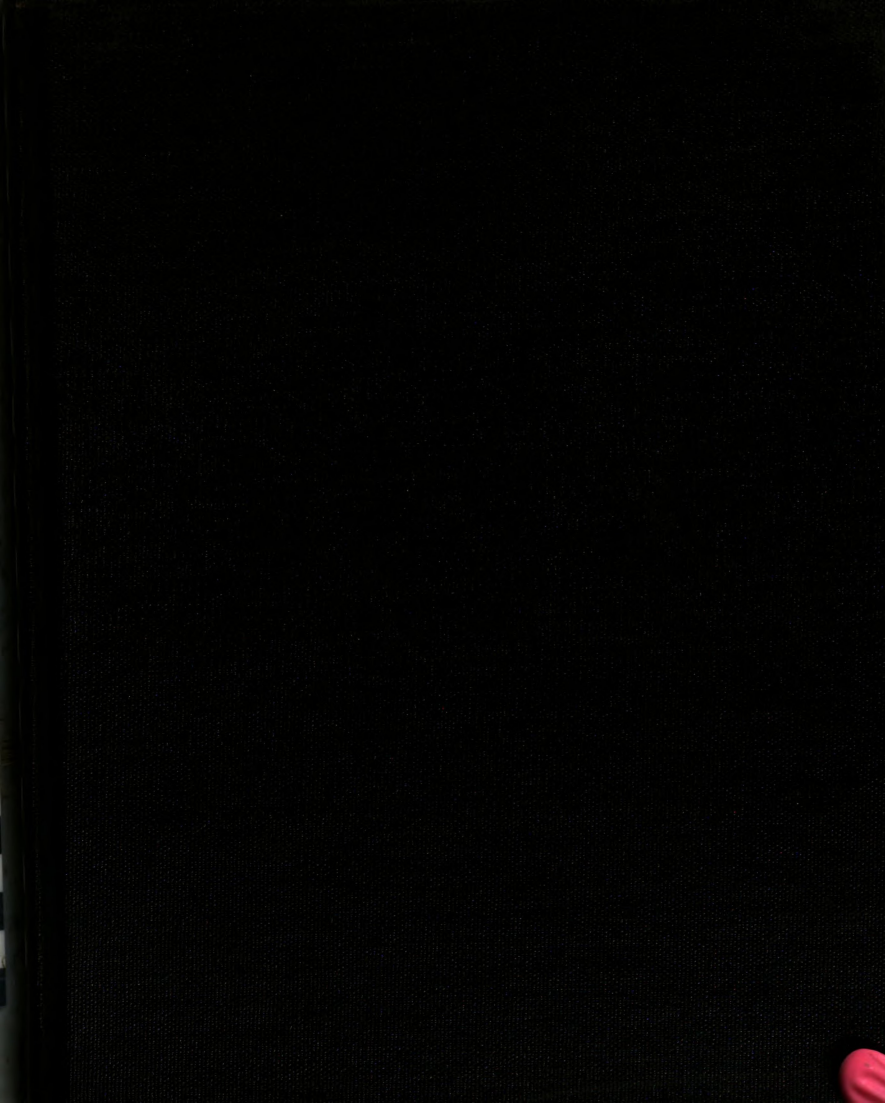




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AMOS AND THE LAW

By

Terry Giles

A DISSERTATION

submitted to

Michigan State University

in partial fulfillment of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

Interdisciplinary Program

1989

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ABSTRACT

AMOS AND THE LAW

By

Terry Giles

Those involved in the inspection of the Hebrew Prophets have been intrigued by the confluence of traditions which find expression within the prophetic corpus. Recently, there have been few attempts to analyze the ethical pronouncements of the eighth-century prophets. Over the past decades there have been a succession of dominant methodologies utilized by the community of Biblical scholars in the investigation of the prophetic use of traditional material. These various literary-critical methodologies have resulted in conclusions which alternate between claims of prophetic originality, and those of prophetic dependency upon older traditions. The ambiguities resident in the conclusions offered by scholars researching the problem of law in the prophecy of Amos suggest that the use of the legal tradition by the prophet has yet to be understood in all of its complexities.

The suggestion offered in this dissertation is that the riddle of law and the prophets is a hermeneutical problem and lends itself to only partial resolution by means of the literary-critical methodologies favored by Biblical scholarship. Those methodologies can be beneficially aided by

the presentation of social theory designed to give plausible explanation to the evolution of society.

Through the course of this paper, the presentation offered by Jurgen Habermas regarding the place of tradition in the evolution of society is applied to the book of Amos. In the pages that follow, the pertinent aspects of labor and domination within the Israelite society in the eighth century B.C.E. are investigated in order to help provide a framework in which to examine the prophetic use of the Biblical legal tradition.

The conclusion is offered that the prophet's moral tradition is compatible with, if not influenced by, the moral tradition given expression in the Pentateuchal material. It is suggested that the prophet received that tradition through the mediation of the "wisdom" circles of the Ancient Israelite community. The differences between the expressions of that tradition in the Pentateuch and those moral statements in the prophecy of Amos are to be accounted for by the evolution of the mode of production which occurred in Israel between the tenth and eighth centuries.

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ACKNOWLEDGMENTS

I would like to take this opportunity to express my appreciation to several individuals who have rendered special assistance in my growing appreciation for the traditions contained within the Hebrew Bible text. Dr. Richard Peterson led me on a continuing odyssey of discovery regarding what it means to be a keeper of a tradition. Dr. Robert Anderson has modeled for me both Biblical scholarship and the grace which makes that scholarship worthwhile. He also placed before me a continual love for the classroom and the opportunity to share in that love. Finally, I would like to express my deepest appreciation to Steve and Kim for their unending encouragement.

