s past history.’²⁰

Between 1954 and 1970, as a consequence of the publication of George Mendenhall’s articles about the relationship between the Sinai covenant and Hittite vassal treaties from the Late Bronze Age, Old Testament scholars invested a great deal of interest in covenant theology.²¹ For a decade and a half, everything had centred on the covenant that was supposed to appear here, there and everywhere in the Old Testament. After 1969, when Lothar Perlitt merely announced that covenant theology was invented by a circle of Deuteronomistic theologians towards the end of the independent Israelite and Judean history, nobody continued the subject, which went into oblivion as if it had never existed.²²

These are only rather insignificant examples from a minor field within the academic world. However, they illustrate how every period will give birth to a number of questions – within philosophy, religion or politics – that bear a specific context within this period, hot subjects for a while, but soon forgotten. The same was true in ancient times, although, because of limited communication, the stream of ever-changing ideas did not flow as fast as it does today. Every era included issues, which specifically related to the period and became subjects of lively discussion among that period’s intellectuals. We should not be surprised when two *corpora* of texts, belonging to the same period, display many similarities and yet are as different as texts of the New Testament and the Dead Sea Scrolls. The New Testament and the Dead Sea Scrolls need not agree simply because they are more or less from the same period. It is an old scholarly hoax that people belonging to one and the same period should agree on anything and everything. To the contrary, in a society of the real world, there are always nearly as many opinions as people to discuss them. It is not the variety of opinions but the number of issues that is limited. Niels Hyldahl, accordingly, does not speak about individual points of contact but about a systemic kind of relationship: similar questions, but different answers.

Since the beginning of academic discussion, it has been a favourite pastime of scholars to indulge in comparative studies. I will not elaborate upon this theme here. I only refer the reader to James G. Frazer’s *The Golden Bough* as a famous, but also contested, example.²³ It is too easy to find similarities

20. Cf. my ‘Israel in the Period of the Judges: The Tribal League in Recent Discussion’, *ST* 38 (1984), 1–28; cf. also Georg Fohrer, ‘Methoden und Moden in der alttestamentlichen Wissenschaft’, *ZAW* 100 Supplement (1988), 243–54 (244–8).

21. Cf. George E. Mendenhall, ‘Covenant Forms in Israelite Tradition’, *BA* 17 (1954), 50–76.

22. Lothar Perlitt, *Bundestheologie im Alten Testament* (WMANT 36; Neukirchen-Vluyn: Neukirchener Verlag, 1969).

23. James G. Frazer, *The Golden Bough: A Study in Magic and Religion* (New York: St Martin’s Press, 1990 [1890]).

between literary expressions of different cultures when they belong to the same stage of development, particularly when we talk about relatively simple societies with more or less uniform socio-economic systems, such as subsistence agriculture. In such agrarian cultures, peasants all over the world share ideas without ever having been in mutual contact. The details are, in themselves, an interesting scholarly issue and can – when collected – result in something like Stith Thompson's index of folk-motifs of fairy tales and legendary stories, originating mostly in oral environments and, at times, elaborated upon in writing.²⁴

When, however, cultures are more complicated and diversification of occupation in an old Durkheimian²⁵ fashion creates separation within one and the same society, cultural expressions also become more elaborate and sophisticated. In this case, a systemic similarity as the one discussed above more likely reflects political and especially cultural interchange between interrelated cultural zones, such as Mesopotamia, Western Syria and the Levant in the Bronze Age, or Mesopotamia and Egypt already before the dawn of history. The famous saying that *Graecia capta ferum victorem cepit*, 'conquered Greece conquered its barbaric conqueror',²⁶ states succinctly that Romans became Hellenized when they entered into contact with Greece and were overwhelmed by its superior civilization and cultural tradition.

The moment we approach the problem of dating an Old Testament text – not to say the Old Testament itself – we are confronted with the literary remains of a culturally very rich civilization. Primitive literature is not found in the Old Testament. Every part of the collection included in the Old Testament displays a sophistication that brings us far beyond the cultural borders of an undeveloped and basically agrarian society. The primary history (Genesis to 2 Kings) is a fine example of this and need not be discussed in this context.²⁷ Of more interest in this connection are the patriarchal narratives. Although these stories include many motifs from folk literature and reflect popular stories, they are much too complicated to have originated within a milieu that was almost exclusively oral – Gunkel's notorious campfire society – or one which had just changed from an oral to a written stage of transmission. I will not reiterate the ideas of André Jolles that oral literature is necessarily simple and devoid of

24. Cf. Stith Thompson, *Motif-Index of Folk Literature: A Classification of Narrative Elements in Folktales, Ballads, Myths, Fables, Mediaeval Romances, Exempla, Jest-Books and Local Legends* (Bloomington, IN: Indiana University Press, 1966 [1955–1958]).

25. Cf. Émile Durkheim, *De la division du travail social* (Paris: Presses universitaires de France, 1996 [1893]).

26. ... *et artis intulit agresti Latio*. Horace, *Epist.* 2.1.156–7.

27. Of interest in this connection is John Van Seters's comparison between Greek and biblical primeval histories in his 'The Primeval Histories of Greece and Israel Compared', *ZAW* 100 (1988), 1–22; cf. also his *Prologue to History*, 78–103. Van Seters definitely sees a clear relationship between the two traditions about the origins of humankind and the world, but does not accept that this connection excludes other traditions such as the Mesopotamian primeval traditions.

literary elaboration.²⁸ There are plenty of examples of the complexity of orally transmitted literature. I do, however, say that the complexity is different from the one found in Ugaritic epics, or from another age, the Serbo-Croatian heroic epics that have been collected by Parry and Lord.²⁹ The complexity of a literary corpus such as the patriarchal narratives depends on the themes that are combined by the authors of these narratives and are difficult to separate. It also has to do with themes such as ‘how God educates human beings’, illustrated by the unique humoresque which constitutes the Abraham complex³⁰ of ‘the struggle between creator and creation’ that governs the traditions united throughout the Primary History.

It goes without saying that the form of these narratives, almost entirely prose, is an indication of a milieu of written literature that is nearly unique in the ancient Near East. Prose literary fiction was not widely distributed in the ancient Near East. Mesopotamian literary creations were, like the literature from Ugarit, mostly preserved in the form of poems or epics. The literary elite of the Middle Kingdom made extensive use of prose stories. From a literary point of view, this is probably the best comparison with the milieu that created literature, such as the patriarchal narratives, but it is removed by at least 1000 years.³¹ Prose was, of course, known and dominates royal annals, Hittite as well as Babylonian and Mesopotamian. But although the forms of Assyrian royal annals may show up within biblical literature, the Old Testament does not include royal annals but, at most, literature which borrowed its form from such reports.³² The patriarchal narratives have, of course, nothing to do with royal official literature. The author(s) who wrote these stories were evidently well-educated people who could both write and read. They did not write with gods in mind.³³ Their literature was composed with other educated people in mind, people who were able to understand and appreciate it. When we shift to the subject of ‘how to create profiles of the authors of Old Testament texts’, we have to

28. Cf. André Jolles, *Einfache Formen, Legende, Sage, Mythe, Rätsel, Spruch, Kasus, Memorabile, Märchen, Witz* (Tübingen: Max Niemeyer, 1974 [1930]).

29. Milman Parry and Albert B. Lord, *Serbo-Croatian Heroic Songs Collected by Milman Parry* (Publications of the Milman Parry Collection; Text and Translation Series, 1–2, 4, 12; Cambridge, MA: Harvard University Press, 1953–86).

30. This means that Abraham was old before he became wise, and probably never got it right – until the very moment when he was about to sacrifice his son, his hope for the future and the essence of Yahweh’s promise to him.

31. Although it cannot be ignored that part of this literature, such as the story of ‘Sinuhe’ or the ‘tale of the two brothers’ that was preserved also at a much later date may have influenced biblical authors.

32. Cf. K. Lawson Younger, Jr, *Ancient Conquest Accounts: A Study in Ancient Near Eastern and Biblical History Writing* (JSOT supplement, 98; Sheffield: JSOT Press, 1990), who mixes an acceptable form-critical analysis with impossible historical conclusions.

33. Cf. the examples of Assyrian annals written on both sides of stone slabs, also on the side of the stone that turned inside and could not be read by anyone except the gods. Other examples are the many Assyrian stones buried in the foundations of temples which commemorated the mighty deeds of the king who built them.

keep these remarks in mind when we want to describe the mental matrices of these authors.

In his *In Search of 'Ancient Israel'*, Philip R. Davies distinguishes between three different kinds of 'Israel'. One is 'historical Israel' – that is, the state otherwise known from Assyrian sources as *Bit Humriya* or *Samarina*. This Palestinian state came into being sometime in the ninth century BCE and was destroyed by the Assyrians in 722BCE. Historical Israel did not include the Palestinian petty state called Judah, which only appeared on the historical scene as a state sometime after 800BCE and was in existence as a semi-autonomous political entity until 597 or 587BCE.³⁴ The second Israel is 'biblical Israel', the creation of the authors of the Old Testament, and can only partly be related to historical Israel. Third, modern scholars created still another Israel, the so-called 'ancient Israel'. This Israel represents a curious mixture of biblical Israel and historical Israel.³⁵ Although I have always respected the Dumézilian theory regarding the importance of the number three in Indo-European tradition, Davies's theory of three different 'Israels' is one short of being correct. There are not one, but two biblical 'Israels'. In my recent study *The Israelites in History and Tradition*, a comprehensive section has 'The People of God' as its subject.³⁶ 'The People of God' includes the concept of the Israelite nation created by the authors of the Old Testament prose narratives from Genesis to 2 Kings. It is my argument that there is more than one biblical Israel in the Old Testament; there are, indeed, two 'Israels' here. One of them is 'old Israel', understood as the people of the covenant written in stone (cf. the Sinai-complex but also Josh. 24); the second is the 'new Israel', the people of the covenant written in the heart (Jer. 31:31-34).

According to the Old Testament, the Babylonian exile constitutes the division between old and new Israel. Old Israel is destroyed and its people banished because they rejected their God and broke the covenant. The new Israel is the Israel which is supposed to arise in the future: the true people of God. It has been identified variously with Judaism and the Christian church (cf. Rom. 9–11). Any sectarian group within Judaism or Christianity can be expected to refer to itself as the true 'new Israel'.

It is often argued that the same nation, which the Babylonians forced into exile, returned to Palestine during the Persian period. It is, however, still an unsolved question whether there was, in fact, a return of the dimension envisaged by the Old Testament – namely, a significant movement of people from one

34. I do not wish to reopen the discussion about the origins of these states in this essay. The important study by David W. Jamieson-Drake, *Scribes and Schools in Monarchic Judah; A Socio-Archaeological Approach* (JSOT supplement, 109; The Social World of Biblical Antiquity, 9; Sheffield: Almond Press, 1991) that argues in favour of these dates has been the subject of much criticism. It should, however, be noticed that Israel Finkelstein supports such dates, cf. his 'The Beginning of the State in Israel and Judah', *Eretz-Israel* 26 (1999), 132–41 (Hebrew, 134; English résumé, 233).

35. Cf. Philip R. Davies, *In Search of 'Ancient Israel'* (JSOT supplement, 148; Sheffield: JSOT Press, 1992).

36. Lemche, *The Israelites in History and Tradition*, 86–132.

part of the Middle East to another.³⁷ I will maintain that the ‘exile’ in Babylonia never ended, and that the presence there of exiled people from Palestine lasted at least until 1951CE.³⁸ We probably have no other sources than the texts of the Old Testament, which suggest that a major migration actually took place. Most of the constructions of Jewish history in the Persian period depend on the same type of hermeneutic circular exegesis already described. It is an extraordinary fact that scholars have paid so little attention to the meaning of the different images of Jerusalem and Judah found in Chronicles, Ezra and Nehemiah. When we read Nehemiah, it is as if the author of Nehemiah 1–4, the so-called ‘autobiography of Nehemiah’, had never read Ezra. We cannot say with any certainty that ‘Nehemiah’s autobiography’ is a historical document, reflecting conditions in Jerusalem during the fourth century BCE. It could be a form of novel from a much later period – that is, the Hellenistic period. Whether it is a piece of literature going back to a historical person with the name Nehemiah, Nehemiah 1–4 describes conditions in Jerusalem and its environment that are very different from the impression of Jerusalem in the Persian period that is found in other biblical books. Has a Jewish community already appeared in Jerusalem during the fourth century BCE? This is an open question. From an archaeological perspective, do we possess evidence that a major migration took place at the end of the sixth century BCE from Mesopotamia to Palestine? If this had been the case, if Jews from Babylonia had really returned to Jerusalem and Judah in large numbers between 538BCE and 516BCE, where are their Babylonian cooking-pots? Would women leave their homes without bringing their utensils with them?³⁹ The point is that the figure of ‘old Israel’ is a construct of biblical authors and the ‘new Israel’ is a utopia created by the same authors as an expression of their religious and national programme for the future. There never was the ‘old Israel’ the Bible describes. A ‘new Israel’ is also an invention, representing a project for the future: God-loving people will found this ‘new Israel’, for only the righteous will survive to assemble on Zion under the Lord’s protection (Isa. 4).

Two ideas inform the concept of the ‘new Israel’: a covenant between God and Israel and God’s *torah*, the law. The covenant of Sinai failed miserably to unite the people of Israel with its God. The new covenant of Jeremiah 31 will substitute the old one and cannot be broken because it is not external, but part

37. On the historical value of the biblical idea of Palestine as ‘the empty land’ in the exilic period, cf. Hans M. Barstad, *The Myth of the Empty Land: A Study in the History and Archaeology of Judah during the ‘Exilic’ Period* (Symbolae Osloenses, 28; Oslo: Scandinavian University Press, 1996). Jamieson-Drake is not of the same conviction. According to his analysis of the evidence, a total breakdown of Judaeon society took place in the sixth century BCE. Cf. his *Scribes and Schools in Monarchic Israel*, 145–7.

