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IDEOLOGICAL UNDERPINNINGS OF LEGISLATION IN THE HEBREW BIBLE

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Abstract

Legislation represents an intersection between reflecting social conditions and seeking to create them. The three main legal texts in the Pentateuch are the Covenant Code in Exodus 21-23:19, the Priestly legal material primarily located in Leviticus and Numbers, and the Deuteronomic laws in Deuteronomy 12-26. Written at different times by different pens; each author sought to project their worldview in their respective legislation. This thesis will examine two examples of parallel laws: slavery laws in Exod 21:2-6 and Deut 15:12-18; and false weight laws in Lev 19:35-37 and Deut 25:13-19. Through analyzing textual, archaeological, and other ancient Near Eastern texts, I will demonstrate a systematic pattern of Deuteronomic revision of the earlier Covenant Code. Opposed to the largely casuistic Covenant Code, the legal material in Leviticus and Deuteronomy make free use of literary passages. These literary inclusions demonstrate a sense of historical awareness and add clout to the laws by triggering associations in the audience.

TABLE OF CONTENTS

Abstract.....	i
Acknowledgements.....	iii
Abbreviations.....	iv
Chapter 1. INTRODUCTION.....	1
Chapter 2. LAWS REGARDING SLAVERY.....	4
1. Introduction.....	4
2. Exodus 21:2-6: Text and Commentary.....	5
3. Deuteronomy 15:12-18: Text and Commentary.....	12
4. Analysis & Conclusions.....	18
Chapter 3. LAWS REGARDING FALSE WEIGHTS.....	25
1. Introduction.....	25
2. Leviticus 19:35-37: Text and Commentary.....	25
3. Deuteronomy 25:13-19: Text and Commentary.....	27
4. Analysis & Conclusions.....	31
Chapter 4. CONCLUSION.....	38
Bibliography.....	42

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Abbreviations

1, 2, 3	First, second, and third grammatical persons
AB	Anchor Bible
AOAT	Alter Orient und Altes Testament
<i>BA</i>	<i>Biblical Archaeologist</i>
<i>BASOR</i>	<i>Bulletin of the American Schools of Oriental Research</i>
<i>BWL</i>	<i>Babylonian Wisdom Literature</i> . W. G. Lambert. Oxford, 1960
c	Common grammatical gender
<i>CBQ</i>	<i>Catholic Biblical Quarterly</i>
<i>COS</i>	<i>The Context of Scripture</i> . Edited by W. W. Hallo. 3 vols. Leiden, 2003
EA	El-Amarna tablets. According to the edition of J. A. Knudtzon. <i>Die el-Amarna-Tafeln</i> . Leipzig, 1908–1915.
f	Feminine grammatical gender
GKC	<i>Gesenius' Hebrew Grammar</i> . Edited by E. Kautzsch. Translated by A. E. Cowley. 2d. ed. Oxford, 1910
<i>HALOT</i>	Koehler, L., W. Baumgartner, and J. J. Stamm, <i>The Hebrew and Aramaic Lexicon of the Old Testament</i> . Translated and edited under the supervision of M. E. J. Richardson. 4 vols. Leiden, 1994–1999
HSM	Harvard Semitic Monographs
<i>HUCA</i>	<i>Hebrew Union College Annual</i>
<i>IBHS</i>	<i>An Introduction to Biblical Hebrew Syntax</i> . B. K. Waltke and M. O'Connor. Winona Lake, Indiana, 1990
ICC	International Critical Commentary
<i>JAOS</i>	<i>Journal of the American Oriental Society</i>
<i>JBL</i>	<i>Journal of Biblical Literature</i>
<i>JBQ</i>	<i>Jewish Bible Quarterly</i>
<i>JCS</i>	<i>Journal of Cuneiform Studies</i>
<i>JHS</i>	<i>Journal of Hebrew Studies</i>
JSOTSup	Journal for the Study of the Old Testament: Supplement Series
<i>LAE</i>	<i>Literature of Ancient Egypt</i> . W. K. Simpson. New Haven, 1972
m	Masculine grammatical gender
<i>OtSt</i>	<i>Oudtestamentische Studiën</i>
p	Plural grammatical number
<i>PEQ</i>	<i>Palestine Exploration Quarterly</i>
RIME	The Royal Inscriptions of Mesopotamia, Early Periods
s	Singular grammatical number
SBLDS	Society of Biblical Literature Dissertation Series
<i>TA</i>	<i>Tel Aviv</i>
<i>ZAW</i>	<i>Zeitschrift für die alttestamentliche Wissenschaft</i>

Chapter 1

Introduction

Legal writing represents a large body of literature attested in a variety of languages, contexts, and time periods. The perceived purpose of early Near Eastern legal texts has undergone a significant shift in scholarship over the last century. The basis for the majority of the scholarship has been the cuneiform legal material. Although their interpretations have since been abandoned, G.R. Driver and J. Miles laid the foundation for cuneiform law study by collecting the available corpus.¹ B. Landsberger showed that the Codex Hammurapi was never cited as a legal authority in court cases, prompting a new view of the function of cuneiform legal material; his work was expanded on by J.J Finkelstein to further distance the cuneiform laws from understanding them as functioning legislation.² Cuneiform law collections are now seen as texts without practical application, although their exact function remains unknown. The three main views are that the law codes – more accurately, collections – represent literary exercises, royal apologia, or judicial treatises. The history of biblical legal scholarship is more complex due to the relationship of the texts with the rest of the corpus. Much of the developments in cuneiform legal studies have been applied to the Pentateuchal laws, particularly the Covenant Code. Early views generated by legal historians such as D. Daube have been abandoned due

¹ Godfrey R. Driver and John C. Miles, *The Assyrian Laws* (Oxford: Clarendon, 1935); *The Babylonian Laws* (Oxford: Clarendon, 1952-55).

² For a history of scholarship and literature review, see Eckart Otto, “Aspects of Legal Reforms and Reformulations in Ancient Cuneiform and Israelite Law,” in *Theory and Method in Biblical and Cuneiform Law: Revision, Interpolation and Development* (ed. B. M. Levinson. JSOTSup 181; Sheffield, 1998), 160-196; and Michael LeFebvre, *Collections, Codes, and Torah: The Re-characterization of Israel’s Written Law* (New York: T&T Clark, 2006), 8-18.

largely to the work of R. Westbrook.³ Studies regarding the relationship between the early cuneiform and biblical laws alongside rabbinic and Talmudic laws have also abounded, but are not under discussion here.⁴ The biblical laws have also been studied in the context of source criticism, with the Covenant Code generally considered as, at the least, part of the combined JE document. The status of laws in Leviticus and Numbers are more up in the air because of the debated relationship between P and H.⁵ Deuteronomy 12-26 is, of course, Deuteronomic.

This project studies two instances of parallel laws in the Hebrew Bible: one set being laws regarding slavery, the other regarding false weights. Cuneiform legal material will be discussed in relation to the biblical sources. As I find the philology of legal biblical Hebrew wanting, I will examine the grammar of each law code. There will be a much closer analysis of the slavery laws in this regard, owing to their greater casuistic nature. Beyond a grammatical commentary, the similarities and differences in content will also be discussed, as well as what can be learned from Near Eastern parallels. After placing each set of laws in a proper context, including biblical and extra-biblical references, I will demonstrate the implications of each law pair. The casuistic format of the Covenant Code aligns it more closely with the cuneiform tradition; the literary passages in Leviticus and Deuteronomy serve to ground the laws in historical intimations. The Deuteronomic version of the slavery law reinforces the perception of Deuteronomic revision of earlier material to suit contemporary sensibilities; the false weight laws attempt to abolish economic fraud. Here the Deuteronomic agenda of centralization is also

³ See, for example, Raymond Westbrook, "What is the Covenant Code?," in *Theory and Method in Biblical and Cuneiform Law*, 15-36.

⁴ See recently, Samuel Greengus, *Laws in the Bible and in Early Rabbinic Collections: The Legal Legacy of the Ancient Near East* (Eugene, Or.: Cascade, 2011).

⁵ See Israel Knohl, *The Sanctuary of Silence* (Minneapolis: Fortress Press, 1995) for a recent view highlighting differences between P and H. For the scope of this paper, I consider the two schools as theologically similar, particularly when contrasted with other traditions.

present, as are allusions to monarchic control. Although these themes have been established broadly, an examination of the particulars reveals more evidence that affirms these views.

Chapter 2

Laws Regarding Slavery

1. Introduction

Slavery was an important factor in ancient civilizations throughout the world, and early law codes frequently legislate concerning it.⁶ In terms of the Hebrew Bible, slavery laws introduce the Covenant Code and the other Pentateuchal legal texts include them in various incarnations. Related Near Eastern texts will be discussed below to examine how biblical slavery laws relate to larger legal traditions.

Despite the vast amount of literature regarding the content of the biblical law, the philology is lacking. No specific grammar of legal biblical Hebrew or of individual law corpora has been written. Legal registers, quite distinct from other diatypes, maintain different sets of rules and tendencies. Detailed studies of the particular – such as legal biblical Hebrew – would significantly further our understanding of the language as a whole.⁷ This chapter will exhibit several of these open problems, such as protasis-apodosis distinction and verbal form usage.⁸ The commentary section and following analysis will point out these problems and offer solutions

⁶ I will use “slave” and “servant” interchangeably as the distinction between the two is modern with neither current sense fully applying to the ancient institution.

⁷ I. Young and M. Rezetko have thoroughly critiqued biblical Hebrew philology with respect to dating texts linguistically, but many of the criticisms can be extrapolated to the field as a whole. They believe that individual grammars will bear out their argument that so-called Classical Biblical Hebrew and Late Biblical Hebrew are artificial distinctions. This remains to be seen, but scholarship must investigate individual corpora more thoroughly to confirm or deny. Ian Young and Martin Rezetko, *Linguistic Dating of Biblical Texts* (2 vols.; London: Equinox, 2011).