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ABBREVIATIONS

AJSLL	American Journal of Semitic Languages and Literature
ANE	Ancient Near East
ANET	Ancient Near Eastern Texts Relating to the Old Testament (J. B. Prichard ed.)
AOAT	Alter Orient und Altes Testament
ASTI	Annual of the Swedish Theological Institute
ATR	Anglican Theological Review
AUSS	Andrews University Seminary
Aus BR	Australian Biblical Review
BA	The Biblical Archaeologist
BAR	Biblical Archaeology Review
BASOR	Bulletin of the American Schools of Oriental Research
BASP	Bulletin of the American Society of Papyrologists
BDB	Hebrew and English Lexicon of the Old Testament (F. Brown, S. R. Driver and C. A. Briggs)
BHS	Biblia Hebraica Stuttgartensia

Bib	Biblica
BK	Bible und Kirche
BM	Bet Mikra
BN	Biblische Notizen
BS	Bibliotheca Sacra
BT	The Bible Translator
BTB	Biblical Theology Bulletin
BVC	Bible et vie chretienne
BZ	Biblische Zeitschrift
BZAW	Beiheft zur Zeitschrift fur die alttestamentliche Wissenschaft
CBQ	Catholic Biblical Quarterly
DB	Dictionnaire de la Bible
EI	Eretz-Israel
Enc Jud	Encyclopedia Judaica
Es Bib	Estudios Biblos
ETR	Etudes theologiques et religienes
EvTh	Evangelische Thelogie
Exp Tim	Expository Times
FRLANT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
GKC	Gesenius Kautch Cowley
Greg	Gregorianum
Har Sem Mon	Harvard Semitic Monographs

HTR	Harvard Theological Review
HUCA	Hebrew Union College Annual
HUCM	Hebrew Union College Monographs
IDB	Interpreter's Dictionary of the Bible
IDB Sup	Interpreter's Dictionary of the Bible Supplement Volume
IEJ	Israel Exploration Journal
Int	Interpretation
IrTQ	Irish Theological Quarterly
JAAR	Journal of the American Academy of Religion
JAOS	Journal of the American Oriental Society
JBL	Journal of Biblical Literature
JESHO	Journal of the Economic and Social History of the Orient
JJS	Journal of Jewish Studies
JNES	Journal of Near Eastern Studies
JNSL	Journal of Northwest Semitic Languages
JQR	Jewish Quarterly Review
JRH	Journal of Religious History
JSOT	Journal for the Study of the Old Testament

JSOT Sup	Supplement to the Journal for the Study of the Old Testament
JSemS	Journal of Semitic Studies
JTS	Journal of Theological Studies
KD	Kerygma und Dogma
LXX	Septuigenta
MT	Masoretic Text
NovT	Novum Testamentum
Or Ant	Oriens Antiquus
OTM	Old Testament Message
OTS	Oudtestamentische Studien
PEQ	Palestine Exploration Quarterly
RBib	Revue Biblique
ReFthR	Reformed Theological Review
REJ	Revue des etudes juives
ResQ	Restoration Quarterly
RE	Review and Expositor
RSR	Revue des Sciences Religieuses
RSV	Revised Standard Version
SBFLA	Studii Biblici Franciscani Liber Annuus
SBLASP	Society of Biblical Literature Abstracts and Seminar Papers
SBLDS	Society of Biblical Literature Dissertation Series

SBLMS	Society of Biblical Literature Monograph Series
SBT	Studies in Biblical Theology
SEA	Svensk Exegetisk Arsbok
Sem	Semitica
SJT	Scottish Journal of Theology
SH	Scripta Hierosolymitana
SRSR	Studies in Religion / Sciences Religieuses
StTh	Studia Theologica
SWJT	Southwestern Journal of Theology
TA	Tel Aviv
TDOT	Theological Dictionary of the Old Testament
Theol Stud und Kritik	Theologische Studien und Kritiken
TLZ	Theologische Literaturzeitung
TZ	Theologische Zeitschrift
VD	Verbum Domini
VT	Vetus Testamentum
VT Sup	Vetus Testamentum Supplements
WMANT	Wissenschaftliche Monographien zum Alten und Neuen Testament
ZAW	Zeitschrift für die Alttestamentliche Wissenschaft
ZDPV	Zeitschrift des Deutschen Palastina-Vereins

ZTK

Zeitschrift für Theologie
und Kirche

Gen	Hos	Ps
Ex	Joel	Job
Lev	Amos	Prov
Num	Obad	Ruth
Dt	Jonah	Cant
Josh	Mic	Eccl
Judg	Nah	Lam
I-II Sam	Hab	Esth
I-II Kgs	Zeph	Dan
Is	Hag	Ezra
Jer	Zech	Neh
Ezek	Mal	I-II Chr

Chapter 1

Introduction:

Amos and the Law

If there has been a dominant concern in the recent scholarly investigation of the Israelite prophets, it has been the one identified by Wolff in 1955. He argued that common to the problems which seemed to occupy the majority of scholarly effort expended in the investigation of the prophets was the pursuit of the answer to one question: What is old and what is new in the prophets?¹ Wolff's statement, formulated in an era dominated by an emphasis upon the originality of the prophets, marks the dawning of an awareness that there has been an underestimation of the importance of the place of tradition within the prophetic movement. The redressing of this imbalance has been referred to as ". . . a growing point of Old Testament study".² Recently, scholars have recognized that the prophets of Israel stand in the stream of a social tradition which, at different times, they use, reject, and augment. This dissertation is an investigation into that social dynamic as

1. Hans Walter Wolff, "Hauptprobleme alttestamentlicher Prophetie" *EvT* 16 (1955): 446-468, p.446

2. R. E. Clements, Prophecy and Tradition, (Oxford: Basil Blackwell, 1975), p.1.

it applies especially to the moral tradition of one of the best known of the prophets of eighth century Israel, the prophet Amos.

Throughout the past one hundred years of critical scholarship the problem of researching the relationship between the law and the prophets has been subjected to a succession of dominant methodologies resulting in substantially different conclusions. For convenience my discussion will treat this century of research in three eras, following the schema developed by R. J. Thompson; 1) the period of traditional pre-critical investigation - "law before the prophets", 2) the period of domination by the source critical methodology - "law after the prophets" 3) the period of investigation introduced by the advent of form critical study - "law with the prophets".³

The pre-critical position understood that the law, mediated by Moses, came before the prophets, who in turn were divinely inspired interpreters of that tradition. In this understanding, "law" came to stand for the Pentateuch and its representative legislation, together with the narration of the Abrahamic family and the events at Sinai and the Exodus. It was perceived, by those responding to this construction, that the emphasis upon the prophets as recipients of tradition threatened to engulf any understanding of prophetic

3. R. J. Thompson, Moses and the Law in a Century of Criticism Since Graff, VT Sup vol 19 (Leiden: E. J. Brill, 1970).

originality either in the production of the literary legacy bearing the prophetic imprint or in the contributions of the prophets to the religious heritage of the Israelite community.