38. That is, until the seventh ‘Alia’ that transferred most of the Iraqi Jewish community to Israel.

39. I made this point in my ‘Jordan in the Biblical Tradition: An Overview of the Tradition with Special Reference to the Importance of the Biblical Literature for the Reconstruction of the History of the Ancient Territories of the State of Jordan’, *Studies in the History and Archaeology of Jordan VII*, Department of Antiquities, Amman, 2001, 347–51.

of the person who has entered the covenant. Together with the covenant goes God's *torah*, or *instruction*. This *instruction* guides the new Israel that it one day enter Zion. Without the *torah* there is no path to God. Most people will perish before they ever reach this place of blessing: 'They have cast away the law of the Lord of Hosts and despised the word of the Holy One of Israel' (Isa. 5:24).⁴⁰

The 'new Israel' is the people of God, a people of twelve tribes assembled around the shrine of Yahweh at Zion. It is believed to include people with a common blood and a common religion – to a lesser degree, with a common language and with a land of its own.⁴¹ The mental matrix of biblical authors centres in the establishment of this new Israel: an expression of a sectarian view of society, creating a division between two kinds of people – the righteous who belong to this society and the unjust who will be condemned and discarded. The criterion for deciding who is righteous and who is not is entirely a religious one: whether people keep the covenant and follow its instructions. This sectarian community – like similar organizations in the Hellenistic world – excludes itself from the greater society surrounding it.⁴²

Without the *torah* there will never be a new Israel. What does such a statement tell us about the authors who introduced the concept of *torah*? The Decalogue opens the *torah* (Exod. 20:1-21; in Deut. it serves the same purpose: 5:6-21). Regardless of its origin and tradition history, it might serve as an index for the following sections of the legislation of Moses, opening with the 'Book of the Covenant' in Exodus 21–23. The Assyriologist Raymond Westbrook has argued that the first so-called 'secular' part of this collection represents Mesopotamian legal tradition.⁴³ He is certainly correct – we need only refer to the great similarity examined by, among others, Shalom Paul and Eckhart Otto.⁴⁴ Westbrook believes that this proves the Book of the Covenant to be old. However, in Mesopotamia, the tradition of law codes lasted for millennia,

40. Cf. further on this my "For de har forkastet Hærskarers Herres lov" – eller "vi og de andre!" – Om forfatterne, der skrev Det Gamle Testamente', in E. K. Holt (ed.) *Alle der ånder skal lovprise Herren': Det Gamle Testamente i tempel, synagoge og kirke* (Frederiksberg: Anis, 1998), 63–90; English translation "Because They Have Cast Away the Law of the Lord of Hosts" – Or "We and the Rest of the World" – The Authors Who "Wrote" the Old Testament', *SJOT* 17 (2003), 268–90.

41. Cf. the virtual 're-establishment' of the amphictyony in my *The Israelites in History and Tradition*, 97–107. This amphictyony is not the old one invented by Noth and has no part in the history of ancient Israel; it is a written mental structure.

42. Cf. the conclusion to Isa. 6. Only the elect among the elect will survive the ordeal (vv. 11-13). It is safe to assume that the author who wrote these verses will not reckon himself to be among the condemned.

43. Cf. Raymond Westbrook, *Studies in Biblical and Cuneiform Law* (Cahiers de la Revue Biblique 26; Paris: J. Gabalda, 1988).

44. Cf. Shalom Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law* (VT supplement, 18; Leiden: E. J. Brill, 1970), and Eckhart Otto, *Wandel der Rechtsbegründungen in der Gesellschaftsgeschichte des antiken Israel: Eine Rechtsgeschichte des 'Bundesbuches' Exod. XX 22-XXIII 13* (Studia Biblica, 3; Leiden: E. J. Brill, 1988).

from Sumerian times until at least the coming of the Greeks and probably even longer (the cuneiform literary tradition did not die totally out before the first or second centuries CE). This legal tradition was, rather, stable and not easily exported. More importantly, it was not a tradition in the usual sense of the word, but an academic construction only remotely related to life in the court. It was nourished in the universities of the time (the misnamed ‘scribal schools’) and belonged exclusively to this milieu. In short: Mesopotamian law codices are not primarily expressions of forensic experience, but belong among wisdom literature and represent an academic pastime.⁴⁵

Biblical collectors or authors of legal traditions, which are included among the instructions of Moses, apparently chose one of the Mesopotamian law codes (or created their own within Babylonian tradition) as the first part of the divine legislation. They thus reveal where they were educated. They must have studied in the university institutions of their time, most likely in Mesopotamia (a safe assumption as long as we have no evidence of comparable institutions outside of Mesopotamia – at least in the Iron Age, during the first millennium BCE). It is clear that our collectors and/or authors had an *academic* background. They belonged to academic circles and were brought up within a system of education that had already lasted for more than 2000 years.⁴⁶

We now know two things about our authors. In regard to religion, we know they were sectarians, people who believed themselves among the chosen few and destined to survive when God returns his people to Zion. We also know that they were academics and part of an old educational system. None of this proves our authors to be late, let alone from the Hellenistic–Roman period. They obviously postdate the events of 587_{BCE} (if this is a historical date, the Old Testament is the only testimony to the second destruction of Jerusalem) or at least of 597_{BCE} (the date of the conquest of Jerusalem according to the Babylonian Chronicle).⁴⁷ The destruction of Jerusalem is a necessary part of the construction as it is of fundamental importance for the future return of the ‘new Israel’ to Zion. The question is only whether the authors belonged to the Persian or the Hellenistic period.

45. In Chapter 13, this volume, I try to explain why no written law was really necessary in Western Asia in antiquity. On the Babylonian ‘law codes’, cf. the literature quoted in note 5, on p. 214, to which we have to add the introduction to Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor* (SBL Writings from the Ancient World Series 6; Atlanta, GA: Scholars Press, 2nd edn, 1997), 4–7.

46. This assumption is valid regardless of whether we choose an Iron Age date for these authors or we prefer the Persian or Hellenistic–Roman periods.

47. Cf. D. J. Wiseman, *Chronicles of Chaldaean Kings (626–556 BC) in the British Museum* (London: The Trustees of the British Museum, 1956), BM. 21946, rv. 11–13. It is so easy to forget that 587_{BCE} is a biblical date. That 597_{BCE} is derived from external sources does not prove that the destruction of 597_{BCE} really took place. It is probably likely that something like 587_{BCE} happened, but it cannot be proven. The presence of members of the Judaeen royal family at the Babylonian court in Neo-Babylonian times does not presuppose the destruction of 587_{BCE} – not even according to the Old Testament – it only presupposes the abduction of Jehoiachin in 597_{BCE} (cf. *ANET*, 308).

It is perhaps not fair to say that the Persian period has been popular among scholars because we know so little about it – that is, as far as Palestine is concerned. However, the attractiveness of the Persian period for modern scholars compares well with the estimation of ‘early Israel’ as the cradle of Israelite civilization a generation ago. Like ‘early Israel’, the Persian period constitutes a ‘black box’. We know so little about early Israel, but only slightly more about the Persian period. Many scholars think that the biblical tradition either originated or developed into the literature we know from the Old Testament during the Persian period. The capacity of being a ‘black box’ makes the Persian period a likely candidate as it cannot be refuted by extant evidence, suggesting the opposite. The unknown within the ‘black box’ makes everything possible and enables a scholar to propose theories that cannot be controlled. The procedure is illegitimate, as it provides hypotheses which cannot be falsified.⁴⁸ It is possible that a religious idea such as the dualism between good and evil, which is found in Old Testament texts, but much more expressly in para-biblical literature such as the War Scroll from Qumran (clearly Hellenistic–Roman in date), is the result of influences from Persian religion.⁴⁹ It may also be that the idea of a theocratic government in Yehud was modelled on the basis of the citizen–temple–society system as developed elsewhere in the Persian Empire.⁵⁰ Evidence of such a theocratic system from Judah, however, hardly predates the second century BCE.⁵¹ At the end of the day, we must admit that we know too little about the Persian period to use it as a viable possibility. Accordingly, it is not only wishful thinking that the Old Testament was written largely during the centuries of the Persian occupation of Palestine. If there are reflections in Old Testament literature of ideas current within the Persian Empire in the fifth or early fourth centuries BCE, we cannot identify such ideas with any certainty. We cannot place biblical texts within an intellectual development otherwise unknown to us.

Matters improve as we turn to the Hellenistic and Roman periods, as we are well informed of the general development of intellectual history in this era, not least from our acquaintance with the history of philosophy of the Hellenistic world, and we possess a fair amount of Hellenistic literature, mostly, but not exclusively, of Greek origin. We also have an impression of the impact of Greek civilization upon the Near East. We know too little about the precise history of this development, especially in remote areas, such as the many crannies of

48. Adopted from the falsification claim of Karl Popper, which says that a hypothesis must be the subject of a falsification process, and if this is not possible, the hypothesis is redundant.

49. The origin of the idea of dualism (i.e. the war between good and evil) that became popular within Judaism towards the end of the first millennium BCE has traditionally been reckoned to be Persian. Cf., for example, Helmer Ringgren, *Israelite Religion* (Philadelphia, PA: Fortress Press, 1966), 314–15.

50. Cf. especially Joel Weinberg, *The Citizen-Temple Community* (JSOT supplement, 151; Sheffield: Sheffield Academic Press, 1992).

51. This statement is gratuitous as we know next to nothing about the second century BCE apart from information provided by Josephus of the late first century CE.

Palestine. We must hope that in the future it will be possible to describe how Greek civilization gradually extended its influence from region to region during the third and second centuries. The initial centres of Greek–Hellenistic influence were in Egypt and Mesopotamia, but Hellenistic civilization spread to areas including Palestine and Jordan during the second century BCE.⁵²

The question is whether it is possible to find traces of the general intellectual climate of Hellenism in biblical literature. Traditions of the ancient Near East are much in evidence in the Bible. It is foolish to say anything else. From the very beginning of the collection of writings in the Old Testament, Near Eastern tradition manifests itself both in single and more complex narratives. If we are to understand the authors and collectors of biblical literature, we must keep ancient Near Eastern culture in mind.

The analysis can be compared to an archaeological excavation. In the text of the Old Testament, a variety of items from different places and times are available. Mesopotamian material is obvious. For example, the story of the creation in Genesis 2 is embedded within Mesopotamian tradition and the story of the flood in Genesis 6–8 is closely related to the Neo-Babylonian version in the Gilgamesh Epic. Some biblical material comes from Egypt – for example, the chapters of Proverbs that are shared by the Egyptian wisdom book of Amenemopet (Prov. 22:17–24:22).⁵³ More Egyptian or ‘Egyptianized’ material can be found in stories about Israel in Egypt.⁵⁴ Ideas and notions from Syria and the Levant abound, for example, in allusions to the battle between God and the sea in many Old Testament psalms. Biblical authors share many genres of literature with their Near Eastern colleagues, such as the already-mentioned law tradition, but they also share wisdom literature in its many forms.

Although Near Eastern influence is apparent, it is not enough to date its literary context. As in archaeology, a literary stratum must be dated according to the youngest item found, rather than the oldest. Any piece of literature may reflect ideas and concepts that trace their origins millennia earlier in the history of humankind. If the text also includes elements belonging to a more recent period, the context will always be that of the youngest item *at the earliest*. This hardly is a surprise to students of the Old Testament, who have looked for centuries for solutions to the problem, not least by splitting biblical literature into several literary strata, sources or documents. In a recent contribution, I

52. Not before the second and first centuries BCE. The Hellenization of the Southern Levant has hardly been a major area of interest to students of Hellenistic culture, probably with some justification, as – apart for some major cities – Hellenization only slowly became a major cultural factor in the remote areas of Palestine and Jordan. ‘The Early Hellenistic archaeological lacuna and the late Hellenistic expansion and prosperity in the southern Levant can be understood within the context of the attitudes, policies and practices of the Ptolemaic and Seleucid governments’: conclusion to Robert H. Smith, ‘The Southern Levant in the Hellenistic Period’, *Levant* 22 (1990), 123–30.

53. Amenemopet, cf. *ANET*, 421–5.

54. Especially in the Joseph Story, cf. Donald B. Redford, *A Study of the Biblical Story of Joseph (Genesis 37-50)* (VT supplement, 20; Leiden: E. J. Brill, 1970).

argued that it is important whether information is part of the structure of the text or simply added during its transmission.⁵⁵ The idea that the content of the patriarchal narratives goes back to an alleged 'patriarchal age' or belongs to an age not far removed from historical patriarchs makes it necessary to consider the information that Abraham came from 'Ur in Chaldea' anachronistic (Gen. 11:31). Ur could only be considered a 'Chaldean' city from circa 800 BCE.⁵⁶ This information could have been added to the story of Abraham's migration by a second hand. The information that the patriarchs used camels (cf., for example, Genesis 24) is different, although equally anachronistic, as the camel had not been domesticated when the patriarchs are supposed to have lived. If the information about the camels in Genesis 24 is secondary, this chapter has been the subject of a far more elaborate rewriting to make it fit the conditions of the first millennium BCE. The camel was domesticated shortly before 1000 BCE.⁵⁷ As it now appears in Genesis 24, the camel may not be essential to the plot (the bringing of Rebecca to Isaac), but it would demand a number of changes to the narrative to substitute it with, for example, a donkey.