⁸ It is important not to confuse the BH verbal function with the English translation. Here, I will translate the laws to fit legal English, not to replicate BH forms.

where possible. I aim not to write a grammar of the slavery laws, but to provide foundations for future philological work and demonstrate the insufficiencies in the present understanding of biblical Hebrew.

At a content level, the differences in these laws reflect societal transitions from the period of the Covenant Code's canonization to Deuteronomy and different authorial goals. I will demonstrate that the Deuteronomist was aware of the earlier Judean legal corpus and presented a new model in accordance with Josianic reforms and 7th century conditions.

2. Exodus 21:2-6: Text and Commentary

Exodus 21:2-6

² If you buy a Hebrew servant, he will work six years, and in the seventh, he will go out to *ḥopšî* for nothing. ³ If he entered with himself, will he leave with himself. If he is a husband of a woman, his wife will go out with him. ⁴ If his owner gave him a woman, and she bore him either sons or daughters, the woman and her children will be her master's, and he will go out with himself. ⁵ If the servant should indeed state, "I love my master, my wife, and my sons, I will not go out to *ḥopšî*," ⁶ then his master will bring him to *ha'elohim*, and bring him to either the door or to the doorjamb, and then his master will pierce his ear with the piercing instrument, and he will serve him forever.

² כי תקנה עבד עברי שש שנים יעבד ובשבעת יצא לחפשי חנם: ³ אם-בגפו יבא בגפו יצא אם-בעל אשה הוא ויצאה אשתו עמו: ⁴ אם-אדניו יתן-לו אשה וילדה-לו בנים או בנות האשה וילדיה תהיה לאדניה והוא יצא בגפו: ⁵ ואם-אמר יאמר העבד אהבתי את-אדני את-אשתי ואת-בני לא אצא חפשי: ⁶ והגישו אדניו אל-האלהים והגישו אל-הדלת או אל-המזוזה ורצע אדניו את-אזנו במרצע ועבדו לעלם:

2 *kî* – *If* – This introduces the primary protasis in this section of law. Legal Hebrew tends to

introduce the primary protasis with *kî*.⁹ As will be discussed below, all further protases relating to slaves are introduced with *'im*, *wə'im*, or simply *wə*.¹⁰ *Wə* can also introduce apodoses, highlighting the need for legal grammars to take up this issue in more depth.

tigne – *you buy* – 2ms long-form *yiqtol* $\sqrt{*qny}$. This is a remnant of the *yaqtulu*, here used in the protasis of a conditional. Second person forms are rare in the early laws of the Covenant Code, generally called the *mišpātîm* section. There are several plausible explanations: it was conventional to start a law section with the second person because it signals to the audience that the following third person laws apply to them; it could be influenced by the preceding narrative section and its second person verbs; it accomplishes the intent of placing onus on the buyer; or it could be elegant variation.

'ebed 'ibrî – *Hebrew servant* – This phrase can be taken in one of two ways: 1) *'ibrî* as an adjective modifying *'ebed*, or 2) as a construct chain. The construct reading would translate to “if you buy a slave from a Hebrew individual...” In the rabbinic period the latter interpretation was followed to apologetically harmonize the different slavery laws, but currently the former is the preferred and likely the grammatically correct reading. The law in Deuteronomy is more explicit, presenting no ambiguity in its law regarding slavery. In light of Deuteronomy the former reading is preferable, and the Deuteronomist’s pattern of clarification will be demonstrated below.

⁹ Cf. GKC §159bb, *IBHS* 38.2.d.

¹⁰ There are textual discrepancies in manuscripts regarding if *'im* sub-conditionals are prefixed with a *waw*. The distinction between *'im* and *wə'im* is not significant, if it exists at all. The wide variation signals that if any contrast existed originally, it was lost before or during the transmission process. This is a topic that goes beyond the scope of this paper, and I will not be discussing the textual criticism of such differences.

ya ʿābōd – *he will work* – 3ms *yiqtol* √* *ʿbd*. In this verse, there are two divisional options. The first is that there are two separate protases, with the second protasis beginning with “and in the seventh;” the other option is that this verse is just one law with “and in the seventh” introducing the apodosis.

yēšē’ – *he will go out* – 3ms *yiqtol* √* *yš*’. There is no distinction between long- and short-forms of this root, despite the unstable *ʿalep* which quiesces in some instances.

lahopšî – *Hopšî* is analyzed as a state of being; a sort of social class or designation, usually considered to mean someone who is not a slave. Since the exact meaning has not been satisfactorily pinned down, I have left it untranslated. The sense of the word is clearer than its parsing, made difficult in part by the *la-* prefix. For the grammatical discussion, see W. Propp 189-90.¹¹ To summarize, the root is **hps* with the adjectival-gentilic morpheme *-î*, like *ʿibrî* “Hebrew” above. The *la-* prefix challenges the adjectival reading however, by signaling that *hopšî* is an abstract noun. Propp proposes repointing the text to reduce the vowel under the *lamed* to a *shwa* to designate an individual “characterized by *hōpeš* ‘liberty, manumission,’ ” following the adjectival reading of *hopšî*.¹² It is possible that the *l-* is asseverative.¹³ Nowhere else in this law section nor in the parallel Deuteronomic law is *hopšî* prefixed, but it is in Exod 21:27. One

¹¹ William H.C. Propp, *Exodus 19-40* (AB; New York: Doubleday, 2006).

¹² Propp, *Exodus 19-40*, 189.

¹³ For discussion on asseverative *l-*, see John Huehnergard, “Asseverative **la* and Hypothetical **lu/law* in Semitic,” *JAOS* 103 (1983): 569-593.

possibility is that in this verse *ḥopšî* represents the social class of the *ḥopšîm* and in the following occurrences *ḥopšî* functions adverbially, but this would be an odd formation of an adverb.¹⁴

Although the particulars of the *ḥopšîm* class are not well understood in 1st millennium Judah,¹⁵ there are some parallel examples that hint at the meaning. In the Amarna Letters, the Akkadian cognate *ḥupš-* appears in the letters from Rib-Addi. *Ḥupš-* designates a social class of citizens which can be used as soldiers (EA 114:21-22), whom Rib-Addi fears will desert or rebel if there are insufficient provisions (EA 125:27-30; 130:42). Indeed, he dreads a *ḥupšū* uprising due to food shortages so much that he laments, “against whom should I protect? / Against my enemies / or against my *ḥupšî*? (EA 112:10-12).” Rib-Addi’s fear of revolt calls to mind the type Rabshekah attempted to foment in 2 Kgs 18:17-36. Note also 1 Sam 17:25, in which one of the rewards for the man who kills Goliath is that Saul will, “make (‘*śy*) his extended family (*bēt ‘ābîw*) *ḥopšî* in Israel.”¹⁶ Here, being a *ḥopšî* is clearly desired and shows that soldiers in Saul’s army as well as slaves held *ḥopšî*-ness in high esteem.

ḥinnām – *for nothing* – The servant does not pay anything to his master for his release. In Deuteronomy’s parallel law, the master has to provide the servant with goods upon his release, likely to ensure his ability to live in society post-servitude. This is another example of the Deuteronomist’s clarification and expansion on the Covenant Code. *Ḥinnam* does not appear in the rest of this section.

¹⁴ Adverbial adjectives usually occur in the feminine, cf. GKC §100d.

¹⁵ Martin Noth, *Exodus: A Commentary* (trans. J. S. Bowden; Philadelphia: Westminster Press, 1962), 178.

¹⁶ Or perhaps, “grant ... *ḥopšî*-citizenship in Israel.”

3 *'im – If* – Here *'im* is introducing a subordinate conditional to the main *kî* clause from v. 2.

bəgappô – with himself – A somewhat difficult word, Propp leaves the word untranslated in his AB commentary.¹⁷ The meaning is clearer than the root: that if an individual entered servitude by himself, he will go out by himself. His *gap* contrasted with having a wife and children in v. 4. If *bəgappô* derives from a triconsonantal root, it can derive from $\sqrt{*gpp}$ or $\sqrt{*gnp}$. A medial-*nûn* root provides no obvious solutions, but fortunately a geminate derivation does. Analyzing *bəgappô* as deriving from $*gap < *gapp- < \sqrt{*gpp}$ offers a cognate with *gûp* “body” – attested in post-biblical Hebrew, cf. BH $*gûpâ$: *gûpat šā'ûl* “Saul’s corpse/body” (1 Chr 10:12) – $< *gVwp- < \sqrt{*gwp}$. Biforms commonly exist between $\sqrt{y''y/geminate}$ and $\sqrt{y''y/II-w/y}$ roots; it is plausible that both $\sqrt{*gpp}$ and $\sqrt{*gwp}$ stem from a monosyllabic base, in this case, $\sqrt{*gVp}$.¹⁸

yābō' ... yēšē' – *he entered ... he will go out* – These are two 3cs *yiqtol*s. Regarding *yābō'*, long- or short-form distinctions are troublesome with $\sqrt{y''y/II-w/y}$ roots.

ba'al iššā – Husband (lit., owner or master) of a woman – The terms of this marriage are obscure. Was he her *ba'al* before servitude and she entered into it with him, or did he become her *ba'al* during his servitude? The important distinction is that the servant’s master did not give her to him; a different scenario described in the following verse.

wəyāšə'ā – she will go out – 3fs *wəqatal* $\sqrt{*yš'}$.

¹⁷ Propp, *Exodus 19-40*, 190-91.

¹⁸ GKC §72dd.