In the 1870's, a re-examination of the history of the religion of Ancient Israel and the conclusions presented by source critical research led to an inversion of the earlier consensus. The prophets now were seen as the great creative agents of the religion of Israel, responsible for the moral plain on which the community stood. The law, as earlier defined, was understood as a production of the post-prophetic era and owed its inception, in part, to the creative influence of the prophets. One scholar, standing within the scope of this viewpoint, wrote, "One can completely understand the prophets without the law, but not the law without the prophets".⁴

The source critical position reigned supreme until well into the twentieth century when a new method of examination of the Hebrew canon burst upon the scholarly community. Form critical investigations, applied to the prophets, by scholars

4. J. Meinhold, Einführung, 1919, cited by Gene Tucker, "Prophecy and Prophetic Literature", in The Hebrew Bible and Its Modern Interpreters, Edited by Douglas Knight, and Gene Tucker, (Chico California: Scholars Press, 1985), p.327.

such as Gunkel⁵, Mowinckel⁶, and von Rad⁷ challenged the conclusions of the source critics and demonstrated that the legal tradition and much of the narrative sections of the Pentateuch were well established, within the Israelite community, by the time of the emergence of the prophets in the eighth century. An appeal was made, in the research of these scholars, to the role of the cultic institutions of the community and to the transmission of traditions which took place within those institutions.

Although coming to significantly different conclusions, all three approaches to the Hebrew text, the pre-critical, the source critical, and the form critical, assume that the prophets stand in the midst of a stream of social tradition. All three approaches assume that there is a transmission of that social tradition. And all three assume that the earlier parts of the tradition affect the later. The debate rages, among proponents of the different approaches, over just where within that stream, the prophets stand. When viewed from this perspective, it can be seen that all three positions state implicitly that the prophets were involved in a hermeneutical process which utilized social traditions. Certain scholars

5. H. Gunkel, Die Propheten, (Gottingen: Vandenhoeck and Ruprecht, 1917).

6. S. Mowinckel, Prophecy and Tradition: The Prophetic Books in the Light of the Study of the Growth and History of the Tradition, (Oslo: Jacob Dybwad, 1946).

7. G. von Rad, Theologie des Alten Testaments, vol II (Munich: Chr. Kaiser, 1960) translated by D. Stalker as Old Testament Theology, vol II (New York: Harper and Brothers, 1965).

understand the Pentateuchal law as an expression of a moral tradition which is pre-monarchical in origin and highly influential upon the prophetic pronouncements of the eighth and seventh centuries. Others, viewing the same material but by using different methodologies, understand the prophets as composers of the moral tradition which was later codified in the Pentateuchal legislation.

It is the thesis of this investigation that the problem of the law and the prophets is a hermeneutical problem and that research into the traditional development of the Ancient Israelite community may be enhanced by the application of hermeneutical theory. Specifically, I will argue that the moral tradition utilized by Amos must be viewed within the context of social labor and domination.

Owing in great part to a series of influential thinkers including, but not limited to, Schleiermacher, Dilthey, Gadamer, and Habermas, the hermeneutical endeavor has been expanded, in recent years, to include an inquiry into the art of understanding. Jurgen Habermas has contributed to this strain of hermeneutical investigation by bringing to mind an emphasis upon a critical theory of social evolution as part of the dynamics of hermeneutical thinking. In the pages that follow, certain contributions made by Jurgen Habermas and his critical theory will be applied to the problem of the law in the prophet Amos. Briefly stated, Habermas contends that social actions need to be understood within the context of language, labor and social domination. That is, a given

tradition, in this case the moral tradition adopted by the prophet, is affected by the community of traditionists to whom the tradition is entrusted. An investigation into the history of the tradition will require inquiry into the community of traditionists.

In the course of this presentation, I will draw upon the theoretical framework of Habermas. In addition to the material derived from using the literary-critical methodologies favored by Biblical scholars, the problem of law in the prophecy of Amos will be addressed through the application of select aspects of social theory. Chapter two argues for a contextualization of the moral tradition within the community in which that tradition found expression. Chapter three of this investigation surveys key aspects of labor and social domination operative in the Israelite society from the tenth to the eighth centuries. Added to this investigation, chapter four offers a comparative philological examination of the prophetic moral tradition and the pre-monarchical law codes preserved in the Hebrew text. Gene Tucker has recently observed that, "There have been remarkably few detailed investigations of the use of laws and legal materials in the prophetic literature".⁸ This investigation is conducted with the hope of contributing to the remedy of this situation.

8. Tucker, 1985, p.328.

Chapter 2

The Prophets and the Law: A Hermeneutical Problem

This chapter may well be described as a spiraling movement through three concentric circles. Each circle moves the investigation to consider more precisely the problem of law in the prophecy of Amos.

The first circle is entitled "Tradition and Modern Hermeneutics". Here, through a survey of hermeneutical theory, the problem of law and Amos is considered to be broader than a necessary philological comparison of texts. The social action represented by the Amos prophecy is presented as understandable conjointly by language, social labor and the institutionalized relations of domination.

The second circle, "Scholarly Research into the Problem of the Law and the Prophets", describes the manner in which the community of Biblical scholars has expressed a growing appreciation for the effects which the process of transmission has had upon the Ancient Israelite moral tradition. That is, this circle will trace the growing appreciation felt by Biblical scholars for the effects of certain elements of social labor and domination upon the Israelite moral tradition. Certain methodologies are highlighted for the manner in which they represent



applications of the hermeneutical theory described in the first circle.

The third circle into which our spiraling journey moves is "Amos and the Non-Legal Traditions". This circle is in many ways an application of the first two. In this circle a review is made of scholarly investigation into the influence of "cultic" and "wisdom" traditions upon the prophecy of Amos. Here, the purpose is to uncover methodological concerns which may aid in the investigation of the problem of law and Amos.

I. Tradition and Modern Hermeneutics

The outermost concentric circle into which this survey will journey is that of hermeneutical theory. In the development of modern hermeneutical theory, there are various "schools" which have emerged within the past several decades.¹ These schools are generally defined by the distinctive approach taken to one or several of the central

1. Several of the most influential representatives of the various approaches to hermeneutics can be seen in; E. D. Hirsh, Validity in Interpretation, (New Haven: Yale University Press, 1967), Hans-George Gadamer, Wahrheit und Methoden: Grunzuge einer philosophischen Hermeneutik, 3rd. edition (Tubingen: J. C. B. Mohr, 1975) Eng. Truth and Method, (London: Sheed and Ward, 1975), Emilio Betti, Die Hermeneutik als allegemeine Methodik der Geisteswissenschaften, (Tubingen: J. C. B. Mohr, 1962).

issues debated by the hermeneuticians. One such issue is the matter of the historicity of human experience and the impact of that historicity upon human understanding. The following section retraces certain features of the development of one school of hermeneuticians, and culminates in the work of Jurgen Habermas. The suggestion is made that Habermas' hermeneutical approach can give a plausible framework for understanding the legal tradition in the prophecy of Amos.