Such examples suggest that a single piece of information might not be sufficient to date a text. Even if undisputed 'Hellenistic' material was present in the Bible, it will not automatically make the Old Testament a Hellenistic book. We need more than isolated items found 'out of context'. We need to find parts of what might belong to the 'mainstream intellectual tradition' of the period in question, not single texts but larger pieces of literature, including genres. A few isolated points of contact between Old Testament literature and the Hellenistic world will not satisfy us. We need to make a systemic comparison and see whether or not an analysis of the literature of the Old Testament is open to an extended comparison, which would indicate that they could be related to a development which blends Near Eastern and Greek traditions. This comparative procedure may lead in many directions. I will not present an exhaustive catalogue of possibilities. Recently, scholars and laypeople alike have been active, not least on the Internet, showing the Old Testament to belong to the Hellenistic Age. I will, however, concentrate on one genre only: the presence of history writing in the Old Testament and the Hellenistic world.

This subject has been of interest for more than fifteen years since John Van Seters made classical history writing relevant to biblical studies.⁵⁸ His point of

55. Cf. my *Prelude to Israel's Past: Background and Beginnings of Israelite History and Identity* (Peabody, MA: Hendrickson, 1998), 62–3.

56. The Chaldeans do not appear in Mesopotamian sources before the ninth century BCE. The earliest mentioning is by Assurnirari II in 878: ^{KUR}kaldu. Cf. on this Dietz Otto Edzard, 'Kaldu (Chaldäa)', *Reallexikon der Assyriologie*, 5 (Berlin: W. de Gruyter, 1976–80), 291–7.

57. The date was established by R. Walz in his 'Zum Problem des Zeitpunktes der Domestikation der altweltlichen Cameliden', *ZDMG* 101 (1951), 29–51, and the same author's 'Neue Untersuchungen zum Domestikationsproblem der altweltlichen Cameliden', *ZDMG* 104 (1954), 45–87. To the best of my knowledge, Walz's date still stands.

58. John Van Seters, *In Search of History* (New Haven, CT: Yale University Press, 1983).

contact was the early ‘logographers’ of the Greek world: writers of the sixth century BCE who collected memories and traditions from ‘ancient times’. The comparison does not end there. We may question how Near Eastern intellectuals got to know the tradition of the logographers as early as the Iron Age. Although contacts between the Aegean Archipelagos and the Levant existed, there are no traces of any influence from the logographers in any Iron Age source from Syria or Palestine, let alone Mesopotamia. Van Seters’s idea of an early transmission of Greek culture to the Levant is part of his general appraisal of the exilic period and dating of the Yahwist to the sixth century. It is a weak link in his argument.

Other scholars have gone further. A series of studies has appeared recently or are in process of publication which argue for a dependency between biblical history writing and Herodotus’s *Histories* of the middle-fifth century BCE. Jan-Wim Wesselius has published a series of articles – partly in Dutch – about Herodotus and the Old Testament, among them a recent contribution to the *Scandinavian Journal of the Old Testament*, where he argues for a dependency between the primeval history in Genesis and Herodotus’s work.⁵⁹ This comparison is to be expanded in a forthcoming monograph.⁶⁰

Obviously, Wesselius, like Flemming A. Nielsen in his recent work on Greek history writing and the Deuteronomistic History,⁶¹ concentrates on the striking similarity between Herodotus and Old Testament historical prose narrative. The focus of attention shifted from the sixth to the fifth century BCE! Still, the comparison between the Bible and Herodotus’s *Histories* seems directed by the same tendency, as is evident in Van Seters’s link to the logographers. Herodotus stands at the beginning of Greek historiographical tradition and, although he borrows from the logographers, later Greek and Roman traditions considered him, probably correctly, ‘the father of history’. There is no reason to limit our investigations to the relationship between Herodotus and the Bible.

In my ‘Good and Bad in History’, I present a different approach to the study of biblical and Hellenistic history writing.⁶² In this study, I will argue that the *History of Rome* by Livy is actually closer to the biblical history than Herodotus’s ‘investigations’ – not because biblical literature presupposes the existence of Livy’s extensive work, which dates from the end of the first century BCE, but because it presupposes the historiographic tradition, within which Livy’s history must be situated. Livy’s work is part of the Hellenistic tradition of writing history, within the Greek system of education in the third and second centuries BCE.

59. Jan-Wim Wesselius, ‘Discontinuity, Congruence and the Making of the Hebrew Bible’, *SJOT* 13 (1999), 24–77, see especially 38–48.

60. Jan-Wim Wesselius, *The Origin of the History of Israel: Herodotus’ Histories as Blueprint for the First Books of the Bible* (*JSOT* supplement, 345; Sheffield: Sheffield Academic Press, 2002).

61. Flemming A. Nielsen, *The Tragedy in History: Herodotus and the Deuteronomistic History* (*JSOT* supplement, 251; Copenhagen International Seminar 4; Sheffield: Sheffield Academic Press, 1997).

62. Chapter 17, this volume.

Flemming A. Nielsen's study on Herodotus and the Deuteronomistic History demonstrates an extensive similarity as far as it involves the general arrangement of the two works. Accordingly, he makes use of the systematic approach advocated above. It is possible to apply this approach to a wider field that also includes other aspects of biblical narrative, not least philosophy (theology and anthropology). In such a study, the Hellenistic quest for the 'good person' might be of interest as the goal of education. History is, therefore, a main point of contact between biblical and Hellenistic literature. Although the authors of the history of the Old Testament sometimes employ old literary forms or borrow from, for example, the annalistic tradition of Mesopotamia,⁶³ the concept of history as a process with a purpose unites Greek and Old Testament historical narrative.

The 'historical' mode of interpreting the fate of humankind, which biblical as well as Greek historiographers employ, is an important part of the mental matrix. In this, we see at least a shadow of our writers. They are sectarians with a specific view of mankind: few are elected; most will vanish because they have forsaken God's *torah*. How it happened belongs to history and it is the historiographers' duty to explain how and why, that it not happen again. Our sectarians are academically educated persons. They are well acquainted with oriental mythology and traditions as well as with the Greek tradition of history writing. Furthermore, they combine both Greek and oriental traditions in an organic fashion, which shows that they are brought up within an intellectual milieu that is both Greek and oriental. Such a milieu is hardly likely to have existed before the Hellenistic period and, even then, only in a few urban centres, especially in Mesopotamia or Egypt.⁶⁴

We assume, therefore, that the historical literature of the Old Testament belongs to the Hellenistic period. It is not unique. At the same time as biblical historical literature came into being, other similar constructions of the past were published, such as Manetho's history of Egypt and Berossus's history of Mesopotamia.⁶⁵ Philo of Byblos's *Phoenician History* is much later.⁶⁶ Little has

63. As is probably the case in 2 Kgs 18:13-16.

64. Syria and Phoenicia are other options, but the extent of Hellenization of these parts of the Near East in the third century BCE may not have reached a level that could support the intellectual climate presupposed in the formation of biblical history writing as early as the third century BCE. Because Philo of Byblos (see below) belongs to the first or second centuries CE, we can hardly conclude with Van Seters that Philo indicates that pre-Roman Phoenician society was highly literate (cf. *In Search of History*, 208).

65. None of these authors has survived intact. Most of the remains of their work have been found in much later Christian sources. The remains of Manethos's history have been published by W. G. Waddell, *Manetho* (LCL 350; Cambridge, MA: Harvard University Press, 1940). Berossus's *Babyloniaca* was dedicated to Antiochus I. For a recent discussion, cf. Stanley Mayor Burstein, *The Babyloniaca of Berossus* (Sources for the Ancient Near East, 1.5; Malibu, CA: Undena, 1978).

66. The fragments of Philo's history of Phoenicia have been published by Harold W. Attridge and Robert A. Oden, Jr, *Philo of Byblos: The Phoenician History. Introduction, Critical Text, Translation, Notes* (CBQMS, 9; Washington: Catholic Biblical Association, 1981). This edition has now been supplemented by J. Cors i Meya, *A Concordance of the*

been preserved of the works of Manetho and Berossus, but that they appeared more or less at the same time (early second century BCE) in different places illustrates the early impact of Greek literary tradition in the centres of the Near East.

When we put the evidence together and ask for a place where the amalgamation between oriental and Greek traditions might have taken place, the fact that the historical literature of the Old Testament presupposes an amalgamation between Greek and Oriental academic traditions is important. Within the Hellenistic–Roman educational system, history was an integral part of the academic curriculum, identified with the dominating discipline of rhetoric. We therefore have to look for a place where oriental and Greek traditions came together in an educational system or academic environment that included both traditions.⁶⁷

Many years ago, I playfully proposed a new theory about the origin of the Pentateuch, which was never intended to be published. It was publicly referred to as ‘Lemche’s famous “three pub hypothesis”’. The ‘hypothesis’ claims that the Pentateuch came into being over a very short time in the third century BCE, in three different pubs of a Jewish suburb in Babylon. One of these was called ‘J’, another ‘E’ and the third ‘P’. It took little more than three months of lively interchange between the three pubs to finish the first four books of Moses. Although no more than a joke, it may be closer to reality than we realize. We should, however, probably not look to Babylon for the intellectual milieu of our authors. In the third century BCE, people gradually deserted Babylon and resettled in newly founded Seleucia, the present Baghdad. The Seleucid Empire was, however, excellently set up to provide the intellectual conditions for an amalgamation between Mesopotamian and Greek traditions that could also have provoked the appearance of Old Testament historical prose literature.

It is probably more likely that the centre of this intellectual development was Mesopotamia. Syria might be considered an alternative (Damascus?). The utopian character of the concept of the ‘people of God’ and its likewise utopian concept of the land of Israel in the Old Testament speak in favour of an origin of the historical literature of the Old Testament outside of Palestine. If Hellenism came late to Palestine, we may have yet another argument in favour of a non-Palestinian origin of this literature.

Phoenician History of Philo of Byblos (Aula Orientalis Supplementa, 10; Barcelona: Editorial AUSA, 1995). One of Philo’s sources may have been Menander from Ephesus whose ‘excerpts’ from the history of Phoenicia were used by Josephus.

67. All of this does not detract from the fact that our authors were also acquainted with Western (i.e. Palestinian) traditions. They certainly were, and this may betray the origin of this group of authors (and theologians). They – or most of them – belonged among the immigrants or (more likely) the descendants of immigrants from Palestine to Babylonia. Whether or not such immigrants were part of a planned deportation, as argued by the Old Testament, or turned up in this place at a later date – or both – is a moot question.

Chronology and archives: when does the history of Israel and Judah begin?

2002

In two very different studies published during the first half of the 1990s, David Jamieson-Drake and Michael Niemann reached results remarkably similar concerning the early history of the Judean state.¹ Jamieson-Drake's synthetic study of the archaeological artefacts and settlement patterns shows how unlikely it would be to speak about a proper state in the southern part of the central highlands of Israel/Palestine before the eighth century, when a sharp increase in settled areas becomes visible. Niemann, for his part, bases his study on an analysis of archaeological remains as well as information within the Bible itself. It is a classical study according to the best principles of the historical-critical school of Old Testament studies and should be acceptable to most scholars, though its results are controversial. Niemann also concludes that a state in the proper sense of the word did not exist in Judah during the tenth century and only gradually developed during the next 100 years or so.²

What Niemann suggests is a form of patronage state, as this writer described in a lecture delivered at the German Archaeological Institute in Jerusalem in 1995.³ By 'patronage state', I mean a state organized as a personal possession around a ruling family. It does not have an extended bureaucracy, except to regulate relations between the ruling family – the patrons – and their clients, the ordinary population. That kind of state dominated the area during the Late

1. David Jamieson-Drake, *Scribes and Schools in Monarchic Judah. A Socio-Archeological Approach* (SWBAS 9; Sheffield: The Almond Press, 1991); Hermann Michael Niemann, *Herrschaft, Königtum und Staat. Skizzen zur soziokulturellen Entwicklung im monarchischen Israel* (FAT 6; Tübingen: J. C. B. Mohr, 1993).

2. It has sometimes been argued that the modern concept of a state has little to do with the ancient world. This is, to a degree, correct. Many ancient Near Eastern states were not states in accord with any modern concept. We need yet to describe in a more elaborate way the different types of statehood present in the ancient Near East. The present situation is confused. The old distinction between territorial and national state, proposed by Giovanni Buccellati, *Cities and Nations of Ancient Syria: An Essay on Political Institutions with Special Reference to the Israelite Kingdoms* (Studi Semitici 26; Rome: Istituto di Studi del Vicino Oriente, 1967), is hardly workable as he does not present a relevant definition of 'nation'.

3. See Chapter 14, this volume.

Bronze Age, and survived as a typical form of political organization well into the Iron Age.

I have described certain aspects of the system in a series of articles,⁴ including personalized forms of relationship between ruler and the ruled, regulated by contracts, treaties or covenants, with a distribution of local law that was neither written nor codified. Patrons were autonomous and such political formations did not need an extended bureaucracy. The few officers mentioned in the overviews of David's and Solomon's administrations would suffice – a point that did not, of course, escape Niemann's attention. I am less ready, however, than he to accept such lists as reflecting information from the tenth century. A proper state, ancient as well as modern, is in need of an administration that can record mundane matters such as tax lists and the salaries of soldiers, bureaucrats, artisans, etc., employed by the state. Its administration plans and directs the business of the state. It also maintains relationships with similar administrations of other states. It writes documents and stores them in archives, though we have indications that archival records in the ancient Near East were not kept for great periods of time, as in modern state archives. A side effect of the existence of state records is the establishment of a chronological framework for such administration. At least in major centres, a chronology was established, normally based on the regnal years of the king. Other systems were known, such as the Assyrian *limu* system, according to which a year would be named after the holder of the office of the *limu* – a solution to the problem of recording time that was close to the Roman system of the consular year.⁵ Sometimes such classification resulted in the establishment of state chronicles (i.e. short year lists), including one or two important events relating to the year in question. At other times this kind of chronicling developed into a literary composition of annals.