4 *yitten-lô* – *he will give him* – 3ms *yiqtol* √**ntn*. *Yitten* cannot be analyzed as either short- or long-form because of the *maqḳēp* connecting the verb to the indirect object *lô*, thus giving up the stress and causing a *ṣērê* to reduce to a *səḡōl* if a *ṣērê* were originally present.

wəyālādā – *and she bore (children)* – 3fs *wəqatal* √**yld*. Here the suffixed conjugation has its expected past tense meaning. The *waw* is conjunctive, introducing another subordinate protasis to the *'im* conditional at the beginning of the verse.

tihye la 'ādonêhā – *they will remain their master's* – 3fs long-form *yiqtol*. The √**hyy* + *lā* construction demonstrating possession is well established. Although the subject the verb is plural with mixed genders, the verb is conjugated with respect to the first item in the list, the feminine singular *hā 'iššā*.

wəhū 'yēṣē' – *and he will go out* – Here the *waw* conjoins a dependent clause in the apodosis, which must begin with *hā 'iššā*.

5 *'āmōr* – *Qal* infinitive absolute functioning as an intensifier. This may serve to highlight the contrast between all preceding sub-conditionals introduced with *'im*. It is the only infinitive absolute in this section of law.

yōmar – *should he state* – 3ms long-form *yiqtol*.

’āhabî – *I love* – 1cs *qatal* √*’*hb*. Often, stative-type verbs such as √*’*yd* ‘“know” and √*’*hb* “love” use the suffixed conjugation or past tense to express a present meaning. For the use of “love” and the root as a covenant term, see below.

6 *wāhigîšô* – *he will bring him* – 3ms *wəqatal hip’il* √*’*ngš* with 3ms objective suffix, this verb marks the onset of the apodosis.

wāhigîšô ... wārāša’ ... wa’ābādô – *he will bring him ... and pierce ... and he will serve him* – all 3ms *wəqatal* forms. The *waws* are conjunctive, joining sequential actions in the apodosis.

hā’ēlōhîm – This is a difficult section of the law code that has been interpreted in several ways. It has been taken to mean any local, human authority; supposedly to prevent the kidnapping of a slave. This apologetic interpretation results from attempting to comport the text with theology and is not accepted by a majority of scholarship. If the word refers to “gods,” it could mean local icons or household idols, such as the *tārāpîm* in Gen 31; or public icons such as the Nehushtan icon (Num 21:9; 2 Kgs 18:4) or the altar at Beersheba which has serpent motifs engraved.¹⁹ Conventional analysis is that *hā’ēlōhîm* refers to Yhwh, as it frequently does. It is unclear how any of these fit in with the command to bring the servant before *hā’ēlōhîm* or to which door or doorjamb he is to be brought.²⁰ This ritual and the comparison with Deuteronomy will be discussed further in the analysis section below.

¹⁹ Yohanan Aharoni, “The Horned Altar at Beersheba,” *BA* 27 (1974): 2-6.

²⁰ For a more detailed discussion and bibliography, see Propp, *Exodus 19-40*, 192-93.

wa ʿābādō – *he will serve him* – 3ms *wəqatal* with 3ms objective suffix. Here the *wəqatal* has a future meaning, or the suffixed conjugation of this verb has a stative meaning, cf. note on Exod 21:5, *ʿāhabti*, pg. 11.

3. Deuteronomy 15:12-18: Text and Commentary

Deuteronomy 15:12-18

¹² If your Hebrew brother or sister was sold to you, and served you six years, in the seventh year you will release him to *ḥopšî* from you. ¹³ And when you release him to *ḥopšî* from you, you shall not release him empty. ¹⁴ You will indeed make him abundant from your flock, your threshing floor, and your press, which Yhwh your god blesses you, you will give to him. ¹⁵ You shall remember were a servant in the land of Egypt, and Yhwh your god redeemed you, therefore I am commanding you this thing today. ¹⁶ And it will be, should he say to you, “I will not go out from you,” because he loves you and your house, because it is good for him with you, ¹⁷ then you will take the piercing instrument, and put (it) in his hear and in the door, and he will be your servant forever. And you will also act thusly with your maidservant. ¹⁸ It shall not be hard in your eye when you release him to *ḥopšî* from you, because for six years double the wages of a hired worker he served you, and Yhwh your god blesses you in all that you should do.

¹² כִּי־יִמְכַר לְךָ אֶחָיִךְ הָעִבְרִי אוֹ הָעִבְרִיָּה וְעָבַדְךָ שֵׁשׁ שָׁנִים וּבִשְׁנָה הַשְּׁבִיעִת תִּשְׁלַחנּוּ חֲפָשִׁי מֵעִמְךָ: ¹³ וְכִי־תִשְׁלַחנּוּ חֲפָשִׁי מֵעִמְךָ לֹא תִשְׁלַחנּוּ רִיקִים: ¹⁴ הָעֵנִיק תִּעְנִיק לוֹ מִצֹּאֵן וּמִגֶּרֶן וּמִקֶּבֶד אֲשֶׁר בְּרֶכֶךְ יְהוָה אֱלֹהֶיךָ תִתֶּן־לוֹ: ¹⁵ וְזָכַרְתָּ כִּי עָבַד הָיִיתָ בְּאֶרֶץ מִצְרַיִם וַיִּפְדֶּךָ יְהוָה אֱלֹהֶיךָ עַל־כֵּן אֲנִי מִצְוֶה אֶת־הַדַּבָּר הַזֶּה הַיּוֹם: ¹⁶ וְהָיָה כִּי־יֹאמֶר אֵלֶיךָ לֹא אֵצֵא מֵעִמְךָ כִּי אֶהְבֶּךָ וְאֶת־בֵּיתְךָ כִּי־טוֹב לוֹ עִמְךָ: ¹⁷ וְלָקַחְתָּ אֶת־הַמַּרְצֵעַ וְנָתַתָּה בְּאָזְנוֹ וּבִדְלֶת וְהָיָה לְךָ עָבֵד עוֹלָם וְאֵף לֹא־תִמְתָּךְ תַּעֲשֶׂה־כֵּן: ¹⁸ לֹא־יִקְשֶׁה בְּעֵינֶיךָ בְּשַׁלַּחְךָ אֶתוֹ חֲפָשִׁי מֵעִמְךָ כִּי מִשְׁנֵה שָׂכָר שְׂכִיר עָבַדְךָ שֵׁשׁ שָׁנִים וּבְרֶכֶךְ יְהוָה אֱלֹהֶיךָ בְּכָל אֲשֶׁר תַּעֲשֶׂה:

12 *kî* – *If* – Introducing the protasis, cf. Exod 21:2, *kî*, pg 5.

yimmākēr – *is sold* – 3ms *yiqtol nip ‘al √*mkr*. The medio-passive natural of the *nip ‘al* includes the possibility that the individual sold themselves into servitude, or that someone else sold them. Another possibility is that the individual is being sold into slavery because they tried to steal something (Exod 22:2). Note that the subject here is the individual entering servitude, not the one whom they will serve, contrasting with Exod 21:2. The verb also covers women who were sold by male patriarchs into servitude (Exod 21:7).

’āhikā hā ‘ibrī ’ô hā ‘ibrîyâ – *your Hebrew brother or sister* – There is no possibility for ambiguity here, in contrast to Exod 21:2. Significantly, this law explicitly applies to both males and females entering servitude, contrasting with Exod 21:7b, which states that females sold into servitude (*’āmôt*) do not go out like the males in vv. 2-6.

wa ‘ābādākā – *and he will work for you* – 3ms *wəqatal* with 2ms objective suffix. The *waw* here and on *ūbaššānâ* creates a problem distinguishing the protasis from the apodosis, similar to Exod 21:2.

təšalləhennû – *you will release him* – 2ms *pi ‘el yiqtol* with 3ms objective suffix. Here we see an interesting reversal of Exod 21:2-6. The Covenant Code opens with the personal “if you buy” and then shifts to the impersonal “he will go out.” In Deuteronomy, the law begins with an impersonal “If your Hebrew brother or sister is sold to you” and then moves to the personal “you

will send him out.” The personality expressed in Deuteronomy’s verbs of releasing has particular implications when read in context with Jer. 34:8-22, which will be discussed below.

13 *wəki* – *When* – Here a new protasis is introduced with *ki*, even though it deals with the same subject matter introduced in v. 12. This is in contrast to the Covenant Code, which introduces succeeding protases with *’im*, see note on Exod 21:3 *’im*, pgs. 8-9. Regardless, this construction is unexpected because the syntax of Deut 15:12 does not suggest that releasing the servant is an option, but a result which must follow their six years of work. Thus there are primarily two options for how to interpret this *ki*. The first and most common interpretation is that it functions temporally, as I have followed in my translation.²¹ The other possibility it behaves as a conditional in parallel with the *ki* in v. 16 to explain that there are two prospects for a slave facing the end of six years of work. The first is that the slave-owner provides a slave with sufficient goods as they release them. The other option, which can override the first, is that a servant declares that they will not go out from their master. To show that these are two parallel possibilities that result from the seventh year of a Hebrew slave’s servitude, they are both introduced with *ki*.

rēqām – *emptily* – This draws from Exod 3:21 (J), “when you go out (from Egypt), you will not go out emptily;” further evidence of D’s familiarity with the JE source. That the Deuteronomist invokes Israelite servitude in Egypt and the exodus here emphasizes the responsibility on slave-owners to provide for their servants upon release. Deuteronomic literary invocations and their implications will be more apparent in the false weight laws discussed below.

²¹ Temporal *ki*: GKC §164d.

14 *ha ʿānîq* – *Hip ʿil* infinitive absolute $\sqrt{*}nq$. This is the only infinitive absolute in this law section. Note that in Exod 21:5 the infinitive absolute was used to show intensity in the servant’s declaration that he will remain a servant. Here, the infinitive is used to put emphasis on providing the now-free servant with sufficient material goods.

ta ʿānîq – *You will (indeed) make him abundant* – 2ms long-form *yiqtol hip ʿil*. This verse is the only attestation of this verb in the *hip ʿil*. The root deals with necks or necklaces, so a literal translation would be “you will indeed cause his neck to be laced from your... .” It is clearly being used figuratively to mean “supply him well.” Because both the Covenant Code and Deuteronomy include scenarios wherein a slave can choose to stay in servitude with a master rather than release, this stipulation in Deuteronomy guarantees that a servant would not re-enter slavery due to a lack of sufficient means.²²

miššō ʿnākā ûmiggārṇākā ûmiyyiqbekā – *from your flock, your threshing floor, and your press* – It’s possible these three things were included so that the newly-freed individual would be able to offer sacrifices, cf. Deut 14:23; 18:4. *Yegeb* “press” explicitly refers to grape presses in some contexts (e.g., Isa 16:10), but likely could be used for olives as well.

bērakākā – *blesses you* – 3ms *qatal pi ʿel* $\sqrt{*}brk$ with 2ms objective suffix. This is a common expression in Deuteronomy, and here refers to the flock, threshing floor, and press.