A. Hermeneutics and Historicity

Modern hermeneutic theory is the recipient of a rich philosophical lineage which traces its descent, although not without debate, through the work of men like Schleiermacher, Dilthey, Heidegger, and Gadamer. This procession of scholars added an awareness of the historicity of the human experience to the investigation of hermeneutical theory and made it necessary, for those engaged in the hermeneutical debate, to discuss the issues of historicity which they raised.

Schleiermacher held hermeneutics to be the art of understanding.² It was, for him, an active dialogue which was designed to re-experience the mental processes of the author

2. F. D. E. Schleiermacher, Hermeneutik, nach den Handschriften neu herausgegeben und eingeleitet von Heinz Kimmerle, (Heidelberg: Carl Winter, 1959).

of the text.³ He maintained that this dialogue could be presented in the form of a circle. Schleiermacher concluded that the interpreter arrives at understanding through reference to something that is already known, a "pre-understanding". He was of the opinion that the interpreter must already have, in some measure, an understanding of what is being discussed or confronted. The pre-understanding of the interpreter is based upon, in Schleiermacher's opinion, an initial consideration of the whole which derives its meaning from the parts of the text or tradition.⁴ The interpreter attempts to assimilate the new and unknown from the viewpoint of what is already known. As the interpreter engages the parts, that which was previously unknown, his or her pre-understanding regarding the text is changed. The dialectical interaction, which Schleiermacher observed between the whole and the part, gives to each its meaning. This circular view of understanding is often referred to as the hermeneutical circle. Through the construction of the circle, which gives notice to the pre-understanding of the interpreter, Schleiermacher contributed to the modern discussion of hermeneutics a notion that understanding is contextualized in the life experience of the interpreter.⁵

3. Anthony Thiselton, The Two Horizons: New Testament Hermeneutics and Philosophical Description with Special Reference to Heidegger, Bultmann, Gadamer, and Wittgenstein, (Grand Rapids: Eerdmans, 1980), p.103-104.

4. Schleiermacher, 1959, p.40.

5. Richard Palmer, Hermeneutics: Interpretation Theory in Schleiermacher, Dilthey, Heidegger, and Gadamer, (Evanston: Northwestern University Press, 1969), p.87-88.

Dilthey contributed to the philosophical discussion concerning hermeneutics by broadening the scope of hermeneutics so as to include the whole of human sciences.⁶ He argued against applying the paradigms used in the natural sciences to the human sciences and asserted that epistemology must develop out of life itself. He formulated his view concerning the historicity of understanding very succinctly when he stated that ". . . behind life thinking can not go."⁷ Methods for the human sciences were, in his opinion, best founded upon meaning and the understanding of common human experience. Opposed to a system based upon the use of transcendental categories, Dilthey argued that experience is intrinsically temporal and the understanding of experience must employ temporal categories of thought.⁸

The temporal concerns of Dilthey were refined, criticized, and extended by Hans-George Gadamer.⁹ Gadamer shares with Heidegger a basic appreciation of the historicity of the mode of human being-in-the-world. Like Heidegger, Gadamer is concerned about the modes of being in which truth is communicated.¹⁰ He asserts that one's view of the world is

6. Wilhelm Dilthey, Gesammelte Schriften, 12 vols. (Stuttgart: Teubner, 1962), especially vol 7.

7. Quoted in Palmer, 1969, p.103. Other writers have expressed the same position in recent theological endeavors. See, J. P. Miranda, Marx and the Bible. A Critique of the Philosophy of Oppression, (Maryknoll: Orbis, 1974), G. Gutierrez, A Theology of Liberation, (Maryknoll: Orbis, 1973), J. Miguez Bonino, Revolutionary Theology Comes of Age, (London: SPCK, 1975).

8. Palmer, 1969, p.111.

9. Gadamer, Truth and Method, 1975.

10. Gadamer, Truth and Method, 1975, p.xvi-xviii.

conditioned by one's place in tradition. In his opinion, human understanding occurs as an event within a tradition.¹¹ For Gadamer, understanding is achieved through the interplay of one's own place in a tradition, or what he refers to as a "horizon", and another horizon or place within the same horizon. The interplay between the interpreter and the text or tradition is modeled by Gadamer's formulation of the hermeneutical circle.

Gadamer, in the formulation of his philosophical hermeneutic, rejects the Cartesian method as the paradigm for all understanding, as it has been applied to the natural sciences. Instead Gadamer asserts that in experience the objective does not become an idea or concept but is part of the living process of the knower. Taking examples from the realm of music, drama, and games, Gadamer emphasises that the production of one of these events is not simply a copy of the consciousness of the composer but is a creative event in its own right. That is, a work of art or a written text from the past can not be detached from its representation. The past is not recaptured by the present interpreter in that interpretation is not a reproduction of the past in the present, but is itself a creative event. Gadamer's conception of interpretation is rightly contrasted to the Cartesian consideration of an active subject apprehending the passive objects around him.¹²

11. Palmer, 1969, p.164.

12. See Thiselton, 1980, p.299, and Palmer, 1969, p.168.

Gadamer's work addresses not merely the manner in which the world belongs to the human subject, but the manner in which the human subject belongs to the world.¹³ He contends that the interpreter must seek to be aware of his/her own historicity and realize the pre-judgments which s/he brings to the text. While accepting, in principle, Schleiermacher's presentation of the hermeneutic circle, Gadamer stresses that there is no presuppositionless interpretation by which the interpreter can gain an appearance of objectivity. He is of the opinion that the activity of interpretation is a dialogue between the interpreter and the text wherein the pre-judgments of the interpreter, regarding the whole of the text, are refined and changed as the interpreter is confronted by the parts of the text. This circle or dialogue between the parts and the whole, between pre-judgments and judgments, is the central dynamic of the hermeneutical endeavor.