On the other hand, we should not overemphasize the importance of chronology and annals. As far as I know, we have no records of any kind of chronological reckoning from Bronze Age Syria and Palestine. In spite of a plethora of documents and inscriptions, Ugarit has never yielded any chronological list or royal annal. Nor were official documents normally dated in Ugarit – for example, to Niqmadu's second regnal year or to Niqmepa's fourth year. An incantation or ritual text does mention a series of deceased kings of Ugarit,⁶ who are reckoned as the predecessors of the present king, showing that people were capable of keeping records of past events or major figures of the past. However, nothing has been found in the form of an official administrative document, with precise information, which might contribute directly to a chronology in ancient Ugarit. The relevant question is whether the states named Israel and Judah had archives, which included chronicles? The question was addressed by Montgomery nearly seventy years ago and his answer remains important.⁷ How

4. *Ibid.*, also Chapters 9, 12 and 13, this volume.

5. Cf. the very comprehensive article by Arthur Ungnad, 'Epophymen' in *RLA* II (1938), 412–57.

6. *KTU* 1.161.

7. J. A. Montgomery, 'Archival Data in the Books of Kings', *JBL* 53 (1934), 46–52.

can we know if such an archive existed? If it existed, it would be indicative of the existence of state administration and, consequently, of states.

The Chronicles of the Kings of Israel and Judah

The Old Testament includes a series of references to some kind of chronicling of events.

The Chronicles of the Kings of Israel, the סֵפֶר דְּבָרֵי הַיָּמִים לְמַלְכֵי יִשְׂרָאֵל:

- 1 Kings 14:19: A general reference to Jeroboam's wars and reign. No details, but a record of regnal length: twenty-two years.
- 1 Kings 15:11: A general reference to Zechariah.
- 1 Kings 15:31: A general reference to Nadab's reign
- 1 Kings 16:5: A general reference to Basha and his great exploits.
- 1 Kings 16:14: Likewise, a general reference to Ela, including the length of his reign: two years.
- 1 Kings 16:20: A reference to Zimri and his conspiracy.
- 1 Kings 16:27: A general reference to Omri and his exploits.
- 1 Kings 22:39: A reference to Ahab, including mention of his construction of a house of ivory and fortifications.
- 2 Kings 1:18: A general reference to Ahaziah.
- 2 Kings 10:34: A general reference to Jehu and his exploits.
- 2 Kings 13:8: A general reference to Jehoahaz and his exploits.
- 2 Kings 13:12: A reference to Jehoash and his exploits. A war with Amaziah of Judah is included in the reference.
- 2 Kings 14:15: The same reference as in 13:12.
- 2 Kings 14:28: A reference to Jeroboam II and his exploits, including his wars against Damascus and Hamath.
- 2 Kings 15:11: A general reference to Azariah.
- 2 Kings 15:15: A reference to Shallum and his conspiracy.
- 2 Kings 15:21: A general reference to Menahem.
- 2 Kings 15:26: A general reference to Pekaiah.
- 2 Kings 15:31: A general reference to Pekah.

Most of these notes are very general with almost no related information. A few include regnal years, and a few more, additional information about wars. They are normally attached to notes about a change of regency, regnal years, burial or succession, but it is not clear – though likely – that this additional information comes from the Chronicles. The same can be said about information enclosed in the narrative and associated with references to the Chronicles, such as the note of Pul's attack on Israel in the days of Menahem, and of Menahem's tribute (2 Kgs 15:19-20). If an old chronicle of the kingdom of Israel had existed, we know next to nothing of its content.

Will we get more relevant information when we turn to The Chronicles of the Kings of Judah סֵפֶר דְּבָרֵי הַיָּמִים לְמַלְכֵי יוּדָה:

- 1 Kings 14:29: A general reference to Rehoboam.
- 1 Kings 15:7: A general reference to Abiah.
- 1 Kings 15:23: A general reference to Asa, his exploits and his fortifications.
- 1 Kings 22:46: A general reference to Jehoshaphat and his exploits and wars (unspecified).
- 2 Kings 8:23: A general reference to Jehoram.
- 2 Kings 12:20: A general reference to Jehoash.
- 2 Kings 14:18: A general reference to Amaziah.
- 2 Kings 15:6: A general reference to Azariah.
- 2 Kings 15:36: A general reference to Jotam.
- 2 Kings 16:19: A general reference to Ahaz.
- 2 Kings 20:20: A general reference to Hizkiah.
- 2 Kings 21:17: A general reference to Manasse and his sins.
- 2 Kings 21:25: A general reference to Amon.
- 2 Kings 23:28: A general reference to Josiah.
- 2 Kings 24:5: A general reference to Jehoiachim.

Everything said about the content of references to the Chronicles of the Kings of Israel is equally valid when it comes to references to the kings of Judah, except that there are no indications of regnal years in any of these notes. Only once, in the case of Rehoboam about fortifications, is a note included. We have no idea of the shape and content of this chronicle. We do not even know if there was, in fact, a state chronicle in Judah. Both the Chronicles of the Kings of Israel and the Kings of Judah may be no more than stray collections of information, relevant or irrelevant: perhaps a prototype of the history of these kingdoms from the Iron Age. But we cannot know. A couple of references are followed by the information that a continuous war raged between the king of either Israel or Judah and his colleague in the south or the north. In concluding, we must say that these notes have very little interest for the historian other than that the information included also relates to the Chronicles. This is possible but cannot be proved. We cannot preclude the possibility that references to the Chronicles are nothing but a literary device, employed by the composer of 1–2 Kings.

This demands a more extensive argument; but, at the moment, I can only refer to a more extensive argument in an article I wrote about the concept of time in the Old Testament, available in Danish.⁸ The argument deals with the existence of two different notions of time in the Old Testament/Hebrew Bible: first, a quantitative understanding, which calculates hours, days, weeks, months and years, much as we count them today. A different system is also present that reveals an interest in the qualitative meaning of time. This system shows no interest in the exact measurement of time, but rather in the importance of time. It makes use of so-called ‘pregnant’ (i.e. significant) numbers such as seven

8. ‘Prægnant tid i Det Gamle Testamente’, in G. Hallböck and N. P. Lemche (eds) *År 2000 i Bibelske Perspektiver (Forum for Bibelsk Eksegese, 11; Copenhagen: Museum Tusulanum, 11; 2001), 29–47.*

and forty. The idea is not that seven days are exactly seven, but that the number of seven is a special number, having significance in itself. The Hebrew slave of Exodus 21 works for six years and is set free in the seventh. Joshua's army circles the walls of Jericho for six days, to see them tumble down on the seventh and so on. The number forty has a similar quality and includes periods of time governing the rain in the flood story or Israel's punishment for forty years in the desert. Seventy can also be used in this manner, such as the duration of the exile in Jeremiah (Jer. 25:11).

Sometimes the two systems are in conflict, as in the story of the flood in Genesis. In this regard, I might refer to an article I published twenty years ago on the chronology of the flood,⁹ where I argued that there were, in fact, three systems of reckoning time present in that narrative, the third representing an effort to harmonize the different types of information presented by the two other systems. One works with intervals of seven and forty days, while the other with fixed dates, such as the first day of the first month in Noah's 601st year. The third system emerged because of calculations which incorporated fixed dates of the second system within the system of pregnant dates of the first system. This produced odd numbers, such as the date of the flood's beginning, the seventeenth day of the second month in Noah's 600th year and of the end of the flood on the twenty-seventh day of the second month of Noah's 601st year.

The regnal years of the kings of Israel

What kind of system rules the information in 1–2 Kings about regnal years of Israelite and Judean kings? If we begin with Israel, after the division of the Kingdom of David and Solomon, Jeroboam rules for twenty-two years, Nadab for two, Basha for twenty-four and Ela for another two. None of these numbers carry any significant value, in themselves, although it is interesting that together these figures equal fifty years – or one year of Jubilee. We might argue that the calculation indicates that from the death of Solomon to the ascension of Omri, a period of one Jubilee elapsed (disregarding Zimri's 'seven' days – which, I think, is allowable). We might also argue that the numbers are casual, reflecting the actual periods of these early kings' reigns. Omri ruled for 'six' years, and in the seventh his son, Ahab, who, like Jeroboam, ruled twenty-two years, succeeded him. His successor was Ahaziah, who ruled two years. All together the dynasty of Omri reigned thirty years.

Thirty years is not a pregnant number that carries a meaning of its own. We may, of course, speculate about the numbers of the regnal years of the kings of Israel from Jeroboam to the end of the house of Omri. Three kings rule for some twenty years each (the exact numbers are twenty-two, twenty-four and twenty-two) and are in each case followed by a son who rules for two years. It is significant that Omri ruled six years, but in the seventh ... It may also be significant

9. See Chapter 5, this volume.

for the reconstruction of an exact chronology that the thirty years of the house of Omri follows the fifty years of the first four kings of Israel. Altogether, these early kings of Israel ruled for eighty years or exactly the length of time covered by David and Solomon. It looks like a chronology that is not exact, but based on speculation in numbers that was weighted with the importance of ‘pregnant’ numbers, in this case forty. Some may, however, still argue that the round number eighty, from the death of Solomon to the ascension of Jehu, is merely coincidence and that the information regarding the regnal years may, indeed, rely on real information (e.g. from state-sponsored chronicles).¹⁰

When we move on to the dynasty succeeding the House of Omri, the line of Jehu, Jehu himself ruled twenty-eight years, Joahaz seventeen, Joash sixteen, and Jeroboam forty-one. The resulting 102 years seems to offer no reason to assume the presence of round numbers. We should, however, not forget that the last king of the line, Zechariah, ruled six months, indicating a change during the pregnant seventh month. The final dynasty of the kings of Israel includes: Shallum – one month; Menahem – ten years; Pekaiiah – two years; Peka – twenty years; and Hosea nine years; altogether forty-one years and an odd month. No pregnant numbers here, not even when we put together the regnal years from Jehu to Hosea – 133 years and 7 months.

In conclusion, these figures lend support to the assumption that some information about regnal years of the kings of Israel was available to the author(s) of 1–2 Kings. This is more likely after the ascension of the house of Jehu. Until that date, we do not know if official information about regnal years existed in Israel. We may question the validity of the information about the four kings following Solomon. We might also follow in the footsteps of Thomas Thompson and cast doubt on the historicity of Omri, the ruler of Israel for six years, who was followed by his son in the seventh.¹¹ We should not be surprised if the Kingdom of Israel/Samaria/Beth Omri did not possess any kind of official chronicle and that the author of this part of 1–2 Kings constructed the regnal numbers of that dynasty. We cannot, of course, prove our case, but it is highly likely.

Why does the character of the numbers change after the ascension of Jehu? We can only guess, but I think that a qualified answer has to do with Jehu’s and his successors’ status as vassals of the Assyrians. Perhaps the Assyrian administration wanted exact numbers and dates to incorporate information from the

10. It has to be stated at this point that although many scholars, from William F. Albright to Erwin R. Thiele to John. H. Hayes, have diligently tried to make sense of the chronological information in the Old Testament about Israelite and Judaeans kings, their approach has disregarded the possibility of pregnant numbers, and established detailed lists of regnal periods based on numbers never intended to be quantitatively precise. Cf. among the more recent contributions, which also includes most of the relevant literature, John H. Hayes and Paul K. Hooker, *A New Chronology for the Kings of Israel and Judah and Its Implications for Biblical History and Literature* (Atlanta, GA: John Knox Press, 1988).

11. Cf. Thomas L. Thompson, *The Bible in History: How Writers Create a Past* (London: Jonathan Cape, 1999), 11–14.

West into their own system of calculation? Perhaps the administration of Jehu's kingdom had been influenced by the habits of the Assyrians and changed from a system without a fixed-time reckoning – a system resembling that apparently in currency in the Bronze Age – into a system with exact dates?

The regnal years of the kings of Judah

When we turn to the numbers of the kings of Judah, will they show a similar change of 'pattern' in Judah's history? Of course, the two great kings of Judah, David and Solomon, both ruled for forty years. No less would do. Moreover, David's reign is divided into two periods: seven years and six months in Hebron, and thirty-three years in Jerusalem. The Hebron period plays with variations of the pregnant number seven, allowing for the use of the numbers six, seven and eight in this connection.¹² Rehoboam follows Solomon and rules for seventeen years, whereas his son and successor, Abiah, was only allowed three years on the throne. The numbers look casual, but when we put them together, we have twenty years (i.e. half the time of either David or Solomon). This may be coincidental and not important. However, let's turn to the next king of Judah, Asa, who reigns for forty-one years. It is, of course, very close to forty but not a round number. The 'extra' year creates a problem, which might, however, be solved when we calculate the period from David's ascension to the first Babylonian conquest of Jerusalem on the basis of the regnal years of the kings of Judah. This period lasts for 461 years and, from the ascension of Solomon, 421 years – an impossible date. A seemingly unnecessary addition of one year to Asa's reign disturbs the harmony? So, why was this number added? I will return to this question shortly.

After Asa follows Josaphat, who is allowed twenty-five years on the throne, Jehoram with eight years, Ahaziah with one year and Athaliah with six years. All numbers look casual but put together they cover exactly forty years. It is worth noting that Athaliah ruled for six years in order to be substituted by Joash in her seventh regnal year. By now we have seen this pattern so many times that we should not be surprised. Joash follows Athaliah. He rules – believe it or not – for an additional forty years.