²² Walter Brueggemann, *Deuteronomy* (Abingdon Old Testament Commentaries; Nashville, Tn.: Eerdmans, 2009), 167; Jeffries Hamilton, *Social Justice and Deuteronomy: The Case of Deuteronomy 15* (SBLDS 136; Atlanta, Ga.: Scholars Press, 1992), 135-38.

titten-lô – *You will give to him* – 2ms *yiqtol*, see note on Exod 21:4 for the lack of a long- or short-form analysis. Again this is in the personal second person.

15 *wəzākartā* – *You shall remember* – 2ms *wəqatal*, possibly acting as an imperative.

hāyītā – *you were* – 2ms *qatal*.

wayyipdəkā – *and (Yhwh) redeemed you* – 3ms short-form *wayyiqtol* $\sqrt{*pdy}$ to redeem, a remnant of the *yaqtul*.

məṣawwəkā – *am commanding* – ms *pi'el* participle $\sqrt{*ṣwy}$, commonly used in Deuteronomy.

16 *wəhāyā* – *and it will be* – 3ms *wəqatal*. This verbal form is used transitionally to take us out of the literary register of the preceding verse and transition back into the legal register beginning with *kī*. See also note on *wəkī* in Deut 15:14, pg. 14.

yō'mar – *Should he say* – 3ms long-form *yiqtol* used in the protasis of a conditional, cf. note on Exod 21:2, *tiqne*, pg. 6.

'āhēbəkā – *he loves you* – 3ms *qatal* $\sqrt{*'hb}$ with 2ms objective suffix. Here $\sqrt{*'hb}$ vocally reflects the older *i~a* class of many stative verbs; the *i* vowel is more likely to surface in suffixed or pausal forms.²³

²³ Thomas Lambdin and John Huehnergard, *Historical Grammar of Classical Hebrew* (Cambridge, Mass.: Harvard, 2000), 56.

kî-ṭôb – *because it is good* – *kî ṭôb* seems to be a frozen phase that can function in any temporal setting. See especially Hos 2:9, “... I will return (*šwb*) to my first man, because it was (will be?) better for me than now (*kî ṭôb lî ’āz mē ’āttâ*).”

17 *wālāqahṭā* – *you will take* – 2ms *wəqatal*.

wənātattâ – *and you will pierce* – 2ms *wəqatal*. This is written in plene spelling, no object is specified, but it is clearly the *maršēa* ‘.

wəhāyâ – *he will be* – 3ms *wəqatal*.

wə ’ap la ’āmātākā ta ’āšeh-kēn – *And you shall also act thusly with your maidservant* – 2ms long-form *yiqtol* √*’šy. The *’ap* sets this injunction apart and adds severity.²⁴ This draws attention to the command and emphasizes that female servants go out in the same fashion as males contrary to the legislation in the Covenant Code (Exod 21:7).

18 *yiqše* – *be hard* – 3ms long-form *yiqtol* √*qšy; the short-form would be **yiqeš*, cf. 2 Sam 19:44, *wayyiqeš*.

bəšallēḥākā – *when you’re releasing* – Pi’el infinitive constructive √*šlh with temporal *b-* prefix and 2ms objective suffix.

²⁴ GKC §153.

‘*ābādākā* – *he will serve you* – 3ms *qatal*, see note on v. 12.

4. Analysis & Conclusions

The basics of the slavery laws in Exodus and Deuteronomy are similar in terms of content and effect: in both, a servant works for six years, is freed of their service in the seventh, with certain conditions applied to their release. The differences and their repercussions are striking. First, let us begin at a textual level and examine the grammar before moving on to the content and implications of the differences.

Although the Covenant Code starts off with a verb in the second person (*tiqne*), it quickly moves to the general third person singular. The casuistic, third verbal person is the usual format for the laws in the first section of the Covenant Code (Exod 21:2-22:16).²⁵ This contrasts with Deuteronomy, which uses the second person as the normal conjugation. Deuteronomy also systematically clarifies ambiguous passages in Exodus. Deuteronomy ensures that the piercing ritual takes place at the house and that the law applies to females as well as males. The Covenant Code displays a much more standard pattern of protasis introduction, evidenced by the use of *’im*. Notably, however, dividing the apodosis from the protasis is problematic in several sections of both texts.²⁶ The Covenant Code is a much more formalistic document that is primarily

²⁵ The differences between Exod 21:2-22:16 and the remainder of the Covenant Code have led scholars to consider the first as causal *mišpāṭîm* or legal treatises, while the balance as more apodictic writings with frequent proverbial interruptions. See, for instance, 23:8: “You shall not take a bribe, because the bribe will blind the sighted, and will twist the words of the righteous.” For different classifications of the Covenant Code, see Propp, *Exodus 19-40*, 185-86, 304-05 and examples therein. Cf. Gerhard von Rad, *Studies in Deuteronomy* (trans. D. Stalker; London: SCM Press, 1953), 21.

²⁶ See notes on Exod 21:2, *ya ’ābōd*, pgs. 6-7; 21:4, *wāhū’ yēšē*, pg. 10; Deut 15:12, *wa ’ābādākā*, pg. 14.

concerned with the laws themselves.²⁷ Deuteronomy, however, frequently interrupts laws with references to Israelite history and justifications for the laws.

Before moving out of the grammar of the laws, a brief excursus on the verbal system is in order. The use of different verbal forms in the law sections, with or without a prefixed *waw*, is unclear. The relationship between tense and aspect in Hebrew verbal forms is an ongoing debate. Much work is needed with regard to Hebrew philology as a whole, with the verbal system at the crux of current scholarship. Legal texts are written in their own register, making the need for individual grammars all the more necessary. This project is not intended to offer complete solutions, but to identify problems: the first step towards understanding. I hope that pointing out the different uses of *yiqtol*, *qatal*, *wayyiqtol*, and *wəqatal*, particularly the relationship of each to protases and apodoses, lays the groundwork for future work. Even the division between protases and apodoses is unclear at points as discussed above, and a grammar of legal materials could considerably elucidate these problems.

The content of the laws differ significantly as well. The sub-protases of the Covenant Code, vv. 3-6, condition a servant's release. In Deuteronomy, however, the subset protases give conditions to an owner regarding how they should release a servant. Specifically, they must not release them "emptily" (*rêqām*), whereas the Covenant Code only mandates that a servant should go out "for nothing" (*hinnām*). This shows a reversal in presuppositions underlying each text. The Covenant Code reflects a societal expectation that a slave would have to pay for his freedom, but Deuteronomy reflects a society of servants going out into worse conditions than their slavery. Exodus distinguishes between male servants in vv. 2-6, and then deals with females being sold as maidservants (*'āmôt*) in vv. 7-11. Deuteronomy eliminates sexual differences in

²⁷ Note, however, the turn at 22:17, see note on Exod 21:2, *tiqne*, pg 6; and note 25 above.

servitude (12, 17b). When the Deuteronomist describes the ritual for when a servant decides to remain with their master forever, he keeps the basic tenants intact from the Exodus version (Exod 21:6; Deut 15:17). Deuteronomy removes the requirement that the master present the slave before *hā'ēlōhîm*, whatever that may entail, as well as the *mezuzah*.²⁸

The two texts do converge, however, in the use of love to describe the relationship between a slave and their master. A slave must first declare their love (*'hb*) for their master as part of the procedure to remain a servant to them forever (Exod 21:5; Deut 15:16). “Love” here is referring to a contractual relationship and is indeed used in other texts to describe such an association. W.J. Moran has examined the use of “love” as a covenantal term in Deuteronomy and has established solid grounding for it in extra-biblical Near Eastern documents.²⁹ His findings show that love was a common term used to describe vassal-sovereign relationships, and that there was an expectation of mutual aid. This can be seen in the Hebrew Bible as well: as David is ascending to the kingship, Israel and Judah are described as loving him (1 Sam 18:16); David’s servants are described as his lovers (2 Sam 19:6-7); so too is Hiram, a treaty partner of David (1 Kgs 5:15). Although Moran deals with love in terms of establishing the contract between Yhwh and Israel in Deuteronomy generally, his analysis can be transposed to the contract between servants and masters. Whereas a formal treaty would be drawn up between a sovereign state and a vassal, the process is understandably at a smaller scale, predicated upon the piercing of an ear. However, the declaration of love remains an essential term of compact.

²⁸ The removal of the *mezuzah* from Deuteronomy’s law has not been explained to my knowledge. It’s possible that the author left it out because the *mezuzot* had Yhwh’s commandments written on them and thus should not be pierced (Deut 6:8), or perhaps the author wanted to avoid any reference to the Passover ritual. For the Deuteronomist’s revision of Passover, see Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (New York: Oxford University Press, 1997), 62-64.

²⁹ William L. Moran, “The Ancient Near Eastern Background of the Love of God in Deuteronomy,” *CBQ* 25 (1963): 77-87.