Gadamer states that since the interpreter stands within a tradition from which his interpretation is formed, every age has to understand the text from within its own tradition.¹⁴ As the text is understood, so also the horizon in which the interpreter stands is brought to consciousness, with the effect being that the interpreter, in understanding the text, also understands him or herself.¹⁵ The passing of

13. Palmer, 1969, p.163.

14. Illustrated by Gadamer in citing examples from art and game, Truth and Method, 1975, p.146-147.

15. Gadamer, Truth and Method, 1975, p.263.

time and the construction of history form the tradition in which the interpreter stands. Between the text and the interpreter stands a tradition of understanding or as Gadamer calls it an "effective-history".¹⁶ The effective-history filters out those interpretations which are unfruitful and incorporates those which bring about a genuine understanding. As developed by Gadamer, the principle of effective-history is defined as an operation of history which allows the meaning of the text to go beyond that of the author. The interpreter's understanding of the text will be initially formed by the questions which the interpreter brings to the text. These questions will never be identical with the questions which the author intended to answer as the interpreter stands in a tradition which is different than that of the author and formed by the effective-history of which the interpreter is the most recent part.¹⁷ While Gadamer shares neither the assumptions of Hegel nor his conclusions, he does accept a dialectical approach to history which views the inter-subjectivity of understanding in the interplay of questions and answers in the experiencing of an effective-history.

The questioning and answering involved in interpretation is consistent with Gadamer's assertion that application is integral to the whole experience of interpreting the text. Since understanding is done within the horizon of the

16. Gadamer, Truth and Method, 1975, p.268.

17. Gadamer, Truth and Method, 1975, p.268, 495-496.

11

12

interpreter, and understanding is seeing how the meaning of the text affects that horizon, understanding is always application.¹⁸ Understanding, in Gadamer's opinion, is the bringing of the essential of the past into a personal present.¹⁹

Gadamer is of the opinion that language and understanding are inseparable.²⁰ Understanding takes place through the medium of language, and hermeneutics has to do with the relationship between thought and language. Since language is handed down through tradition, it can not be altered merely by formal agreement, as the recognition of a manner of being-in-the-world is dependent upon language. In the understanding of the text, Gadamer states that the interpreter experiences the coming into being of a new subject matter in the interaction between the interpreter and the language of the community.²¹

In the investigation of language, Gadamer assumes a metaphysical stance and asserts a universal hermeneutic which is concerned with the "general relationship of man to the world".²² Truth emerges, not as the result of the application of a method, but through the dialectical process of questioning in which the language/tradition addresses and is addressed by the interpreter in the language of the

18. Gadamer, Truth and Method, 1975, p.290-295.

19. Gadamer, Truth and Method, 1975, p.275.

20. Gadamer, Truth and Method, 1975, p.350. See also, Thiselton, 1980, p.310.

21. Gadamer, Truth and Method, 1975, p.341.

22. Gadamer, Truth and Method, 1975, p.433.

interpreter. Gadamer conceives of hermeneutics as that having to do with an approach to understanding.

B. Habermas and Critical Theory

Jurgen Habermas has criticized Gadamer in what he considers to be Gadamer's attempt to absolutize the "hermeneutic experience" and by failing to "recognize the transcending power of reflection that is also operative in it".²³ Habermas agrees that historical subjects are barred from a transcendental consciousness but nevertheless believes that Gadamer's "happening of tradition" is not objective enough. He agrees with Gadamer in asserting that language plays a vital role in its relationship to thought yet concludes that language is itself dependent upon social processes. As is stated by Gadamer, language is affirmed to be a medium of tradition, but Habermas goes on to state that language is also a medium of social labor and domination. Habermas states that a change in the mode of production entails a "restructuring of the linguistic world view".²⁴ In his analysis of Gadamer's position, Habermas concludes that Gadamer is tied to the "idealist presupposition that

23. Jurgen Habermas, "A Review of Gadamer's Truth and Method", Zur Logik der Sozialwissenschaften, (1970), reprinted in Understanding and Social Inquiry. Edited by Fred Dallmayer and Thomas McCarthy (Notre Dame: University of Notre Dame Press, 1977), p.335-363.

24. Habermas, 1977, p.363.

linguistically articulated consciousness determines the material practice of life".²⁵ He counters this position by insisting that the linguistic-tradition is also, ". . . constituted by the constraints of reality".²⁶ In establishing this position, Habermas opts for a mediating stance between the historical materialism of Marx and what he calls the "neo-Kantianism" of Gadamer. Habermas attempts to draw together linguistic structures and the empirical conditions under which they change historically and thereby produce a philosophy of history with a practical intent.

In producing that philosophy of history, Habermas has concerned himself with the reunification of theory and practice in the social sciences. Standing in the hermeneutic tradition of Schleiermacher, Dilthey, and Heidegger, and expressing the materialistic concerns of Marx, Habermas has undertaken work designed to construct a critical theory of the evolution of society. In distinction to Gadamer who, in the opinion of Habermas, tends to absolutize tradition, Habermas has sought to recognize that tradition can be critically evaluated by the human agent. In his debate with Gadamer,²⁷ Habermas stands in opposition to the appearance of

25. Habermas, 1977, p.362.

26. Habermas, 1977, p.363.

27. The central statements of that debate are presented in Jurgen Habermas, "A Review of Gadamer's Truth and Method", Zur Logik der Sozialwissenschaften, (1970), p.251-290 and reprinted in Fred Dallmayer and Thomas McCarthy eds., Understanding and Social Inquiry, (Notre Dame: University of Notre Dame Press, 1977), p.335-363.

epistemological relativism which, he believes, manifests itself in the description of tradition offered by Gadamer.

Habermas maintains that, in the reflective evaluation of tradition, there is required a referent by which that evaluation can be made. That reference Habermas finds in the constraints of "inner and outer nature", that is, the social aspects of labor and domination.²⁸ Habermas points out that "Social actions can only be comprehended in an objective framework that is constituted conjointly by language, labor and domination".²⁹ These two aspects of society: social labor and domination, are not only objects of interpretation but are, ". . . the conditions outside of tradition under which transcendental rules of world-comprehension and of action empirically change".³⁰ Habermas' hermeneutical framework is composed then of three elements; language, social labor, and the institutionalized relations of domination.

One of the central issues in the modern hermeneutical debate, one which is vital to the construction of a critical theory of social evolution, is whether or not it is possible for philosophy to operate within the hermeneutical circle of understanding and within the limitations imposed by its own historical conditions while at the same time positing rational principles which function as conditions for

28. Jurgen Habermas, Communication and the Evolution of Society, (Boston: Beacon Press, 1976), p.136-137.

29. Habermas, 1977, p.361.

30. Habermas, 1977, p.361.

understanding.³¹ Does humanity have the means by which to transcend its own historicity and form universal conditions for a theory of knowledge? Gadamer is of the opinion that the tradition in which one exists serves as the reference point for the interpreter. Habermas presents social labor and the institutionalization of relations of power as well as the meta-institution of language as the context from which world views are composed.