A series of kings follow Joash until the first conquest of Jerusalem. Amaziah rules twenty-nine years, Azariah fifty-two, Jotham sixteen, Ahaz sixteen, Hezekiah twenty-nine, Manasseh fifty-five, Amon two, Josiah thirty-one, Joahaz three months, Jehoiachim eleven years and, finally, Jehoachin for three months. There is no apparent trace of a system here and no specific reward implied by a long rule. Unlike the Books of Chronicles, which have problems with the untidy length of Manasseh's rule (indicating that the chroniclers considered the number

12. Cf. the observations by Mario Liverani, 'Ma nel settimo Anno', in *Studi sull' Oriente e la Bibbia offerte a P. Giovanni Rinaldi nell' 60o compianno* (Genoa: Editrice Studio e Vita, 1967), 49–53.

they inherited from their source to be problematic; cf. 2 Chron. 33), there is no reward for good behaviour in the form of a long reign. Nothing seems to speak against an extra-biblical source for the regnal years of these kings of the eighth through seventh centuries. However, problems may be involved. If the numbers are added together, they result in 241 years from the ascension of Amaziah to Nebuchadnezzar's first conquest of Jerusalem. Again, we have a superfluous year! As in the calculations of the kings of Israel, the two regnal periods of three months for Joahaz and Jehoiachin have not been considered. If the system is artificial, why does it include an extra year?

I feel much like the treasurer of a small company, struggling to make his accounts balance and comes short by a quarter of a dollar (I have, for many years, been the treasurer of our local scholarly organization, the *Collegium Biblicum*, so I speak from experience). One is obsessed by the need to make the account balance. The missing quarter is the lost son, dearer to you than all the others! The only possible solution I can think of is the additional nine years from the first conquest of Jerusalem to the rebellion of Zedekiah, which would render 250 years from the death of Joash to the rebellion of Hezekiah, if we include Zedekiah's reign until the moment when he starts his rebellion against the Babylonians. But then we may ask why it was not the second and final destruction of Jerusalem that formed the basis of the calculation? I have no answer to this question at this time but am still speculating about a solution that might also have historical implications.

Conclusion

Now for an evaluation: in the case of Israel there was a definite change of system after the ascension of Jehu. Numbers become casual – accidental – and may reflect the existence of an official chronicle patterned after Assyrian practice. In the case of Judah we have a series of round and pregnant numbers until the death of Joash. The character of the numbers then change, but we cannot be certain that this is not due to a change in time reckoning or whether this can be traced to some complicated calculations from the perspective of the historiographer. It would have been nice not to get so close to a pregnant number, when the individual figures are put together.

The system of the second part of the history of the Kingdom of Jerusalem may be based on a complicated system created by the author of 2 Kings. In that case, the historiographer had to pay attention to other information. After all, the references to kings of Judah in Assyrian annals, place them in the – according to our modern historical calculations – correct centuries and in the right order. If the system of the kings of Judah, even in the second part of its history, is a construct, it likely concurred with information like that in the Assyrian Chronicles and royal annals. I shall not dwell on this point, but return rather to the beginning of Judah's history.

Four kings of Judah rule for forty years (disregarding Asa's additional year). The system begins with two times forty, followed by an interlude of twenty years,

which is again followed by another forty (in fact, forty-one) years, followed by an interlude of forty (divided between three kings and a queen) followed by another reign of forty years. This is simply too good to be true. It seems certain that there are only two possibilities. Either the authors of 1 and 2 Kings had a system of pregnant numbers at their disposal, which indicated regnal years, or they invented the system. We should not be disturbed by the sequence following Asa: twenty-five years plus eight plus one plus six. As already mentioned, the numbers appear accidental, but when added together, they make forty years. It seems that the author of 1–2 Kings had decided in advance on a period of forty years. At the same time, he divided it between four different characters. It is not unimportant that his account end with a pregnant period of six years that it might be followed by a change in the seventh year (the ascension of Joash).

This decision to split a pregnant number into lesser units that individually are unimportant is not unique. As already indicated, we may have further examples in 1–2 Kings. There are, however, other more and less complicated examples of this technique. One can be found in the list of so-called ‘minor judges:’ Judges 10:1-5; 11:8-15. The list includes five judges, reigning, respectively, twenty-three years, twenty-two, seven, ten and eight years, altogether seventy years. Now, seventy is a pregnant indication of time and not quantitatively exact. We can be sure that the list is either preserved in its entirety or has been manipulated to reach this round number. Perhaps, such manipulation relates to the story of Jephthah, which is framed by the list of minor judges. By now, none should be surprised to hear that Jephthah reigned for a period of six years. I would very much have liked to know what happened in that seventh year!

However, let us return to the early history of Judah from David to Joash. Is it possible to find an explanation that clarifies the principles behind the selection of kings who reign for forty years and those who reside on the throne for a shorter period of time? I believe so and the central issue has to do with the worship of Yahweh in Jerusalem. What puts David, Solomon, Asa and Joash in the same category seems to deal with worship. David introduced Yahweh to Jerusalem, brought his holy ark there and instituted the worship there. Solomon built the temple. Asa reformed Jerusalem’s cult and, therefore, can be likened to ‘David his father’ in the eyes of the historiographer who composed 1 Kings (1 Kgs 15:11). Finally, Joash also acted in favour of the cult in Jerusalem by repairing the temple and reforming it – also viewed as particularly significant. This seems to be a fixed *topos*, according to which the righteous king acts in favour of Yahweh’s cult in Jerusalem and is rewarded with a reign of forty years.

Of course, two other kings also act in favour of the cult, Hezekiah and Josiah, but they are not included in the system of forty years. How is this change to be explained? I would suggest the possibility that in the case of Judah, the historiographers were in possession of some official information of regnal periods, but not before the end of the ninth century. Before 800BCE, we have, at the most, traditional history writing like chronicles of the early Middle Age (my first choice will always be Saxo Grammaticus and his *Gestae Danorum*), where it is impossible to distinguish fact from fiction. After 800BCE, the historiographer was in possession of additional information, which restrained his freedom for

invention. In Israel's case, we might well have a state chronicle or information from Assyrian sources. In the case of Judah, it doesn't really look like information from a state chronicle; but perhaps the historiographer was able to deduce his numbers from other sources, such as Assyrian and Babylonian chronicles and annals?

Returning to the beginning of this chapter, how does our analysis of chronologies pertain to the question of the emergence of a state society in Judah and Israel? In the case of Israel, there may have been a change in how events were recorded after the fall of the House of Omri. Our observations concerning Judah seem to confirm the thesis of Jamieson-Drake and Niemann. Before the end of the ninth century BCE, there was no Judean state in the proper sense of the word, maintaining an administration which included keeping official documents or state chronicles. In short, there was no elaborate bureaucracy. What is narrated before that date seems to be invented history. In constructing such a past, biblical historiographers created history according to a preconceived paradigm, which placed the temple cult of Yahweh in focus. The numbers of the regnal years of kings of Jerusalem from David to Joash are not related to reality. They are 'pregnant' numbers, bearing significance and do not indicate quantities measuring such time. Although there are other indications of the emergence of a state in the early eighth century in Judah, this assumption finds little support in the available information regarding regnal years of later kings of Judah. Of course, these numbers are not devoid of historical interest. The kings in question ruled approximately when they are said to have done so, but the individual numbers cannot be controlled except in a general way.

The next step is to see how much of the history of the two states of Israel and Judah we can reconstruct on the basis of chronicles, if such had been available. I do not think that we can find much of interest. All we present will have to be in the form of virtual history, imaginable but certainly not factual. I shall return to this another time.

Acknowledgements

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**‘Because they have cast away the law of the Lord
of Hosts’, or ‘We and the rest of the world’:
the authors who ‘wrote’ the Old Testament**

2003

Knud Jeppesen’s scholarship has concentrated on prophetism. Among his many contributions to this field, one of the most inspired is his excursus on Deutero-Isaiah, which he included in his dissertation on Micah.¹ It is evident that at the time of writing, Jeppesen was more inspired by the Book of Isaiah than the more pedestrian Book of Micah. Common to his analyses of the books of Isaiah and Micah, is the notion that both works were put together under the pressure of the Babylonian exile. In short, this literature is exilic. Any discussion of the redaction of the Book of Isaiah must begin with Deutero-Isaiah, not with Proto-Isaiah. It is the circle of authors or collectors who put Deutero-Isaiah together that were responsible for the inclusion of the prophecies attributed to Proto-Isaiah. These show how the people of Israel used the history of ancient Israel to produce a reason for its harsh fate of exile. They not only found explanation in the history of their nation, but also hope for the future. There would be a new Israel, a new covenant (Jer. 31:27-34) or a new David, a Messiah who was to restore the greatness of ancient Israel (Isa. 9:6-7; 11). Jeppesen’s analysis of the redaction history of the Book of Micah (and Isaiah) must be seen in the light of the development which began in biblical studies during the 1970s. Over the next twenty years, this was to change the field in a very thorough way. At the beginning of this process, German Old Testament scholars often maintained that scholarship had been dominated by ‘*die deuteronomistische Schwemme*’. The Deuteronomistic circle had either written the text or redacted it. Little remained that had not passed through Deuteronomistic hands. This also meant that most, if not all, of the Old Testament was composed in the time of the Babylonian exile – either in Mesopotamia or Palestine.

Without doubt, the new trend in Old Testament scholarship began with the downfall of the amphictyonic hypothesis, which had dominated the history of ancient Israel *and* its tradition for more than a generation. The theory had been proposed by Albrecht Alt and presented in a famous study by Martin Noth. It

1. Knud Jeppesen, *Græder ikke saa saare. Studier i Mikabogens sigte* (Aarhus: Aarhus Universitetsforlag, 1987), 63–84.

saw Israel as a religious league of tribes, assembled around a shrine of Yahweh.² The origin tradition of ancient Israel found a place in connection with this central amphictyonic shrine, which explained its basic Yahwistic orientation.³ The first version of this tradition – the so-called *Grundschrift* – belonged to the amphictyonic assembly which left its impact upon the subsequent Israelite tradition, surviving after the Amphictyony had ceased to exist.⁴ Between 1970 and 1980, a series of studies appeared that demolished the amphictyonic edifice of Martin Noth. His hypothesis was rejected as without historical foundation. According to these critical voices, Israel was never a unity before the days of David and Solomon. The first ‘secure’ evidence within the Old Testament tradition of a political organization that included all of Israel was, supposedly, the list of Solomon’s districts in 1 Kings 4.⁵

The disappearance of the amphictyony from scholarly debate had consequences for the understanding of the origin of the biblical tradition. The biblical idea of an original unity of ancient Israel had lost its *Sitz im Leben*. The unity of Israel was not something original, but rather a dream of unity that was only put into practice for a short period of time in the days of David and Solomon. Such unity was not historically founded; it was an ideological construct. Rehoboam ended this unity by forcing a break between the northern tribes and the house of David. The only thing that remained was the dream: ‘The LORD shall bring upon thee, and upon thy people, and upon thy father’s house, days that have not come, from the day that Ephraim departed from Judah’ (Isa. 7:17).⁶ When the

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2. Martin Noth, *Das System der zwölf Stämme Israels* (BWANT IV:1; Stuttgart: Kohlhammer, 1930).
 3. Cf. his discussion of the origin of the Israelite tradition in his *Geschichte Israels* (Göttingen: Vandenhoeck and Ruprecht, 1950), 105–30.
 4. Cf. Martin Noth on this in his *Überlieferungsgeschichte des Pentateuch* (Stuttgart: Kohlhammer, 1948), especially 45–48.
 5. Among the critical studies we may mention Niels Peter Lemche, *Israel i Dommertiden. En oversigt over diskussionen om Martin Noths ‘Das System der zwölf Stämme Israels’* (Tekst og Tolkning 4; Copenhagen: CEG Gad, 1972); Andrew D. H. Mayes, *Israel in the Period of the Judges* (SBT supplement, 29; London: SCM, 1974); and Cornelius H. J. de Geus, *The Tribes of Israel: An Investigation into Some of the Presuppositions of Martin Noth’s Amphictyonic Hypothesis* (Studia Semitica Neerlandica 18; Assen: Van Gorcum, 1976). The discussion was summarized by Niels Peter Lemche in ‘Israel in the Period of the Judges – the Tribal league in Recent Research’, *Studia Theologica* 38 (1984), 1–28. In my recent monograph *The Israelites in History and Tradition* (Library of Ancient Israel; Louisville, KY: Westminster, 1998), 97–107, I propose to restate the amphictyonic hypothesis. It did not belong to history but should be seen as an ideological construct of the biblical historiographers, part of the literary construct called ‘ancient Israel’.
 6. I consider this interpretation the logical consequence of the Immanuel prophecy in Isa. 7:14–16. In the context of Isaiah 7, the disappearance of Judah’s enemies indicates that Judah shall not fear anymore. It also means that it will be possible for Messiah to establish his kingdom. The reference to the king of Assyria at the end of v. 17 is secondary, a redactor being influenced by the subsequent reference to Assyria and its king (v. 20) in the prophecies that follow the Immanuel prophecy. Seen in the light of vv. 18–25, the

Assyrians conquered Samaria in 722^{BCE} and deported its population, it became obvious that this dream would never come true or could only be realized in the distant future.⁷

Following these events, the Judeans had problems of their own and did not pay much attention to the fate of the Israelite kingdom. Not before the Babylonian exile, when all nationalistic aspirations to greatness had failed miserably, was the ideology of a united Israel in the shape of the Kingdom of David set free and allowed to develop. The idea of a united Israel was no longer part of a specific political programme as it had been in the days of Josiah. Now, free from such mundane concerns, people in exile were allowed to speculate and dream about a return to their lost country. A new and, at the same time, old Israel should emerge, a kind of Utopia, a place never to be reached but for that reason much more desirable, worth dreaming about.