The divergences in language show that the texts were written in different contexts. Whereas the formalistic Covenant Code reads like a Near Eastern legal collection, Deuteronomy reacts against the cold formalism of the Covenant Code and styles its laws in order to reflect more realistic situations. The Deuteronomist accomplishes this by using the second person to personalize the text and by frequently shifting between legal and literary registers. The intersection of legal and literary styles reflects how they were presented: read aloud in public and presented before the people as a discovery. Deuteronomy shifts the focus from the requirements on a slave (Exod 21:3-6) on to what a slave-owner must do (Deut 15:13-17). This is exemplified by the use of the infinitive absolute: the Covenant Code uses it for a servant's declaration that he will remain a servant to his master (Exod 21:5), whereas Deuteronomy employs it to emphasize that a slave-owner must furnish the servant when they release him. Deuteronomy's use of *limkōr* "to sell" in the *nip'al* reflects the likelihood that an individual sold himself into slavery as well as was sold by someone else. Deuteronomy also simplifies the preconditions for a servant remaining with their owner by stating that it is good for them with their master (Deut 15:16). These patterns, alongside previously discussed examples of Deuteronomy's clarification of the Covenant Code, show that the authors of Deuteronomy were familiar with the slavery law in Exodus and were consciously writing against it. Deuteronomy opposed the legal formalism embodied in the Covenant Code and sought to replace it with a more personal, applicable version.

Deuteronomy's revision of the piercing ritual is telling. As S. R. Driver observes, the Deuteronomic passage is entirely domestic.³⁰ He misses the implications though, when he offers

³⁰ Samuel R. Driver, *A Critical Exegetical Commentary on Deuteronomy* (ICC; Edinburgh: T&T Clark, 1902), 184.

the explanation that the ceremony described in Exodus had “fallen into disuse.”³¹ More likely, Deuteronomy purposely excludes the earlier procedure. Whatever specifics of the Covenant Code’s custom, Deuteronomy nullifies them by according the act to occur entirely at the master’s house. This revision is part and parcel of Deuteronomy’s agenda of centralization. Regardless of to what the door in the Exodus piercing ritual and *hā’ēlōhîm* refers; Deuteronomy subverts their authority by rendering them useless in this slavery procedure.³² This change is part of a larger pattern in Deuteronomistic literature of centralizing authority in Jerusalem; when it is not practical in situations like the one described here, Deuteronomy undercuts local authorities by domesticating the ceremony.

The application of slavery laws is reflected in Jer 34:8-22, Jeremiah where attacks Zedekiah and other Israelite slave-owners for falsely releasing their servants. There are several interesting points about this passage’s connection with Pentateuchal law. Firstly, Jeremiah quotes the slavery law in Deuteronomy with only minor differences. Both he and his audience must have been familiar enough with the law to recognize it from memory.³³ If a verbatim copy was found in Jeremiah, it would signal either redactional additions or Jeremiah looking at the law itself when writing.³⁴ This also shows that the Deuteronomistic laws were written to be enacted, possibly contributing to the more personal language than in Exodus. Jeremiah also draws from and reworks the slavery law in Lev 25. Although this law section also deals with slavery release, its substance differs enough from the Exodus and Deuteronomy versions that it can be discussed

³¹ Ibid.

³² For manumission taking place at a city gate, see “The Manumission of Umanigar,” translated by Piotr Steinkeller (*COS* 3.134A:301).

³³ Mark Leuchter, *The Polemics of Exile in Jeremiah 26-45* (Cambridge: Cambridge University Press, 2008), 85.

³⁴ For redactional views in Jeremiah 34:8-22 and the relationship with the Deuteronomistic history, see Erik Eynikel, *The Reform of King Josiah and the Composition of the Deuteronomistic History* (Leiden: Brill, 1996), 176.

without a grammatical commentary. The Levitical law states that every 50 years there will be a release of all slaves, which is to occur after septennial land Sabbaths in which fields lay fallow. The term Leviticus uses for this release is *dārôr*, cognate with Akkadian *andurāru*.³⁵ Although this was intended to be a full release, it is possible that there were exceptions written into debt slavery contracts, like that of a slave at Alalakh.³⁶ In contrast to Exodus and Deuteronomy, Leviticus legislates that only foreigners may be bought as slaves (25:44).

In the Jeremiah passage, Zedekiah makes a covenant with the people for a release of slaves (*dārôr*). Judging from Near Eastern examples of release declarations, this likely occurred during the first year of Zedekiah's reign. After declaring this release, Zedekiah and the other slave-owners take their servants back, which form the basis for Jeremiah's critique. Although Zedekiah's release is technically correct, Jeremiah criticizes Zedekiah for not following the spirit of the law. Jeremiah cites both Deut 15:12-18 and Lev 25 as his basis for attack on Zedekiah's act. Even though Deut 15:12-18 deals with individual release of servants, and not the group release of a *dārôr*, Jeremiah finds no issue in citing it and giving primacy over the actual *dārôr* legislation. Jeremiah follows the Deuteronomic school of legal realism and slams Zedekiah for his legal formalistic attempt at finding a loophole in the slavery law. Even though he cites the earlier Pentateuchal material, the attack on Zedekiah is wholly Jeremianic. His idiosyncrasies are present, such as "the house which my name is called upon" (34:15). The critique implicates

³⁵ Mesopotamian kings proclaimed an *andurāru* during the first year of their reign. These took the form of royal decrees and signify genuine legislative acts as opposed to the law collections which were not implemented. Cf. J. J. Finkelstein, "Ammišaduqa's Edict and the Babylonian Law 'Codes'," *JCS* 15 (1961): 91-104.

³⁶ See lines 6-7 in "Receipt for a Purchase of a Debt Slave," translated by Richard S. Hess (*COS* 3.100.250-51): "at a general release (*andarārim*), she may not be released (*ul i-na-an-da-ar*)."

Zedekiah not simply for taking slaves back, but for carrying out a false ritual.³⁷ Jer 34:8-22 directly relates to his concept of *šeqer*: acting in mere appearance.³⁸ Jeremiah's predication upon the slavery law in Deuteronomy shows that legal writing had significant implications and can serve as tools in propagating an ideology. This is also the case with laws regarding weight standardization, as will be discussed below.

³⁷ Baruch Halpern, " 'Brisker Pipes than Poetry': The Development of Israelite Monotheism," in *Judaic Perspectives on Ancient Israel* (ed. J. Neusner, B. A. Levine, and E. S. Frerichs; Philadelphia: Fortress, 1987), 77-115; Leuchter, *Polemics of Exile*, 86.

³⁸ Baruch Halpern, "The False Torah of Jeremiah 8 in the Context of Seventh Century BCE Psuedepigraphy: The First Documented Rejection of Tradition," in *Up to the Gates of Ekron: Studies on the Archaeology and History of the Eastern Mediterranean in Honor of Seymour Gitin* (ed. S. W. Crawford et al.; Jerusalem: Israel Exploration Society, 2007), 337-343.

Chapter 3

Laws Regarding False Weights

1. Introduction

Polemics against false weights in the Hebrew Bible began with one of the earliest prophets, Hosea, and continued throughout the pre-exilic period. In the larger Near Eastern context, concern over the same subject is well established at much earlier dates. Early prophets condemned Israelite merchants for using false weights and scales to extort in economic transactions. Their prohibitions became codified in two Pentateuchal legal passages, Lev 19:35-37 and Deut 25:13-19. These laws pertain not only to moral honesty, but attempt to control and standardize economic transactions. Strategically placed before literary allusions that book-end each source's legal section, the authors employed references to Israelite history in their campaign against false weights. The archaeological record discussed below corroborates textual evidence and together they demonstrate a pattern of centralizing authority in Jerusalem.

2. Leviticus 13:25-37: Text and Commentary

Leviticus 19:35-37

³⁵ You shall not do an injustice in decisions; in measurement, in weight, and in volume. ³⁶ You will have just balances, just weights, a just ephah, and a just hin. I am Yhwh, your god, who brought you out of the land of Egypt. ³⁷ You will observe all my laws, all my decisions, and you will enact them, I am Yhwh.

לֹא־תַעֲשׂוּ עוֹל בַּמִּשְׁפָּט בַּמִּדָּה בַּמִּשְׁקָל וּבַמִּשׁוּרָה: ³⁶מֵאֲזוּי צְדָק אֲבִנֵי־צְדָק
 אֵיפֶת צְדָק וְהִין צְדָק יִהְיֶה לָכֶם אֲנִי יְהוָה אֱלֹהֵיכֶם אֲשֶׁר־הוֹצֵאתִי אֶתְכֶם מֵאֶרֶץ
 מִצְרַיִם: ³⁷וּשְׁמַרְתֶּם אֶת־כָּל־חֻקֹּתַי וְאֶת־כָּל־מִשְׁפָּטַי וְעָשִׂיתֶם אֹתָם אֲנִי יְהוָה:

35 *lō'-ta 'āšû – you shall not do – 2mp yiqtol*. The plural obscures the long- or short-form distinction, but we can guess it would be a long-form due to *tigne* (Exod 21:2) and *ta 'ānîq* (Deut 15:14).

'āwel – injustice – This contrasts with *šedeq*, here and in other passages, e.g., Ezek 3:20; Prov 29:27. For the connection between *'āwel* and $\sqrt{*špt}$, see Deut 32:4; Ps 82:2.³⁹

bammišpāt – in judgement – mišpāt here has a legal as well as an economic sense. It has a sense of generally conducting oneself, cf. Jdg 13:12.

bammiddâ bammišqāl ûbammāsûrâ – in measurement, in weight, and in volume – Note that the nouns here refer to the result of the measurement taken or the tools used to measure, so *mišqāl* does not refer to the weights themselves, but the outcome of weighing something. *Māsûrâ* is a rare word, but explicitly connected with liquid measurement in Ezek 4:11, 16.

36 *'abnê – weights* – Literally, “stones,” which were used as weights throughout the ancient world.⁴⁰

³⁹ Cf. David Baker, *Tight Fists or Open Hands?: Wealth and Poverty in Old Testament Law* (Grand Rapids, Mich.: Eisenbrauns), 212.