Bearing in mind Habermas' framework of language, social labor, and the institutionalized relations of domination, our attention now turns to a survey of scholarly investigation of the problem of law in the prophets. Of particular interest will be the growing awareness, within the scholarly community, of the effects of the process of transmission upon the traditional material within the community of Ancient Israel. An awareness of the process of transmission will bring into focus the historicity of understanding and so the historical location of the traditionist in the formation of the tradition.

31. Palmer, 1969, p.250-253.

II. Scholarly Research into the Problem of the Law and the Prophets

We now move into the second of three concentric circles. The question which will occupy our attention is, how does the history of research into the problem of law in the prophets lead one to suspect that the problem is, at least partially, hermeneutical in nature? I will endeavor to answer this question through a review of the research into the problem, highlighting as I proceed pertinent points of methodology and assumptions which guided the researchers. The prevailing methodologies employed by Biblical scholars represent various applications of the hermeneutical concerns which were surfaced in the first part of this chapter. This survey will illustrate the growing significance placed by scholars upon the factors of social labor and power when investigating Biblical traditions. This review is by no means exhaustive, but instead focuses attention upon those scholars whose work most greatly influenced the field. Of special interest is investigation into the role of tradition in the formulation of the Hebrew text particularly as it applies to the law and the prophets.³²

32. For a more comprehensive history of critical scholarship the reader is encouraged to consider: John Rogerson, Old Testament Criticism in the Nineteenth Century (Philadelphia: Fortress Press), 1984. Ronald E. Clements, One Hundred Years of Old Testament Interpretation (Philadelphia: Westminster Press, 1976). R. J. Thompson, Moses and the Law in a Century of Criticism Since Graff VT Sup vol 19 (Leiden: E.J. Brill, 1970).

A. The Law Prior to the Prophets

For our purposes we shall consider the beginning of the "modern era" of Old Testament scholarship³³ with the scholarly work of J. Astruc³⁴ and J. G. Eichhorn.³⁵ These two scholars are outstanding for the way in which they bridge the gap between the "orthodox traditional" approach and the "critical" approach, approximating many of the conclusions of the orthodox traditionalists while employing methodologies of the critical scholars. Eichhorn concluded from his investigative work, that the Pentateuchal material was Mosaic, while Astruc concluded that the material was composite and of a much later date. Eichhorn will be discussed under the present heading while Astruc will be contrasted and placed under the heading entitled, "Law after the Prophets".

Eichhorn recognized Astruc as the pioneer of the modern source critical investigation through the work which he had published regarding his proposed division of Genesis into two sources. It was Eichhorn's work, however, that produced the

33. The critical period is already established by 1893 as evidenced by the work produced by T. K. Cheyne, Founders of Old Testament Criticism (London, 1893).

34. J. Astruc, Conjectures sur les memoires dont il paroît que Moyse se servit pour composer le livre de la Genese (Brussels, 1753).

35. J. G. Eichhorn, Einleitung ins Alte Testament, 2 vols (Leipzig, 1780-1783).

foundations of the source critical position later made popular by Wellhausen. Eichhorn was not novel in his presentation of sources, for the recognition of editorial work in the Pentateuch had long been a part of the investigations of Biblical scholars.³⁶ Eichhorn recognized the separate documents J and E, as had Astruc before him, but he extended the separation of the Pentateuch by distinguishing the Priest's Codex in Leviticus and Numbers from the law book of the people in Deuteronomy.³⁷ Eichhorn, using characteristics of literary style, vocabulary, and syntax was able to discern and identify legal codes from the surrounding context. Unlike some which had preceded him, Eichhorn, while showing that structurally the two codes have their own and separate integrity, maintained a Mosaic authorship for the whole body of material.³⁸ In maintaining this position he represented the conclusions of the "traditional" approach regarding the authorship of the material, while introducing the comparative literary-critical methodologies of the "critical" school in his investigation.

36. Throughout the remainder of this presentation, the notation commonly accepted by Biblical scholars, JEDP will be used in reference to the sources identified by source critics. While it is recognized that there has been a progression and refinement in the identification of the material appropriately assigned to one particular source, so that the material referred to as J at one point may later in the history of source critical investigation be placed within another document, this detailed identification need not delay us at this stage of our investigation.

37. Thompson, 1970, p.16.

38. Eichhorn, vol.2, p.342-344.

In the closing years of the 18th century and those beginning the 19th, critical scholarship was witness to what was then remarkable results in the form of work produced by Alexander Geddes. This scholar possessed unusual abilities in linguistic appreciation. Beside offering his own translation of the Hebrew text, Geddes contributed to the investigation of the source material of the Pentateuch.³⁹ While utilizing many of the methodological procedures ironed out by Eichhorn, Geddes rejected the view, held in common by Eichhorn and Astruc, that there were several documentary sources to the Pentateuch preferring to understand the material as produced by one author using multiple fragmentary traditions. Early in the history of scholarship, the transmission of the material, whether understood as source documents or fragmentary traditions, was perceived as an important element in understanding the production of the text at hand. Unlike Eichhorn, Geddes denied Mosaic authorship of the Pentateuch, believing instead that the material was pre-8th century by attributing it to an author who lived sometime between the reigns of David and Hezekiah.

39. Alexander Geddes, Critical Remarks on the Hebrew Scriptures corresponding with a New Translation of the Bible (London, 1800).

B. The Law After the Prophets

As indicated above, the scholar recognized as pioneering the source critical investigation of the Pentateuch was Jean Astruc. Astruc's notoriety was due primarily to his investigation of the J and E documents of the Pentateuch, particularly in the narrative sections of Genesis. His work was limited in that he did not carry the investigation into the legal material; however, the literary-critical methods he used in his investigation were so applied by those who followed him and eventually reached maturity in the presentation of J. Wellhausen.