This new line in biblical studies did not merely involve the historical and prophetic literature of the Old Testament, it also included the Pentateuch. The assumed oldest part, the Yahwistic stratum, was assigned to the late part of the pre-exilic era and, later, to the exilic period.⁸ The prophetic contribution consisted, according to this line of research, mainly of *vaticinia ex eventu* – i.e. prophecies that do not foretell the future, but relate the past as if it was to happen in the future. Instead of being prophecies about Israel's future, the utterances attributed to Israel's prophets talked about the past as if it was something that was going to happen. In this way, prophetic literature was believed to present the reason for Israel's brutal end. After this change of direction among students of prophetic literature, it was still a major concern for scholars to distinguish parts of the prophetic books that went back to the prophets of ancient times

prophecy of Immanuel has been read as a prophecy of doom, not as a prophecy of the coming of Messiah, which I believe it to be. The two passages, Isa. 7:14-17 and 18-25 have been joined because both passages refer to 'butter and honey' (vv. 15 and 22). These references work differently in the two passages. In v. 15, it refers to the messianic meal. In v. 22 people will eat butter and honey as a consequence of the catastrophe that reduces the country to a basic agrarian society. However, in vv. 18-25 it is never stated that there should not be enough to eat. On the contrary, the point is not lack of food but the identity of this food. Butter and honey are products that suit a society that has been liberated from the haughty ladies of Jerusalem (Isa. 3:16-17), a bitter metaphor that denounces civilized (i.e. urban) society.

7. Cf. the Deuteronomistic sermon in 2 Kings 17.

8. Among the many studies contributing to this new line in Old Testament studies, the following are especially important: Heinz Heinrich Schmid, *Der sogenannte Jahwist. Beobachtungen und Fragen zur Pentateuchforschung* (Zürich: TVZ, 1976); John Van Seters, *Abraham in History and Tradition* (New Haven, CT: Yale University Press, 1975); cf. also John Van Seters, *Prologue to History: The Yahwist as Historian in Genesis* (Louisville, KY: Westminster, 1992), and *The Life of Moses: The Yahwist as Historian in Exodus-Numbers* (Kampen: Kok Pharos, 1994). Cf. also Erhard Blum, *Studien zur Komposition des Pentateuch* (BZAW 189; Berlin: De Gruyter, 1990), and R. N. Whybray, *The Making of the Pentateuch* (JSOT supplement, 53; Sheffield: JSOT Press, 1987), and finally Joseph Blenkinsopp, *The Pentateuch: An Introduction to the First Five Books of the Bible* (The Anchor Bible Reference Library; New York: Doubleday, 1992).

from later material belonging to a secondary redaction. Scholars were, however, mainly of the conviction, as Knud Jeppesen was, that so-called genuine prophecies (the *ipsissima verba* of the prophets) were placed within a literary framework consisting of exilic ideas and expectations. In some cases, they were related to the Deuteronomistic movement.⁹

When it came to the historical literature, especially the so-called ‘Deuteronomistic History’, created by Martin Noth,¹⁰ which includes the books from Joshua to 2 Kings, matters looked differently. Scholars had long ago accepted that this literature belonged to the exilic period, if not for other reasons, then because the final note in 2 Kings (2 Kgs 25:27-30) refers to events of the year 562BCE, when Nebuchadnezzar died. The Deuteronomistic movement that composed this history was not considered to originate in the exile. Most scholars reckoned Deuteronomism to have emerged in Judah and Jerusalem during the late eighth or in the course of the seventh century BCE and saw this movement behind the reform of King Josiah. The literature that can be attributed to Deuteronomistic influence, however, mostly belonged to the exilic period.

In this way, prophetic and historical literatures behave like two sides of the same coin. We are entitled to consider them parts of a great inter-textual project. The historical literature describes how Yahweh, in a tragic way, delivers his chosen people into the hands of their enemies. According to the prophetic literature, the Israelites should have been warned in advance of these fatal events. There is no reason to blame Yahweh for Israel’s tragedy. Several times the authors of the Deuteronomistic History address their audience directly. Speeches are placed in the mouths of divine agents, angels or prophets, who forecast the future of apostate Israel. Sometimes, the author includes a sermon, summarizing the events of the past to tell us that there is a limit to Yahweh’s patience.¹¹ The author establishes a defence for Yahweh’s decision to destroy Israel. From the beginning of its history, Israel had been warned against its transgressions. Nobody should be in doubt that the blame rested on Israel alone because it had paid no attention to Yahweh’s warnings. If we are in doubt of the content of these warnings, we should look at them in the prophetic literature. Punishment will come if the people of Israel do not repent and change direction!

9. This is particularly evident in the Book of Jeremiah, cf. Winfried Thiel, *Die deuteronomistische redaktion von Jeremia 1–25* (WMANT 41; Neukirchen: Neukirchener Verlag, 1973), and *Die deuteronomistische redaktion von Jeremia 26–45* (WMANT 52; Neukirchen: Neukirchener Verlag, 1981). The best discussion of the place of propheticism in an exilic environment is probably to be found in Robert P. Carroll, *When Prophecy Failed: Reactions and Responses to Failure in the Old Testament Prophetic Tradition* (London: SCM, 1979), and *From Chaos to Covenant: Uses of Prophecy in the Book of Jeremiah* (London: SCM, 1981).

10. Martin Noth, *Überlieferungsgeschichtliche Studien. Erster Teil. Die sammelnden und bearbeitenden Geschichtswerke im Alten Testament (Schriften der Königsberger Gelehrten Gesellschaft. Geisteswissenschaftliche Klasse 18, 43–266; Königsberg, 1943; reprint, Darmstadt: Wissenschaftliche Buchgesellschaft, 1963), 3–110.*

11. Cf. texts such as Deuteronomy 4 (some might prefer all of Deuteronomy to be included in this connection); furthermore Joshua 23; Judges 2; 1 Samuel 12; 2 Kings 17; 21.

If we turn to the prophetic literature, presented as oracles of pre-exilic prophets, we find the opposite direction. In the historical books, we find proof that the prophets did not lie, but were spokespersons of Yahweh. When reading the historic books, we are advised to go to the prophetic books to see how Israel had been warned of the future punishment if it did not repent and change. The reader of the prophetic books should read the historical literature to see how the prophecies became true.¹² There is no reason to doubt that the conviction among biblical scholars that this literature was part of exilic experience is correct. Without the exile, it would be difficult to find a mental matrix for the production of this literature. It is only wisdom literature in the narrow sense of the word that it has not been influenced by the idea of exile – or, for that matter, by any historical consideration.

One question remains. What exile? The normal answer to this would be the exile in Babylonia (i.e. the period of exile between 587/586 and 539/538_{BCE}). This answer depends on a rather slavish paraphrase of the biblical text. The exile started when Babylonian armies conquered Palestine and Jerusalem in 597 and 587_{BCE} and deported several thousand people from Judah to Mesopotamia. A third wave of deportations followed after the murder of the Babylonian governor Gedaliah in 582_{BCE}.¹³ This exile lasted until King Cyrus of Persia, after his conquest of Babylon in 539_{BCE}, allowed Jews to return to the land of their ancestors. Following the return, the post-exilic Jewish community who returned from Babylon created a society of its own *in Palestine*.

The Old Testament itself has more information about the situation of Jewish society after Cyrus's decree of release of exilic Jews. Not all Jews in exile returned to Palestine. It was probably only a minority – perhaps merely a small fraction – of the exilic community who decided to travel all the way to Palestine. The majority stayed in Mesopotamia, where they, like many exiles from the West (e.g. Syria or Palestine), lived and prospered in Mesopotamia – a much more inviting place than Syria or Palestine.¹⁴ The majority stayed for thousands of years, making Mesopotamia the home of an extensive Jewish society for more than 2500 years. It was not a poor society. It was wealthy and prosperous, the source of important parts of later Jewish tradition. In this light, the Babylonian exile lasted until 1952_{CE}, when conditions deteriorated in Iraq after the establishment of the modern state of Israel in 1948_{CE}. The exile never ended in ancient times in spite of the fact that travelling between Mesopotamia and Palestine was generally unimpeded by public authorities.

The exile persisted as a core experience of Judaism. It found its lasting expression in the common greeting: 'Next year in Jerusalem!' Linguistically, Hebrew does not distinguish between 'exile' and 'dispersion'. Hebrew גולה

12. The appropriate decision of the Hebrew Bible to include the historical books from Joshua to 2 Kings among prophetic literature is based on this inner coherence. The prophetic and historical books are certainly connected in this very obvious way.

13. Cf. on this, Niels Peter Lemche, *Ancient Israel: A New History of Israelite Society* (The Biblical Seminar; Sheffield: JSOT Press, 1988), 175–6.

14. Cf. the introduction to the Book of Nehemiah, Neh. 1:2–3.

means both 'exile' and 'Diaspora', the common reference to the many Jewish communities who existed across the Mediterranean, and which defines Jewish communities as living 'in exile'. The condition of exile is, to Judaism, a worldview more than historical reality.

A few biblical scholars today are very sceptical in regard to the historical reality of the Babylonian exile – at least as part of the Jewish national story.¹⁵ Although they may be right, the idea of an exile is part of Judaism's religion from its very beginning. It is therefore without consequence for the production of Old Testament literature whether or not this exile happened in the world of reality. The exile is by all means the intellectual matrix for this literature. To liberate the idea of exile from the narrow confines of the sixth century BCE and change it to an everlasting condition establishes new possibilities for understanding and dating Old Testament literature with references to the exile. Jews were not only in exile under the Babylonians, but also in the Persian, Hellenistic and Roman periods. We should not doubt the relevance of John Van Seters's reference to Greek historical tradition and its influence on Old Testament historiography.¹⁶ Van Seters believes, in a rather traditional fashion, in an exile limited to the sixth century BCE, when the Greeks had hardly introduced historiography as a literary genre before it was borrowed by Jewish authors living in far-away Mesopotamia. Van Seters may be more right than he is aware. Greek historians (especially of the fifth century BCE and Hellenistic period) had an important influence on Old Testament historiography and we should not be surprised when we are confronted with Greek mythological and cultic ideas or with a similar understanding of history as is found in classical historiography (e.g. in Herodotus).¹⁷

A revision of the notion of exile in the Old Testament will provide biblical scholars with a possibility to change the dates of biblical literature from the sixth century to the second half of the first millennium BCE. If a biblical book was written in the third or second centuries BCE, this does not imply that it cannot be oriented towards the exile. Moreover, instead of assuming a very short period for the production of biblical literature, between 587 and 539 BCE, it is still

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15. Cf. Philip R. Davies, *In Search of Ancient Israel* (JSOT supplement, 148; Sheffield: JSOT Press, 1992), 78–87. Davies does not deny the obvious, that certain deportations occurred, which led people from Judah and Jerusalem in Neo-Babylonian times – deportations were standard in those days. He understands, however, the biblical tradition of a 'national' Israelite exile in Babylonia to be an ideological reflection over the past. Cf. also Thomas L. Thompson, *Early History of the Israelite People. From the Written and Archaeological Sources* (Studies in the History of the Ancient Near East, 4; Leiden: Brill, 1992), 417–18.
 16. John Van Seters, *In Search of History: Historiography in the Ancient World and the Origins of Biblical History* (New Haven, CT: Yale University Press, 1983), 8–54, and *Prologue to History*, 78–104.
 17. Cf. also Flemming A. J. Nielsen, *The Tragedy in History: Herodotus and the Deuteronomistic History* (JSOT supplement, 251/CIS, 4; Sheffield: Academic Press, 1997). I would suggest that the comparison should go further and include subsequent Hellenistic (and Roman) historiography. Cf. Chapter 17, this volume.

possible to argue that Old Testament literature did not come into being ‘overnight’. The possibility remains that this literature was written and rewritten over a considerable period, which covered several generations. It might well be that the composition of the Old Testament went hand in hand with the development of Judaism. We cannot exclude the possibility. On the contrary, it is likely that some of the biblical books are contemporary with other Jewish literature that was not included in the Hebrew Bible. Although this literature was not accepted as part of its Bible, it might have been, at the time of its composition, just as representative of Jewish tradition and religious norms as the books which were included.

Who ‘wrote’ the Book of Isaiah?

Literature from the ancient Near East is almost always anonymous. Old Testament books are not. All of them are attributed to pseudonymous authors. However, the real authors of this literature may leave some indication of their identity, like a face among the crowd in a church painting of the Middle Ages.

The book attributed to the prophet Isaiah is the product of a very complicated redaction. It not only consists of three major ‘blocks’ of prophetic tradition, referred to as Proto-Isaiah, Deutero-Isaiah and Trito-Isaiah, respectively, but it also reflects a series of large and small inserts. Its redaction is complicated. In the first part, we find pieces of texts that are clearly more recent than most of the material included in the next two sections.¹⁸ Literature from the ancient Near Eastern world is generally the product of a tradition. A concept such as ‘copyright’ was not meaningful in early antiquity – it is an invention of the modern age. The Book of Isaiah may have included many sources from different authors belonging to different times and places. It cannot be precluded that some of the sayings might have belonged to a prophet Isaiah (supposing he is a historical person). It is, however, certain that large sections are products of the authors/redactors of this book. To quote Knud Jeppesen, the distance between the two sayings ‘wasn’t it Isaiah who once said ...’ and ‘it was Isaiah who once said ...’ is a short one.¹⁹

The question of isolating passages which might belong to the prophet Isaiah – his *ipsissima verba* – is not interesting. Staying with the Book of Isaiah as it is handed down to us, it is my intention to look for fingerprints that may disclose the identity of the authors/redactors who put this work together. Such fingerprints may tell us who they were and how they saw themselves. They can be found in at least three passages. The first is Isaiah 4:2-6, a short passage concerning the future community assembled at Zion. The second is Isaiah 5:8-24, prophesying to the unfaithful how they will be swallowed by death, because they do not pay attention to the law of Yahweh. Finally, Isaiah 6:11-13 relates to the identity of the holy seed which will remain when Israel has been punished.