⁴⁰ Marvin A. Powell, “Ancient Mesopotamian Metrology: Methods, Problems and Prospective,” in *Studies in Honor of Tom B. Jones* (ed. M.A. Powell and R.H. Sacks. *AOAT* 203: Neukirchen-Vluyn: Neukirchener Verlag, 1979), 72.

mō`znē ṣedeq... wəhîn ṣedeq – just balances ... and a just hin – This is the adjectival construct.⁴¹

Leviticus uses a much more grammatically familiar construction than the parallel Deuteronomy version discussed below. Leviticus also more explicitly lists the types of measurements and tools with regard to which the Israelites must be honest.

yihye lākem – you will have – 3ms long-form *yiqtol* √**hyy*. Note that in this possessive construction, the verb is conjugated for a 3ms subject, even though the subject is a list of items with the first being plural.

3. Deuteronomy 25:13-19: Text and Commentary

Deuteronomy 25:13-19

¹³ You shall not have in your bag two separate weights, one big and one small. ¹⁴ You shall not have in your house two separate ephahs, one big and one small. ¹⁵ You shall have a just, complete weight. You will have a just, complete ephah, so that your days may be lengthened over the land which Yhwh, your god, is giving to you. ¹⁶ Because it is an abomination to Yhwh, your god, all who do these things, all who do injustice. ¹⁷ Remember that which Amaleq did to you on the way while you were going out of Egypt, ¹⁸ that he ambushed you on the way, and flanked you from the rear, all of the stragglers behind you, and you were tired and weary, and he did not fear God. ¹⁹ And it will be such that when Yhwh, your god, is giving you rest from all your enemies surrounding the land which Yhwh, your god, is giving to you as an inheritance to dispossess, that you shall efface the notion of Amaleq from under the heavens, you shall not forget.

¹³ לֹא־יִהְיֶה לְךָ בְּכִיסֶךָ אֶבֶן וְאֶבֶן גְּדוּלָה וְקִטְנָה: ¹⁴ לֹא־יִהְיֶה לְךָ בְּבֵיתְךָ אִיפָה וְאִיפָה גְּדוּלָה וְקִטְנָה: ¹⁵ אֶבֶן שְׁלֵמָה וְצַדֵּק יִהְיֶה־לְךָ אִיפָה שְׁלֵמָה וְצַדֵּק יִהְיֶה־לְךָ לְמַעַן יֵאָרִיכוּ יַמֶּיךָ עַל הָאָדָמָה אֲשֶׁר־יְהוּהוּ אֱלֹהֶיךָ נָתַן לְךָ: ¹⁶ כִּי תוֹעֵבֶת יְהוּהוּ

⁴¹ GKC §128p, *IBHS* §9.5.3.

אלהיך כל-עשה אלה כל עשה עול:¹⁷ זכור את אשר-עשה לך עמלק בדרך
 בצאתכם ממצרים: ¹⁸ אשר קרך בדרך ויזנב בך כל-הנחשלים אחרך ואתה
 עיף ויגע ולא ירא אלהים: ¹⁹ והיה בהניח יהוה אלהיך לך מכל-איביך מסביב
 בארץ אשר יהוה-אלהיך נתן לך נחלה לרשתה תמחה את-זכר עמלק מתחת
 השמים לא תשכח:

13 *lō'-yihye lakā* – *You shall not have* – 3ms long-form *yiqtol* √**hyy*. Note how in this verse and in the rest of this section, the verb in the possession construction, √**hyy* + *l-*, remains unconjugated for gender.

'eben wā'āben – *two separate weights* – This way of expressing separate items is rare; for similar constructions, see Prov 20:23 (*'eben wā'āben*); Ps 12:3 and 1 Chr 12:34 (*lēb wālēb*).⁴²

15 *'eben šālēmā wāšedeq ... 'ēpā šālēmā wāšedeq* – *a just, complete weight ... and a just, complete ephah* – A difficult phrase grammatically. For adjectives not declining as expected for the feminine gender, particularly when second in a list, see GKC §132d and examples therein, and especially 1 Kgs 19:11: *rūaḥ gādōlā wəḥāzāq*, “a strong and great wind.” Also note that in this verse that the verb, *yihye*, is not conjugated for gender, unless *šedeq* is taken to be the subject, which presents more grammatical issues than it solves. *'eben* makes the most sense as the subject, especially when taking into consideration the two preceding verses, where √**hyy* is not conjugated for unequivocally feminine subjects.

17 *zākôr* – *remember(!)* – *Qal* infinitive absolute functioning as an imperative.⁴³

⁴² GKC §123f; *IBHS* §7.2.3.c.

⁴³ GKC §133bb.

18 – *qārākā* – *ambush* – 3ms *qatal* √**qry* “happen upon, meet” with 2ms objective suffix. The reading of “ambush” here is preferable because it clearly occurs in a military sense (cf. the source passage in Exod 17:8, *wayyillāhem*), and the following verb indicates that it was an attack from behind.

wayəzanēb – *flanked from the rear* – 3ms *wayyiqtol pi ‘el* √**znb*. The nominative form of the root deals with tails, cf. Exod 4:4, Job 40:17. In the context of this passage, Amaleq attacks the stragglers at the back of the Israelites (*hanneḥšālīm ‘aḥarēkā*, see below), so he must have been coming from behind the Israelites. See also Jos 10:19, where Joshua commands the Israelites to pursue (*rdp*) their enemies and then attack them (*znb*), which clarifies that this verb means “to attack from behind.” Note that in Joshua *zîṇēb* governs the preposition *‘et*, whereas here it governs *b-*. This verb has been considered a denominative, “privative” *pi ‘el*, in that it takes away the attribute designated by the noun; in this case the Amaleqites are attacking the “tail” of the Israelite pack.⁴⁴

hanneḥšālīm – *stragglers* – The meaning here is clearer than the parsing. Between the verb *zîṇēb* and the preposition *‘aḥarēkā*, this *nip ‘al* participle denotes people at the back of the Israelite pack. S. R. Driver analyzes the root as *ḥšl* and suggests the meaning “beaten down”, citing Aramaic *ḥšl* in Dan 2:40 and Syriac *ḥšl* meaning “to forge.”⁴⁵ Note also the Arabic *ḥasala*, “to drive lagging cattle,” but unattested in Hebrew with this meaning.⁴⁶ Interpreting the verb as metathesized from √**ḥlš* “to weaken or be weak” is only attractive because the verb is used in

⁴⁴ GKC §52h, *IBHS* §24.4.f.

⁴⁵ Driver, *Deuteronomy*, 287 (note).

⁴⁶ HALOT לַחֲשַׁל.

Exod 17:13, but there are no grammatical attestations of this in the *nip'al* or metathesized elsewhere to back up this theory. Novick has convincingly analyzed the root as metathesized from $\sqrt{*šhl}$, citing post-biblical Hebrew *šhl*, “to draw out.”⁴⁷

19 *timḥâ* – you shall efface – 2ms long-form *yiqtol* $\sqrt{*mḥy}$. This verb is used in parallel with writing in several instances, e.g., Exod 32:32; Ps 69:29.

zēker 'āmālēq – the notion of Amaleq – Here *zēker* has connotations of memory, names (cf. Akk. *zakāru(m)*, “to name”), and of descendants (cf. *zākār*, meaning “male or male offspring”). *Lizkōr* usually simply means “to remember,” but also has the sense of “to keep something in mind,” e.g., Deut 8:18. Since Yhwh commands the Israelites to totally wipe out the Amaleqites, “notion” is a more appropriate translation than the usual “memory.” Because $\sqrt{*mḥy}$ is connected with the removal of something written, this passage includes the sense of taking Amaleq off a list of nations (cf. Ps 9:5). Note Ps 83, where Amaleq and other nations plan to totally destroy Israel: “They [*Amaleq and other nations*] say, ‘Come, let us destroy (*kḥd*) them from the nations, so that the name of Israel may not be remembered (*zkr*) any more’ ” (83:5). See also Hos 12:19, “And I will remove (*swr*) the name of the baals from her mouth, and they shall not be invoked (*zkr*) by their name anymore,” and Exod 23:13b, “And you shall not invoke (*zkr*) the name of other gods, it will not be heard (*šm*) upon your mouth.”

⁴⁷ Tzvi Novick, “Amaleq’s Victims (הנחשלים) in Dtn 25,18,” *ZAW* 119 (2007): 611-615.

4. Analysis & Conclusions

Textually, the laws are similar. Both Leviticus and Deuteronomy use an unconjugated form of $\sqrt{*hyy} + l$ to express possession. Although Leviticus uses the plural in contrast to the singular in Deuteronomy, it is unadvisable to ascribe much significance to this, as conjugating for number is less strict in the laws of Leviticus and Deuteronomy. Leviticus places nouns in adjectival construct with *šedeq*, less troublesome grammatically than the Deuteronomist's undeclined adjectival *šedeq*. Leviticus legislates more expressively about different types of measurement tools, including the balances (*mō'znē*) and is absent in the Deuteronomy text. Deuteronomy, however, offers more insight into normal usage of weighing by signaling that weights were kept in bags (*kīs*) and ephahs at home (25:13-14). The Deuteronomist more explicitly describes what it means to have unjust weights: to have weights of different sizes to use depending if someone is buying or selling. Weights were falsified by physically chipping off not enough, or too much, from the standard, thus making them incomplete, or not *šālēm* (Deut 25:25). This will be discussed in more detail and in terms of the material evidence below.

The closing passages are neither throwaway verses nor redactional additions; they serve to add credibility and weight to the preceding laws. The effect of these riders will be discussed in more depth below, but first let us examine the passages themselves. The Leviticus passage, 19:36b-37, rather straightforwardly refers to Yhwh bringing the Israelites out of Egypt. The Deuteronomic reference to the Amaleqites is far more interesting and necessitates more attention.

Deut 25:17-19 draws from the JE story in Exod 17:8-16 where Amaleq attacks the Israelites in the desert.⁴⁸ The Exodus source passage compacts several significant instances

⁴⁸ For a view that there were multiple attacks by the Amaleqites and that Deuteronomy records a distinct instance from Exodus, see Alan M. Langner, "Remembering Amalek Twice," *JBQ* 36 (2008): 251-53.