Up to this point, the source critical investigation of the Pentateuch was preoccupied with the comparison of texts in an effort to discern similarities of style and vocabulary. The historical contextualization of the material had not yet moved center stage in the investigative work of Biblical scholars. This was to change in the work of J. G. Herder, who combined a propensity for historical investigation with the literary-critical observations of those who had preceded him.⁴⁰ Herder bequeathed to those who would follow, in the historical investigation of the Pentateuchal sources, a love for the poetry and artistry of the Hebrew literature. He viewed the prophets as artists who spoke as individuals under the influence of poetic inspiration. This emphasis upon the

40. J. G. Herder, Vom Geist Ebraischer Poesie, (Berlin, 1782-83).

individuality of the prophets would flower, in the work of those who were influenced by him, into a preoccupation with the originality of the prophets. A consensus developed which considered it improbable that the originality, thought to be demonstrated by the prophets, owed its formation to the traditional strictures of Pentateuchal law. Herder maintained that the prophets were the spiritual descendants of Moses and so placed the prophetic movement within the scope of the Mosaic tradition,⁴¹ yet at the same time he identified in the prophetic material a, ". . . preference for free initiative to (over) obedience to norms".⁴²

The next step in the gradual antedating of the law was taken by the scholar W. M. L. de Wette.⁴³ He contributed to the development of the source critical understanding of the Pentateuch by integrating the documents, discerned by source critics, into historical periods within the Biblical narrative. The D document, consisting largely of the present book of Deuteronomy, de Wette assigned to the reform of Josiah as presented in II Kings 22-23. De Wette's absolute dating of D provided a mooring for the relative dating of the remainder of the Pentateuchal sources conditioned upon the relation of those documents to D.⁴⁴ As presented by de Wette,

41. Walther Zimmerli, The Law and the Prophets, (Oxford: Basil Blackwell, 1965) p.19.

42. Thompson, 1970, p.16. Parenthesis mine.

43. M. L. de Wette, Beitrage zur Eileitung in das Alte Testament, 2 vols (Halle, 1806-1807) see also the biography on de Wette by Rudolf Smend, Wilhelm Martin Leberecht de Wettes Arbeit am Alten und am Neuen Testament (Basel, 1958).

44. Thompson. 1970, p.18.

the centralization of the cult, and Samuel's hesitancy to elevate Saul to the position of monarch, indicate that D, which provides for both cult centralization and the establishment of a monarchy, was later than Samuel and can best be understood as composed in the historical context of Josiah's reform. De Wette also conducted a thorough examination of the laws of Leviticus and generalized from this investigation that all of the laws in the Pentateuch were the product of a gradual compilation throughout the history of the pre-exilic community. The concern for a historical context and the sense of the gradual development of the material were two basic tenets incorporated from de Wette and elaborated on by Graff.

Despite his tendency to date the source documents of the Pentateuch later than the Mosaic period, de Wette was nevertheless reluctant to discredit this ancient lawgiver by denying to him the origination of the tradition. Replying to those who preferred to refute Mosaic authorship of the traditions, de Wette wrote that they tend to ". . . suspend the beginnings of Hebrew history, not upon the grand creations of Moses, but upon airy nothings".⁴⁵ De Wette ended his career holding to the opinion that E was formed in the period of the early kings of Israel; J in the period of the

45. Letter written by W. M .L. de Wette, dated October 11, 1835 and quoted by P. von Bohlen, "Translator's Preface", of W. M. L. de Wette, Introduction to the Book of Genesis, vol 1 (London: 1855) p.xxvi.

prophets; D in the Assyrian age; and P sometime earlier than D.⁴⁶

Like those who proceeded him, Vatke argued, from the silence of the historical books regarding the Mosaic laws, that those laws were nonexistent. This form of argumentation complemented his extension of the research into the source documents of the Pentateuch by attempting to characterize each period in the history of the religion of Israel and its relation to the growth of the source documents.⁴⁷ Vatke assumed an evolutionary approach which conceived of ritual regulations and moral ideals based upon a monotheistic theology as indicative of a late date. Following this evolutionary approach, which many feel indicates the influence of Hegelian philosophy, Vatke concluded that the true originators of the religion of Israel, and so the morality of the nation, were the prophets.⁴⁸

In the 1870's, H. Ewald presented a massive two volume work on the prophets, but dealt only in general terms with the relation of the prophetic movement to Moses.⁴⁹ His contribution to the present study was in his conviction that the covenant, and by extension the Mosaic tradition, was the origin for much of the prophetic thinking. Despite this assertion, Ewald seems to have been of the opinion that

46. Thompson, 1970, p.26.

47. W. Vatke, Die Biblische Theologie, vol 1 (Berlin: 1835), p.481ff.

48. Thompson, 1970, p.22.

49. H. Ewald, The Prophets of the Old Testament, 2 vols English translation (London and Edinburgh, 1875).

religious knowledge, in Israel, at the time of Moses was only fragmentary and that the prophets were responsible for a quantum leap in the development of the Israelite religion.⁵⁰ Ewald wrote that the Mosaic tradition was, in the prophets, like a, ". . . seed which in itself is as dead as the seed of a plant without earth".⁵¹

It was to the work of K. H. Graff that Wellhausen attributed the greatest amount of influence upon his own presentation of the source critical investigation of the Pentateuch. Graff contributed to the growing tradition of source critical scholars by his ordering of the source documents, and so providing further argumentation for their historical contextualization.⁵² He demonstrated that the document which he called E_1 , now referred to as P, was the latest and not the earliest of the four source documents. In that this document contains the greatest amount of ritual regulations, Graff's position placed him in agreement with the position developed by Vatke. Graff's conclusion was based upon the observation of the highly developed ritual regulations within that document and the somewhat circular claim that this development of ritual was a relatively late occurrence in the history of the Israelite religion. He was of the opinion that these laws presupposed the work of the

50. Zimmerli, 1965, p.22.

51. Ewald, 1875, vol 1, p.3.

52. K. H. Graff, Die geschichtlichen Bucher des Alten Testaments. Zwei historisch-kritischen Untersuchungen (Leipzig, 1866).

prophets and served as an antithesis to the prophetic tradition. The document was contextualized, by Graff, in the exilic and post-exilic community and served as evidence of a tradition which helped to provide the community with a sense of continuity which was so desperately needed at that perilous yet creative time in the history of the Israelite community.⁵³ Graff's work demonstrates that by the late part of the 19th century, the problem of the prophetic use of traditional material was investigated by the use of methodologies, primarily literary-critical, lacking any firm historical framework excepting a general tendency to accept the evolutionary growth of ritual regulation within the Pentateuchal documents.

It was with the presentation of the work of Julius Wellhausen that the source critical investigation of the Pentateuch became firmly entrenched in the field of Biblical studies.⁵⁴ In his writings and investigations, Wellhausen set out to follow the path of a historian. The primary objective which Wellhausen assumed was the clarification of the history of Ancient Israel through the investigation of the literature preserved by that society.⁵⁵ His unusual linguistic abilities made it possible for him to draw upon the analytical observations characteristic of the linguist and combine them

53. Clements, 1976 p.9.

54. Julius Wellhausen, Prolegomena zur Geschichte Israels (Berlin, 1883) translated by Black and Menzies Prolegomena to the History of Ancient Israel (New York: Meridian Books, 1957).