18. Thus the so-called ‘little apocalypse’ in Isaiah 24–27.

19. Jeppesen, *Græder ikke saa saare*, 99.

In a recent contribution to this discussion, I compared the idea of community present in the Dead Sea Scrolls with the notion of the Israelite nation found in the Old Testament. It was my intention to show that the two collections of texts share almost the same idea of society.²⁰ In both, society is understood to be holy and defined in a way that can be dubbed ‘sectarian’. Every person who does not live up to the religious expectations of the society is to be excluded. A sectarian movement, creating boundaries between itself and the outside world, makes a sharp distinction between the members of the group and non-members. Often, such a group will behave ruthlessly – at least verbally, though at times also in practice – if dissidents appear who threaten the unity of the group. Its membership is without qualification identified as the ‘people of God’, whereas non-members are the legitimate prey of Death.

Isaiah 4:2-6

In my previous discussion of the idea of society in the Old Testament and Dead Sea Scrolls, Isaiah 4:2-6 played an important part. The new Israel (i.e. the surviving few that take up residence in Jerusalem) is a religious community with well-defined borders, separating it from the rest of the world. This Israel consists of the few who are ‘written among the living in Jerusalem’. This last line also declares that those who are not of the select few will perish. The remnant is ‘holy’ and identified with the assembly of Zion, protected by Yahweh as Israel had been in the desert, alluding to Exodus–Numbers. It will stay in a ‘hut’, סוכה – another allusion to the Israelites in the desert and the feast of booths, when the people of Israel lived in huts. This hut is the one that symbolically protects Zion; the cloud, the fire and the shelter (Hebrew חופה also means ‘bridal chamber’): all these signs of divine presence embrace the holy remnant and create a mystical relationship between the new nation and its God, making clear that this remnant is truly God’s people.

The impression gained from this array of mystical phenomena which surrounds the new Israel is supported by the phraseology at the beginning of the passage. The text speaks of ‘the branch of the LORD and the fruit of the earth’. This is the only place in Proto-Isaiah where ‘branch’, Hebrew צֶמַח, is used. It echoes the messianic passages of Proto-Isaiah, where we find allusions to the new David, such as Isaiah 11:1: ‘And there shall come forth a rod out of the stem of Jesse, and a Branch shall grow out of his roots.’ Although the King James version uses ‘branch’ in both passages, it does not translate the same Hebrew word. In Isaiah 11:1 the two nouns are הַטֵּר and נֹצֵר combined with the two verbs יִצָּא and פָּרַח.

20. Niels Peter Lemche, ‘The Understanding of Society in the Old Testament and in the Dead Sea Scrolls’, in F. H. Cryer and T. L. Thompson (eds) *Qumran between the Old and New Testaments* (JSOT supplement, 290/Copenhagen International Seminar, 6; Sheffield 1998), 181–93.

Deutero-Isaiah makes frequent use of the verb צמח (Isaiah 42:9; 43:19; 44:4; 45:8; 55:10). In Isaiah 42:9 it relates to Yahweh freeing his people from prison (Isaiah 42:5-9): The new tidings that have been announced will go forth. The passage is part of the first 'servant song' (Isaiah 42:1-9) and is permeated with messianic connotation. The servant in Isaiah 42 must be the new David. A number of textual elements connect this passage and Isaiah 11. The possession of the spirit of righteousness is common to both the new David of Isaiah 11 and the servant of Isaiah 42. It is also a common motif that the servant/Messiah shall free prisoners, bring justice to the poor and bring the elected back to paradise (i.e. to God's own country or Zion).

The situation in Isaiah 43:19 is very much the same. צמח (as in Isaiah 42:9) is connected to the 'new' – that is, 'growing' – in a context that alludes to the sojourn of the Israelites in the desert. In Isaiah 44:4, the people of the future shall grow, blessed by Yahweh, while in Isaiah 45:8 righteousness appears with salvation. The Messiah in this passage is Cyrus (Isaiah 45:1).

Trito-Isaiah uses the noun צמח once as part of a metaphor of crops growing, much like Isaiah 44:5 and 45:8. The context of Isaiah 61 speaks of liberation from prison (cf. also Isa. 42), the good tidings to the poor and the consecration of the people of God as priests of Yahweh and servants of God (Isa. 61:6). צמח is also used as a verb in Isaiah 58:8,²¹ which combines themes of liberation and righteousness in a way similar to other passages already mentioned where צמח is used.

In the Book of Zechariah, צמח has a messianic meaning. In Zechariah 3:8, צמח is simply 'my servant' who will appear or 'grow forth' (6:12). The same is the case in the Book of Jeremiah, where Yahweh 'will raise unto David a righteous Branch'. In Jeremiah 33:15, צמח is used both as noun and as verb, ואצמח לדוד צמח צדקה. Other passages are relevant to the discussion. It is clear that, in Isaiah 4:2-6, the assembly of holy ones is not only the remnant spared from exile and punishment; it is also a holy community, assembled in the name of the Messiah. Although the Messiah is not mentioned directly, the text is permeated with allusions and hopes that belong to this context.

Who are 'the holy ones' who have been 'spared' (והנותר)? Who perished? In the Book of Isaiah, the principal answer to such questions is, of course, that they were the ancient Israelites, the idol worshippers, whose children lived in foreign countries and have returned from their exile. Is this answer sufficient? Is it precise? Was it enough to be accepted within the new Israel that a person had merely to show his or her pedigree? Were other qualifications required? An answer to these questions may be found in Isaiah 5:8-24.

21. The King James Version (KJV) 'thine health shall spring forth speedily', which is much closer to the sense than the Revised English Bible (REB) 'a new skin will speedily grow over your wound'. The Hebrew text says ווארבתך מהרה תצמח וארובה. ארובה is also used in Neh 4.1 about the repair of the walls of Jerusalem. According to the *Dictionary of Classical Hebrew* I, 372, the primary meaning is 'restoration', which indicates an exilic context for the passage (exile and restoration).

Isaiah 5:8-24

This passage is often understood as a series of 'woes' against irresponsible persons. The content of this description, however, is empty. It misses the point stressed in the last section: 'because they have cast away the law of the LORD of Hosts, and despised the word of the Holy One of Israel' (Isa. 5:24b). Who are these unfaithful depicted in the preceding woes as persons who join house to house and field to field, who get drunk early in the morning and enjoy happy company, music and entertainment: all the happy fellows that are swallowed by Death in v. 14? Included among the infidels are the greedy, corrupt, God-forsaking multitude who turn white into black, all self-sufficient drunkards who accept bribes.²² Common to all is that they have forsaken the law of Yahweh.

Scholars usually take this passage to be an example of the social ethics of the prophets (cf. vv. 8-10). The prophet reproaches his people because of their lack of understanding – a subject that reappears in Isaiah 6. Is this really the point of this passage? The significance of the passage may appear in v. 24: 'they have cast away the law of the LORD of Hosts'? But who are those *who have not spurned* the law of God? An obvious answer: they are not normal people but the pious who fear God and care only for the law of God.²³

The conclusion to Isaiah 5:8-24 resembles the introduction to the Book of Psalms: 'Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful. But his delight is in the law of the LORD; and in his law does he meditate day and night' (Ps. 1:1-2). The contrast made by Isaiah 5:8-24 is the same as that indicated by the first psalm. The point is not the difference between the law student and the sinner, but between the law student and everybody else, all the common people who do not 'meditate on God's law day and night', every person whose life is not exclusively devoted to the study of the law, but finds time for other, more profane pleasures.

In the introduction to the Book of Psalms the editors of this collection of poems undoubtedly identify themselves, though this does not mean that they also wrote all the psalms included in the Book of Psalms. They edited this collection of poems and provided it with guidance for reading and understanding it.²⁴

22. Most commentators agree that Isa. 10:1-4 completes this passage. It is a woe over persons who do not care for the widow, the orphan and the poor.

23. It is without consequence whether this passage is part of a saying attributable to the prophet Isaiah or to some redaction of the book carrying his name. It is not even important if v. 24b is a secondary insertion in the passage, as proposed by several commentators since the days of Marti and Duhm (cf. Hans Wildberger, *Jesaia*, *Biblischer Kommentar. Altes Testament X/1*; Neukirchen: Neukirchener Verlag, 1972), 191. Such commentators are influenced by the idea that we may be able to trace the words of the prophet Isaiah himself. Because v. 24b is present in the text as it stands, it tells us how the authors or editors of this passage looked upon themselves.

24. Cf. on this Niels Peter Lemche, 'Indledning til Davids salmer', in Lone Fatum and Mogens Müller (eds) *Tro og Historie. Festskrift til Niels Hylldahl i anledning af 65 års fødselsdag den 30. December 1995* (Forum for Bibelsk Eksegese, 7; Copenhagen:

They were law-abiding Jewish scholars, devoted to an exclusive study of God's law, who could not think of a life not totally absorbed in the study of the law.

Isaiah 1:10 presents another example of such self-identification. It contains preaching against the people of Sodom and Gomorrah who are admonished to pay attention to the 'word of the LORD' and to listen to 'the law of our God'. The author's enemies are the people of Sodom, doomed to be punished by Yahweh. The author will join to his people 'all nations of the earth', who will travel to Zion to listen to the law of Yahweh. It has been mainstream scholarship for many years – at least since the publication of Julius Wellhausen's famous thesis that the prophets predate the law – to translate Hebrew תורה as 'teaching' or 'instruction' whenever it appears outside the Pentateuch or in passages not directly relating to the law of Moses.²⁵ Because of this distinction, a passage such as Isaiah 5:24 cannot possibly – so it is assumed – refer to Yahweh's law in the narrow sense of the word. It is a reference to the priestly instruction given at the sanctuaries of ancient Israel in pre-exilic times. This translation is supported by the simple fact that תורה actually means 'instruction' or 'teaching'. This is, however, also the natural translation of תורה in the Pentateuch in connection with the 'instruction' of Moses.

The misleading interpretation of תורה as 'law' begins with the Greek translation νόμος. As a matter of fact, this is a correct Greek rendering of תורה.²⁶ The later Christian tradition understands תורה, alias νόμος, as 'law' in the strict sense of the word (i.e. in its forensic meaning). This has to do with the denunciation of the law in the New Testament, which turned Christians against the law and prevented them from understanding the real content of the word. תורה should probably be rendered as 'instruction for life'. Because of the idea of the dead letter of the law in the New Testament, Christian scholars made a distinction

Museum Tuscukanum, 1996), 142–51. The point made here is that Psalms 1 and 2 are considered by the editors of the Book of Psalms a single psalm. Although Psalm 2 may have existed before the editors chose it to introduce their collection, it is now part of the introduction that presents David as the Messiah of the people of Yahweh. Remember that Psalm 2 has no introduction like Psalm 3, מזמור לדוד. Why? Yahweh first installs his messianic David on his throne in Ps. 2:6-7. After that, the following psalms can be attributed to this Messiah, either believed to be his poems or poems about the Messiah. That David and the king are the Messiah is certain. When the king is introduced in Ps. 2:2, it is as the Messiah. The connection between Psalms 1 and 2 is finally established by the *inclusio* marked by the formula NN אשרי that appear in the first verse of Psalm 1 and the last of Psalm 2.

25. This is the main thesis in Wellhausen's famous *Prolegomena zur Geschichte Israels* (Berlin: Georg Reimer, 1878). To mention one example of the impact Wellhausen has made upon modern Bible translations, the REB translates תורה in Isa. 5:24 as 'for they have spurned the instruction of the LORD of Hosts' instead of KJV's 'because they have cast away the law of the LORD of Hosts'.
26. νόμος means 'that which is habitual practice, use or possession', and then 'custom' and finally 'law' (cf. Liddell and Scott, *Greek-English Lexicon*, 9th edn, Oxford: Oxford University Press, 1925, 1180).

that was probably never intended by Old Testament authors. They distinguished between ‘instruction’ and ‘law’ and believed the law to belong to so-called ‘late Judaism’ (i.e. the Jewish world of the Second Temple – never much appreciated among Christian exegetes of the past). Ancient Israel, the construction of the same scholars, was not yet Judaism. The law of Moses did not yet exist, which, in their eyes, created Judaism.²⁷

Scholars brought up within this Christian tradition never understood that such a thing as a written law code, to be used in courtrooms (i.e. composed for practical use) were uncommon in the ancient Near East (if they existed at all). Law was not ‘law’ in the modern sense of the word and courts did not function in the way they do today – or, for that matter, in Roman tradition. It is now common knowledge among Assyriologists that the famous law collections of Mesopotamia were not put together with a practical use in mind. They were school texts and academic exercises occasionally turned into royal propaganda.²⁸ Like the Mesopotamian law-codes, biblical collections, like the Book of the Covenant (Exod. 21–23), did not function as juridical textbooks. They belonged to a tradition of ‘scholastic’ law that was studied in universities (traditionally called scribal schools by modern scholarship). In short, legal literature was wisdom literature. It is this academic law that should be studied day and night, as is the case in the schools of the rabbis, not because this is the law, but because it is the source of wisdom and life (cf. Ps. 1:3). Hebrew תורה means exactly this. It is ‘instruction’ for life. When we disregard the understanding of the law common to Paul and the early Christians, there is no reason to postulate a difference between occurrences of תורה in the books of the prophets, in Psalms, or in the Pentateuch and Deuteronomistic literature. Isaiah 5:8–24, like Psalm 1, does not make a contrast between the pious and the impious. The distinction made has to do with the student of law and everyone else.