Israelite history, as it involves the naming of a place, the first mention of Joshua, and, as frequently noted, the first mention of writing.⁴⁹ Deuteronomy revises the context of the battle, writing that Amaleq ambushed the Israelites from behind (Deut 25:18), rather than Joshua going out to meet the Amaleqites in battle (Exod 17:9). This adds severity to the Amaleqite offense and stresses the demand for retribution. Although in both sections the Amaleqites are to be wiped out (*mhy*) in the future, Yhwh claims that he will wipe out the Amaleqites in future in Exodus (17:14), whereas in Deuteronomy Yhwh places the interdiction upon the Israelites (25:19). In fact, in Deuteronomy, the only people who Yhwh declares he will wipe out (*mhy*) are Israelites who disobey him (9:14, 29:20).⁵⁰

In mentioning the Amaleqites and commanding that the Israelites destroy them, Deuteronomy also nods to 1 Samuel 15, where Saul receives the command to attack the Amaleqites and to carry out the ban (*hrm*) upon them. He fails to do, and as a result the kingship is stripped from him; thus fulfilling the injunction Samuel gives to the people in 12:25, a passage from the same source.⁵¹ This links economic authority, specifically in terms of weights, with kingship. The allusion implies that in order for a king to maintain authority, he must exert control over the economy and rein in economic malpractice.

Other passages in the Hebrew Bible evidence the problem of false weights as well. Hosea claims that in Judah's hand are "deceitful balances (*mō'znê mirmâ*); he loves to extort (*'šq*)" (12:8). Amos assaults Israelites for being anxious to cheat in trade, wanting the month to pass

⁴⁹ Yhwh commands Moses to, "write (*ktb*) this memorial in the scroll, and place (*šym/šwm*) it in the ears of Joshua" (Exod 17:14).

⁵⁰ For another example of a people's annihilation, see Utu-ḫegal's campaign against the Gutians, esp. Il 15-23: "The god Enlil ... commissioned Utu-ḫegal ... to destroy their [*the Gutians*'] name" (Douglas Frayne, *Sargonic and Gutian Periods [2334-2113 BC]* [RIME 2; Toronto: University of Toronto Press, 1993], 283-87).

⁵¹ Baruch Halpern, *The Constitution of the Monarchy in Israel* (Chico, Ca.: Scholars Press, 1981), 158-160. Cf. Brian Peckham, *The Composition of the Deuteronomistic History* (HSM 35; Atlanta, Ga.: Scholars Press, 1985), 62.

and the Sabbath to end so that they may, “make the ephah smaller, the sheqel larger, to act unjustly (‘wl) with deceitful balances” (8:5). Micah continues this tradition, asking how Yhwh can be morally pure when there are, “wicked balances (*mō’znē reša’*) and deceitful weights (*‘abnē mirmâ*) in the bags?” (6:11).⁵² The Proverbs proffer several comments as well: “Deceitful balances are an abomination (*tô’ăbâ*) to Yhwh, but a complete weight (*‘eben šalēmâ*) is his desire” (11:1); “Yhwh has proper balances (*mō’znē mišpāt*), all the weights in his bag are his product” (16:11); “Separate weights and separate ephahs, these are abominations to Yhwh” (20:10); “Separate weights are an abomination to Yhwh, and a deceitful balance is not good” (20:23). Note how all these passages share common language: “injustice” (√*‘wl), “abomination” (*tô’ăbâ*), “deceitful” (*mirmâ*), the adjectival construct, and the use of repetitive nouns conjoined by a *waw* to indicate two separate items.⁵³ It is surprising that in the face of these similarities *mirmâ* is never used in the law codes. Facing similar despair over iniquities in the Judean legal system, Qoheleth laments, “And again I saw under the sun, there is wickedness in the place of judgment and in the place of righteousness, ... God will judge the righteous and the wicked” (3:16-17a).⁵⁴ All of these excerpts illustrate concern over unjust economic transactions and establish a pattern of using law and theology to curb such abuses.

The literary passages also have parallels in the larger Near Eastern context.⁵⁵ In a hymn to Šamaš found in Assurbanipal’s library, the merchant who, “acts treacherously as he holds the

⁵² W. G. Dever argues that this refers not to different weights but weights that have been altered to be incorrect from the standard. William G. Dever, *What Did the Biblical Writers Know, and When Did They Know It?: What Archaeology Can Tell Us About the Reality of Ancient Israel* (Grand Rapids, Mich.: Eerdmans, 2001), 226.

⁵³ In fact, this use of the *waw* and duplication to express diversity is used almost exclusively in this context of weights, the only other is expression is *lēb wālēb* in Ps 12:3 and 1 Chr 12:34. In these passages, the English equivalent of the idiomatic *lēb wālēb* is “to be two-faced.” For the similar but distinct use of the *waw* meaning “each,” see *IBHS* §7.2.3.c.n7.

⁵⁴ Or, “the correct plaintiff and the guilty defendant.”

⁵⁵ Jacob Milgrom, *Leviticus 17-22* (AB; New York: Doubleday, 2000), 1707-08.

balances, / who replaces the bags' weights (*aban kīsī*), thus reducing the... [*break*]" displeases Šamaš.⁵⁶ In the sixteenth chapter of Amenemopet's instructions, he advises, "Do not tilt the scale nor falsify the weight, / nor diminish the fractions of the grain measures / ... Do not get for yourself short weights."⁵⁷ These examples show discouragement of false weights throughout ancient Near Eastern contexts and speak to the severe effect their use had on economies.

The actual law codes of the Near East, however, exclude references to scales; referring only to weights.⁵⁸ Take for example, the Prologue to the Laws of Ur-Namma:

I made the copper bariga-measure and standardized it at 60 silas. I made the copper seah-measure, and standardized it at 10 silas. I made the normal king's copper seah-measure, and standardized it at 5 silas. I standardized all the stone weights from the pure 1-shekel weight to the 1-mina weight. I made the bronze 1-sila measure and standardized it at 1 mina.⁵⁹

The standardization applies to measurement weights, equivalent to *'ābānīm* in the Hebrew Bible.

Laws in the Code of Hammurabi also deal with false measurement weights:

If a female barkeep does not accept grain for the purchase of beer but accepts silver from the large weight, reducing the value of beer in relation to the value of the grain, they shall charge and convict that barkeep and throw her into the water.⁶⁰

Again the laws focus on dishonest weights, not the scales. Although a majority of current scholarship views Hammurabi's Code as scribal exercises, they were certainly grounded in reality. Here we get an insight into everyday life and the concern for price gouging due to false weights, and evidence that cheating of this sort was a reoccurring problem in the ancient world.

⁵⁶ "Hymn to Šamaš," ll.107-108 (*BWL* 133). The date of this hymn is uncertain.

⁵⁷ "The Instruction of Amenempe" ch. 16, ll. 17.18-19, 18.4 (*LAE* 236).

⁵⁸ Powell, "Ancient Mesopotamian Metrology," 83.

⁵⁹ "Laws of Ur-Namma" Prologue, ll. 135-149 (Martha Roth, *Law Collections from Ancient Mesopotamia and Asia Minor* [Atlanta, Ga.: Scholars, 1997], 16).

⁶⁰ "Laws of Hammurabi" LH §108 (M. Roth, *Law Collections*, 101).

The focus on standardizing measurements in Judah can be correlated with the archaeological record as well. The basis for discussing Judean weights has been R. Kletter's remarkable compilation of the available data in his 1991 article.⁶¹ Many of the specifics of the weights go beyond the scope of this project, and are best left to his and others' work. He discusses several topics relevant to the matter at hand, however, so a brief summary of pertinent material will serve well.

Kletter quashes the argument that different standards of weights had been in use in Judah,⁶² and demonstrates that *nešep*, *pym*, *beqa* ' , and *šeqel* all belong to one standardized system of weight measurement.⁶³ Because inscriptions denoting the weight of the stone were written on the tops of (usually round) stones, weights were fashioned to fit the standard by chiseling off material from the bottom.⁶⁴ Kletter dates the corpus of weights to primarily between Sennacherib's and Nebuchadnezzar's campaigns against Judah – partially because these events establish clear stratigraphic levels; with the system falling out of use with the Exile in 587

⁶¹ Raz Kletter, "The Inscribed Weights of the Kingdom of Judah," *TA* 18 (1991): 121-163.

⁶² *Contra* D. Diringer, "Weights," in *Documents from Old Testament Times* (ed. D. W. Thomas; New York: T. Nelson, 1958), 227-230.

⁶³ Regarding the so-called "sanctuary shekel" (*šeqel haqqōdeš*), Kletter rightfully removes it from the standardized system, labeling it as part of an "idealistic" system never implemented in Judah (Kletter, "The Inscribed Weights," 138). However, he ignores some of the larger issues with it. All of the 25 instances of *šeqel haqqōdeš* occur in P passages: Exod 30 (2x), 38 (3x); Lev 5, 27 (2x); Num 3 (2x), 7 (14x), 18. Furthermore, it's never cited in Ezekiel's system of measurements. When Ezekiel quotes Lev 19:36 in 45:10, he adds a new measuring tool, a bath (*bat*), therefore his silence on the matter of *šeqel haqqōdeš* is all the more telling. This shows that it is part of P's insider lexicon that did not get passed on, not even to Ezekiel, and should not be expected to be found in any archaeological system of weights and measurements. However, in his 1998 monograph, Kletter argues that Ezekiel means *šeqel haqqōdeš* even though he writes just *šeqel* in ch. 45. It seems improbable to me that an author as specific as Ezekiel would leave out *haqqōdeš*. Raz Kletter, *Economic Keystones: The Weight System of the Kingdom of Judah* (JSOTSup 276, Sheffield, 1998), 102.