In the eyes of the law student, a person not conversant with the law will automatically be reckoned among the merry fellows who are swallowed by death.

27. A revised view on the content of the תורה of the Old Testament that denies that we can separate ‘law’ and ‘instruction’ as belonging to two different periods in the history of Israel will have other consequences as well. The artificial distinction between ‘instruction’ and ‘law’ is false and cannot be used to date the Pentateuch *vis-à-vis* the Prophets and Psalms. We therefore have no reason to think that Psalms and Prophets are far removed in time from the Pentateuch and the Deuteronomistic literature. This literature belongs to Judaism. Scholars will have to choose between two options. The first one says that biblical literature must be part of Judaism of the second half of the first millennium BCE. The second argues that most if not all of it must belong to the Iron Age (i.e. the period of the Hebrew kings), something still maintained by a number of Israeli scholars of the present.

28. This is not the place to deal extensively with this issue. Cf. the short introduction to the theme by Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor* (Writings from the Ancient World 6; 2nd edn; Atlanta, GA: Scholars, 1997), 1–10. I deal with the system of justice in Syria and Palestine in Chapter 13, this volume. Here the lack of written law is attributed to the socio-political system, a patronage system that did not need written law.

The unfaithful (i.e. one who does not know the law) has no part in the kingdom of God. He is condemned and, without mercy, shall be placed in darkness. Here 'they shall pass through it ... they shall fret themselves, and curse their king and their God ... and they shall be driven to darkness' (Isa. 8:21-22).

The identity of the author (or editor) of the passage in Isaiah 5:8-24 is obvious. In this dichotomy between the faithful and the unfaithful, the author reckons himself among the faithful ones, the students of law. He has no part in the merry doomed company and does not share their fate because they have cast away the תורה of God. There is no middle course between the student of the law and the multitude of unfaithful, the prey of Death. Our student is found among the holy ones assembled at Zion and protected by the glory of Yahweh. It is, therefore, certain that our author cannot belong to the pre-exilic period. The vision indicates that we will meet next year in Jerusalem because punishment is over.

Isaiah 6:1-13

A party of law students such as described here has no part in the profane and worldly life of common people. Such a group is elitist in its outlook: students or teachers at academic institutions. It should not be difficult to locate such institutions. The Book of the Covenant's close ties to Mesopotamian law codes points at Mesopotamia as the place of origin of Judaism. At the middle of the first millennium BCE, academic institutions had been in existence for more than 2000 years. These institutions are usually described as learned scribal schools. However, the knowledge of those days – whether literature, mathematics, astronomy (generally in the disguise of astrology), medicine, law or religion – was studied in these schools. According to any definition, they were the universities of their time.

A group of academics as described here will normally look upon itself as something special in comparison to the rest of society. Its membership will live 'in its own world'. Its study of the contemporary world will be based on its own ideas and it will easily be persuaded into believing that the rest of the world is (or should be) following the same rules as those accepted within the group of academics. Falling short, in this respect, leads to rejection from the paradise of the academic circle, involving ridicule and contempt.²⁹

A final example may clarify this attitude among the authors of biblical literature. It is obvious that the idea of belonging to the elite allows for a self-understanding that leaves no room for other people. Everybody else can die as they live. God does not love them! The last few lines of the call narrative of

29. Modern universities, which have developed into industrial plants, producing candidates in thousands and tens of thousands, have little in common with the universities of the past. We have merely to travel one generation back in time to find the academic population at the universities locked within its own contexts, so-called 'ivory towers', where it was believed that scholarship must be pursued without interference from an outside world.

Isaiah (Isa. 6:11-13) may contain the clearest formulation of this idea of belonging among the chosen few in the Old Testament.

Many of the problems caused by this short passage have to do with textual matters, but are not very important in this context. Textual corruption may have happened and emendations may change the meaning of some parts of the text. Only major corrections will, however, alter the meaning of the entire passage, such as if the last line is omitted,³⁰ it gives meaning to the whole passage. The remnant that survives is 'holy'. The passage states that when Isaiah asks how long his people will not understand, the answer is 'until the cities be wasted without inhabitants'. If one person in ten survives, the rest shall be destroyed. Only a stump of the tree will survive. It is holy seed. If we are serious about the translation of the passage found in modern bibles, this suggests that exile and punishment has to come. When the punishment is over, only a remnant will survive. The multitude of the people has vanished. The passage presupposes, first of all, that the exile is a reality and, second, that the myth of 'the empty land' has been accepted. This myth had, however, little to do with the situation in the territory of the former state of Judah in Neo-Babylonian times.³¹ It is a myth created to establish a line of division between the people said to have 'survived' the exile and the very few who will become 'the holy seed'.

What kind of information about the understanding of the world current among the authors or collectors of Isaiah may be deduced from this evidence? Isaiah 6:11-13 is part of the so-called 'Isaiah's *Gedenkschrift*' (Isa. 6-9:6). This was, in a very naive way, believed by earlier scholarship to be the product of the prophet Isaiah, himself – because of the use of 'I' in this section of the book – or at least of a circle of students very close to their master. This idea of a *Gedenkschrift* is impossible. This section of the Book of Isaiah contains several specimens of Deuteronomistic influence, among these a passage quoted from 2 Kings (Isa. 7:1 being almost identical with 2 Kgs 16:5). It is impossible to quote something that does not exist. If the *Gedenkschrift* contains Deuteronomistic phrases, it can hardly have been put together before – in the classic sense of the word – the exilic period. It is not the product of the eighth or seventh century BCE. The 'I' formula is an example of a narrator, changing style. It is not an indicator that says something about the authors of this section of the Book of Isaiah.

It is a reasonable assumption to consider the passage about 'holy seed' to be an expression of the elitist self-understanding of the law-faithful circle of authors who brought together large parts of Old Testament literature. These authors and their circle are the 'holy seed'. Their membership is extremely limited, and they do not care because they know the 'truth' (i.e. the law of God, their subject of study and contemplation). To them belongs the coming Kingdom of God and they will live on Zion, the mountain of God. It is no concern of theirs whether the rest of the world perishes in the process. All that matters is the survival of the people of God.

30. Cf. *BHS*, Isa. 6:13 f-f- dl – however, without any textual support whatsoever.

31. Cf. Hans M. Barstad, *The Myth of the Empty Land: A Study in the History and Archaeology of Judah During the 'Exilic' Period* (Symbolae Osloenses 28; Oslo: Aschehoug, 1996).

'The Taliban'

If it is correct to characterize the authors and collectors of the Old Testament literature in this way, one may say that they belonged to a well-educated societal elite in possession of a definite socio-religious programme. They knew Mesopotamian law and the university tradition, but they were also acquainted with religious and historical traditions from Syria and Palestine. It is hardly a coincidence that they placed Jerusalem in a central position in their religio-political universe. Nor is it a coincidence that they considered themselves 'sons' of the 'fathers' who once lived in the Promised Land. These fathers had transgressed God's covenant, were rejected, and sent into exile, where they died. A son has the right to inherit his father, but he is not the same person as his 'father'. A father's sins are not transferred to the son when they have been atoned (and the father has died).³²

It is in this context that the idea of an exile legitimizes the claim of the 'sons' to inherit the land of their fathers while at the same time creating a space between fathers and their sons. The fathers were of the lost generation, whereas the sons are members of the new Israel, the true people of God. Within this ideological universe, it is not important whether the sons were biologically sons of the 'fathers' – the direct offspring of the people brought into exile from Judah and Jerusalem. It is also without consequence whether the 'sons' belonged to the first generation (i.e. whether or not their real fathers were the people sent into exile in 597 or 587BCE) or whether the 'sons' belonged to a generation born perhaps hundreds of years after these events. In such a world, 'father' and 'son' are classificatory terms. To think of oneself as a 'son' means that the 'son' establishes or formulates a claim to the possessions of the 'father' who went into exile – perhaps a very long time ago.

The Old Testament includes a programme for the return and restoration of the real Israel. This return will not include everyone who might think of himself or herself as part of that new Israel. Only very few who 'in his law doth meditate day and night' are allowed in. The rest (i.e. everyone else) who might believe

32. Cf. Jer. 31:29-30: in the new Israel there is no need of a collective punishment. Everybody must answer for his own transgressions. Here the concept of the 'exile' has almost the same meaning as the Flood story – the one of water and the one of fire – in Genesis. When the water destroyed humankind, it was a meaningless collective punishment: Human beings were evil and were punished collectively (Gen. 6:11-12). However, they also remained evil after the Flood (Gen. 8:21). In the second case when Sodom and the other cities of the Jordan region were destroyed by a fire from heaven, Abraham negotiates his case in front of God by claiming that the righteous cannot perish together with the unjust. This is the point made by the epilogue to the Neo-Babylonian version of the *Epic of Gilgamesh*: in the future, a person must carry responsibility for his or her own actions. Collective punishment leads nowhere (*Gilgamesh* XI, iv; cf. Stephanie Dalley, *Myths from Mesopotamia: Creation, The Flood, Gilgamesh and Others: A New Translation*, Oxford: Oxford University Press, 1989, 115). Thus, both Jeremiah and Ezekiel reject the implications of the famous saying 'the fathers have eaten a sour grapes, and the children's teeth are set on edge' (Jer. 31:29-30; Ezek. 18:2ff.).

themselves to belong to Israel will be rejected and cast out. They are no more than abominable idol worshippers.

The Old Testament proposes a programme for the annexation of a country, including the removal of any person who does not live up to the religious expectations that relate to this 'conquest' of the land of the fathers. The conquest narrative in the Book of Joshua has a paradigmatic role to play in this context. It shows that it is in accordance with the will of the God of Israel to destroy any person who is not a member of the true people of God. Such persons are condemned and shall be killed because they are Canaanites and placed under the *herem*. According to the Book of Joshua, it is a regrettable fact that the Canaanites were not entirely annihilated but some were spared. Israel sinned against the Lord by sparing the lives of a few Canaanites and did not live up to the expectations and demands of its divine patron.³³

The section is called 'The Taliban' (an Arab term, from Arabic *talaba* meaning 'those who seek [God]'). The title indicates that a parallel may be found to religious political movements of the present, not least active in the Muslim world. The members of the Taliban movement in Afghanistan are often dubbed by the mass media 'students', and not without reason. Some, if not all, of its founding members were law students educated at Muslim law schools in Pakistan who set out to 'return' to the land of their fathers to create the ideal Muslim republic. To them it is a paradise on earth, to other people a nightmare.

The holy, unpolluted new Israel whose existence is totally absorbed in the study of the law of God – of course, a metaphor, but one with content – is planned as a 'theocracy', a much-favoured favoured term of the past. This theocracy was probably never a political fact, although often believed to be so. It was more a programme for an intolerant society supposed to execute any person who might not repent, conform and follow the ways of God. Richard D. Nelson has recently described the content of the term *herem* in Deuteronomistic literature in a different way. He does not take this expression to be a sign of paranoia and xenophobia, directed against any person who did not conform religiously. He places the concept of *herem* in an old Israelite socio-cultural context, not related to the texts of the Old Testament.³⁴ This is completely misleading. After all, the pages of the Old Testament include the demand that a ban is placed upon every non-Israelite citizen of the Promised Land. They are all condemned and should be killed to please God. To modify a quotation from the inventor of the

33. On the literary character of the Canaanites of the Old Testament, cf. the last chapter in Niels Peter Lemche *The Canaanites and Their Land: The Tradition of the Canaanites* (JSOT supplement, 110; Sheffield: JSOT Press, 1991), 151–73. Here the argument says that the Canaanites are the 'bad guys' in the biblical drama. The Israelites are no more real. They are the 'good guys'.

34. Richard D. Nelson, 'Herem and the Deuteronomistic Conscience', in M. Vervenne and J. Lust (eds) *Deuteronomy and Deuteronomistic Literature. Festschrift C. H. W. Brekelmans* (Bibliotheca Ephemeridum Theologicarum Lovaniensium 133; Leuven: Peeters, 1997), 39–54.

Kalashnikov rifle, it is not the text which kills, it is the people who read the text and wish to carry out its programme.

We do not know whether the Old Testament 'Taliban' ever succeeded in creating their theocratic state. If they succeeded, we should probably identify them as 'Maccabees' who were politically active in a period otherwise dominated by Jewish nationalism. John Strange has argued that the Book of Joshua should be understood as a programme for a conquest that relates to this movement and its aspirations.³⁵ He might well be correct. The Book of Joshua may have functioned as a Hasmonean manifesto. But this does not automatically mean that the Book of Joshua was composed in the Maccabean or Hasmonean period. It could well be older but understood to formulate a political programme by the people supporting the Maccabean cause.

It was not the aim of this chapter to present a dogmatic, not to say 'final', answer to the question of authorship of this literature. It is enough to indicate a way to penetrate deeper into this intricate question. To a great extent, this literature is the expression of a religious and political programme. Following the guidelines of the argument in this chapter, we may be close to the sentiments and ideas which created Judaism as a conglomerate of Syro-Palestinian and Mesopotamian ideas and notions, and which have been submitted to heavy Greek cultural influence, sometimes adorned with Egyptian motifs.

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35. John Strange, 'The Book of Joshua: A Hasmonaean Manifesto?', in A. Lemaire and B. Otzen (eds) *History and Traditions of Early Israel: Studies Presented to Eduard Nielsen May 8th 1993* (SVT 50; Leiden: E. J. Brill, 1993), 136–41.

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