⁶⁴ Dever, *What Did the Biblical Writers Know*, 226; citing chisel marks in weights from Khirbet el-Qôm (Dever, "Kh. el-Kôm," 185 Fig. 21). In fact, Dever's chiseled 8 *gera* weight from Kh. el-Qôm, is less than .02g off from the standard (.650% deviation, 4.28g for a standard of 4.308g). William G. Dever, "Iron Age Epigraphic Material from the Area of Khirbet el-Kôm" *HUCA* 40-41 (1969-1970): 139-204. See Kletter, "The Inscribed Weights," 134 Tab. 4 for weight measurements.

BCE.⁶⁵ A handful of weights definitively precede Sennacherib's campaign, including one from a Lachish III locus with that also included *lmlk* stamps.⁶⁶ There is one weight from Gezer with *lmlk* inscribed, but its date and implications are unclear.⁶⁷ Several other weights with personal names inscribed have been found as well.⁶⁸

Kletter's findings challenged earlier textual scholarship that credited Josiah with introducing the weight system.⁶⁹ W. G. Dever has aptly synthesized Kletter's work with textual references, concluding that the weight system was likely introduced under Hezekiah and peaked under Josiah.⁷⁰ Hezekiah used the earlier prophetic polemics against dishonest weights as justification for his centralization reform that created a solution to these injustices. That the codification of the system into legal texts occurred during Josiah's reign indicates that the earlier prophetic admonitions were insufficient in curbing the abuse. For injustice in weights was not simply a moral flaw: it affected the entire economy. Prior to the Exile, weights were the basis for all economic transactions, and creating and enforcing a standardized economy is a key responsibility of the state.⁷¹ The reference to weight standardization in the Laws of Ur-Namma

⁶⁵ Kletter, "The Inscribed Weights," 124-26.

⁶⁶ *Ibid.*, 124.

⁶⁷ *Ibid.*, 139.

⁶⁸ *Lndb/yh* (from Lachish V), *lbrky* (from Nebi Rubin), and *lzkr/hw.y'r* (origin unknown, see Barton). Interestingly, all of these weights fall within the 5% range of tolerance Kletter puts forth ("Inscribed Weights," 131). *Lachish V*: Yohanan Aharoni. *Investigations at Lachish: The Sanctuary and the Residency (Lachish V)* (Tel Aviv, 1975), 19-20, Pl. 17:4; *Nebi Rubin*: Nelson Glueck, "A Seal-Weight from Nebi Rubin," *BASOR* 153 (1959): 35-38; George A. Barton, "Two New Hebrew Weights," *JAOS* 24 (1903): 384-387.

⁶⁹ Kletter, "The Inscribed Weights," 126 and the sources cited therein.

⁷⁰ Dever, *What Did the Biblical Writers Know*, 225-26.

⁷¹ The weight system falls out of use in post-Exilic period because the economic system had transitioned to coinage. See Kletter, "The Inscribed Weights," 126.

indicates this was recognized as far back as the Ur III period.⁷² In late 8th and 7th century Judah, the reformer kings – Hezekiah and Josiah – sought to extend central state responsibility and consolidate power in Judah. In order to have control over the economy, they rightly went to the source: the weight system.

The affective power of appending the literary allusions to laws regarding false weights couches the entire system of justice in measurement in significant events in Israelite history. The law in Leviticus justifies the measurement laws with Yhwh's bringing the Israelites out of Egypt, showing the gravity of the subject matter through connecting two economic actions: swindling and slavery. By directly referencing Amaleq, and indirectly the rejection of Saul's reign, Deuteronomy embeds the entire issue of weight standardization in terms of kingship. Deuteronomy's frequent references to the Israelite history that it attempts to subvert anchors the new text in credibility.⁷³ This self-awareness could be contributing to Deuteronomy's stronger allusions than Leviticus: the authors of Deuteronomy knew precisely the context of the text's presentation, and thus wrote accordingly.⁷⁴ The placement of these laws is crucial as well. They're not in the middle of a section which closed with these passages, but consciously situated right before closing literary remarks. These injunctions dramatize the immediately preceding laws and indicate the severity with which the authors considered false weights.

⁷² The composition of the Laws of Ur-Namma is generally attributed to either Ur-Namma (r. 2112-2095 BCE) or his son Shulgi (r. 2094-2047 BCE).

⁷³ Levinson, *Hermeneutics of Legal Innovation*, 149-150.

⁷⁴ R.E. Friedman, *Who Wrote the Bible?* (New York: Harper Collins, 1997), 96-97, 102-103.

Chapter 4

Conclusion

The laws of Deuteronomy were written as part of a larger programmatic, cultural reform. They were “found” by Hilkiah to instill a sense of wonder in the Judean citizenry around the document, and were written in a style precisely to mirror this. The Deuteronomist – or, more generally, the Deuteronomic school – sought to supplant earlier material that ran counter to the society they were seeking to create. Unable to ignore earlier material such as the Covenant Code, however, the authors actively used it as a source and modified it to suit their purposes. Aware that the laws were going to be read aloud, the authors used a more personal style, evidenced by the use of the second grammatical person. They frequently inserted literary allusions to their text, as opposed to Covenant Code which reads in the tradition of cuneiform legal material. These literally passages are not without consequence, however, as they stabilize the revisions in credibility and their placement underscores urgency in certain matters.

The false weight legislation reflects not revision of earlier laws which inadequately applied to contemporary society, but themes not extant at during the Covenant Code’s writing. The wide attestation of Near Eastern references to fair economic transactions indicates that although deceit must have occurred, there was no centralized model to counter such abuses. Hezekiah provided such a model by introducing standardized weights during his centralization reforms leading up to Sennacherib’s campaign in 701 BCE.

As the archaeological record demonstrates, standardized weights in Judah preceded Sennacherib’s devastating campaign into Judah. Hezekiah is the best candidate for their

appearance due to the far reach of his theopolitical centralization program. He centralized worship in Jerusalem, signified by a public Passover ritual, an unprecedented assault on the local cult, and economic reforms. Hezekiah oversaw the production of *lmlk* pottery in preparation for Sennacherib's campaign, with ceramic production in Lachish, as well as similar assemblage in Tel 'Eton.⁷⁵ The standardization of weights, though not as studied as *lmlk* seals, represents another cornerstone of Hezekiah's policy. Beyond the material evidence of his reforms, the prophetic injunctions also factor in. Halpern has argued that Hezekiah preserved and transmitted the 8th century "classical" prophets as part of his policy of reform.⁷⁶ Hezekian reforms, in terms of centralization generally and weights specifically, therefore present an intersection of prophetic polemics codified into writing, theopolitical practices of cultic centralization in Jerusalem, and new economic policies evidenced in the appearance of standard weights and *lmlk* production all used to establish monarchic control over Judah.

Although Hezekiah's iconoclastic policies were not followed by his immediate heirs, his great-grandson Josiah walked in the path of his ancestor. The wondrous discovery of Deuteronomy launched a new set of reforms in Judah that went beyond Hezekiah's. Josiah mirrored Hezekiah's framework to realize his goals. He too centralized the cult and went further in demolishing local religious icons that Hezekiah had not, such as Solomon's *bamot* (2 Kgs 23:13). With sacrificial rituals and tithes now located strictly in Jerusalem, Josiah redistributed wealth from local Levites and increased revenue.⁷⁷ The prophetic demands already established through Hezekiah's codification, Josiah turned to legislative writing as justification. He and his

⁷⁵ O. Zimhoni. "The Iron Age Pottery of Tel 'Eton and its Relation to the Lachish, Tell Beit Mirsim and Arad Assemblages," in *Studies in the Iron Age Pottery of Israel: Typological, Archaeological, and Chronological Aspects* (Tel Aviv, 1997), 200; repr. from *TA* 12 (1985).

⁷⁶ Halpern, *Jerusalem and the Lineages*, 21.

⁷⁷ W. E. Claburn, "The Fiscal Basis of Josiah's Reforms," *JBL* 92 (1973): 11-22.

supporters in the Deuteronomic school displaced the earlier Covenant Code with their own law code and manipulated Israelite history to accord with their agenda. They grounded their demand for standard weights in terms of Amaleqite attacks, and thereby alluded to Saul's failure to carry out the ban resulting in a dynastic change. This underlines the importance of economic control to kingship, and justifies Hezekiah's and Josiah's measurement policies. Legislative reworking was also used to replace the older slavery and manumission law with an updated version that domesticated the piercing ritual in order to avoid local cultic practices.

Whereas Hezekiah employed earlier prophets as justification for his centralization policies, later prophets built on Josianic and Deuteronomic models. Jeremiah drew on both Leviticus's and Deuteronomy's slavery laws to criticize Zedekiah's false *dārôr* as empty ritual. Ezekiel, the exilic heir to centralization philosophy, updated the weight standard for post-Exilic life, writing that, "the princes of Israel ... will act ('šy) justly (*mišpāṭ*) and righteously (*šedāqâ*) ... you will have just scales, a just ephah, and a just bath (45:9-10)," ⁷⁸ before giving values for each unit of measurement. In the vacuum of authority during the Exile, Ezekiel takes it upon himself to legislate on the backdrop of earlier law. Both Ezekiel and Jeremiah synthesized legal material and pro-monarchic propaganda to continue the traditions of their respective philosophical schools.

The slavery law in the Covenant Code represents casuistic legal writing which draws from a cuneiform background. The Deuteronomist saw and rejected this tradition and drafted a new slavery law tailored to contemporary conditions and Josianic dogma. The false weight laws were tools to propagate economic agenda; parts of larger designs that sought to forge monarchic power through legislation, prophecy, and cultic reform. These laws were situated in literary passages to ground the ideology in a – real or imagined – historical past. Each Pentateuch law

⁷⁸ Note that for possession, Ezekiel uses *yāhî lākem*, a short-form, 3ms *yiqtol*.

section, in dialogue with their context and antecedents, carries a rich history and place within its own particular canon. The later combination of these canons established a new doctrine; a synthesis of writings where the polemics and ambitions of the original sources were set aside to compose a new agenda, a new harmony. The task, then, is to find the concord of this discord.

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