55. Clements, 1976, p.9.

with his equally unusual sensitivity and insight into literary criticism in order to accomplish his historical task. Wellhausen relates that having begun his studies with great personages of the Old Testament such as David, Saul, and Amos, he quickly became dissatisfied, feeling that he had begun with the, ". . . roof instead of the foundation".⁵⁶ Turning his attention to the Pentateuch, in hopes of correcting this arrangement, he confesses that he was disquieted, having been struck with the sensation that there was a ". . . great gulf between two worlds". . . the world of the law and the world of the prophets.⁵⁷ Upon hearing of the hypothesis previously worked out by Graff, Wellhausen writes that he immediately embraced it, sensing the correctness of the view. The subsequent work produced by Wellhausen can be summarized under the umbrella of one thesis: "The law is later than the prophets".⁵⁸ While debated in many of its detailed investigations, the position, made popular by Wellhausen, presents an overview of the history of the Ancient Israelite community which has yet to be replaced by a widely accepted alternative.

Underlying the presentation of Wellhausen is the assumption that pre-exilic Israel was a priestly theocracy and that the dating of the ceremonial law is vital for the tracing of the development of that priestly association.

56. Prolegomena, p.3.

57. Prolegomena, p.3.

58. Zimmerli, 1965, p.23.

Wellhausen was of the opinion that during the monarchical period, this priestly theocracy was stifled. The viewpoint, expressed in the book of Judges, that of a Jewish theocracy based upon the law as revealed to Moses, was understood to be a convention of the post-exilic age and came to prominence only when the political identity associated with the monarchy had been removed. Wellhausen argued that the real impetus which gave rise to the religious affinities of the people came with the prophets and not with a pre-monarchical Sinaiatic event. According to Wellhausen, the Pentateuchal documents were composed no earlier than the ninth century and could reveal no reliable information regarding the history of the nation before that date.⁵⁹

Wellhausen drew from the work of Herder the emphasis upon the individuality of the prophets and their great potential for creativity. Unlike Herder, who was not overly given to the historical investigation of the prophets, Wellhausen contextualized the prophets within the history of the religion of Israel and, in the course of Israelite history, made them to be the creators of the ethical ideals of the Hebrew tradition. Wellhausen's work, although creative in many respects, particularly in its elucidative manner, represents a synthesis of the source critical work accomplished by scholars preceding him. Wellhausen embraced the literary-critical comparisons of the earlier critics and

59. Zimmerli, 1965, p.30.

contextualized those observations within an evolutionary growth model of the theocracy which he supposed characterized the pre-exilic community. Conspicuous, due to its absence in the work of Wellhausen, is the consideration of comparative Ancient Near Eastern cultures. That material, unavailable to Wellhausen, has become customary in the last half of the 20th century and has forced the Biblical student to evaluate more carefully the historical assumptions which are implicitly present in the work of the earlier scholars.

Following the path blazed by Wellhausen, scholars were ready to assume a restricting quality to the law in comparison to a sense of freedom and vitality observed in the writing of the prophets. Given this comparative understanding, it was unthinkable that the prophets would assume a regressive posture by appealing, in a restrictive sense, back to the law for their support. The legacy of this idea can be observed in the work of B. Duhm who saw in the law an external restricting edifice while perceiving the prophets as men of freedom and individuality.⁶⁰

C. The Law With the Prophets

The firm historical structure which had been given shape by the presentation of Wellhausen experienced its first

60. B. Duhm, Israels Propheten (Tubingen, 1916) p.39ff.

tremor with the appearance of the work of Hermann Gunkel in 1917.⁶¹ Gunkel's great contribution to the study of Old Testament literature lay in his awareness of the ". . . place and function of literature in early societies".⁶² Through his work, Gunkel has come to be known as the pioneer of the "form critical" method of Biblical studies.⁶³ In his study, Gunkel developed methodological principles by which he was able to demonstrate that the Hebrews drew upon the influences of the surrounding civilizations and that the comparative examination of texts from these civilizations yielded an awareness of the similarity of literary form. This similarity of form added a new dimension to the comparison of documents and presented to the scholar a greater sense of historical presence than available through the examination of vocabulary, syntax, and style. One scholar writes of Gunkel that, "What mattered deeply to him was the awareness that there was a continuity between what we find in the religion of the Old Testament and that which was just beginning to be rediscovered of the religious life of Mesopotamia and ancient Egypt".⁶⁴

61. Hermann Gunkel, Genesis, übersetzt und erklärt (Göttingen: Vandenhoeck and Ruprecht, 1917) translated by W. H. Carruth The Legends of Genesis (New York: Schocken, 1964). See also Hermann Gunkel, "Die israelitische Literature." Reprint (Darmstadt: Wissenschaftliche Buchgesellschaft, 1963).

62. Clements, 1976, p.12.

63. Gene Tucker, Form Criticism of the Old Testament (Philadelphia: Fortress Press, 1971) p.5.

64. Clements, 1976, p.13

In the main outlines of his work, Gunkel built upon the observations made by Wellhausen regarding the discernment of literary sources of the Pentateuch. Wellhausen considered that these sources were original compositions made at particular periods in the history of the Israelite community. Those historical periods were thought, by Wellhausen, to be identifiable through investigation of the literary document. For Gunkel, however, it was not the document but each recognizable literary form (narrative, epic, hymn, etc.) which had a particular place and function within the society. These recognizable literary forms were not considered as free and arbitrary compositions. Each literary composition had to conform to predetermined patterns which were chosen, by the participating society, according to the proposed use which was to be put to the literary construction whether it be a narrative, hymn, or saga. The transmission of the piece was facilitated by the establishment of the form in which the piece existed. That form also helped to insure the preservation of the piece through the course of transmission making it possible to trace the history of the piece back much further than the inscription of the literary unit. By giving particular attention to the narratives in the Pentateuch, Gunkel maintained that it was possible to gain access to the very ancient times of the history of the community. The formation of the stories antedated by centuries, according to Gunkel, the writing of the document in which the stories are now embedded. Whereas Wellhausen

gave attention to the source documents, in which stories were wielded together as the unit to be interpreted, Gunkel focused upon the individual story units as the occasion for interpretation.

The increasing availability of comparative material from the Ancient Near East made the insights of Gunkel progressively more intriguing. Parallel literary forms which were coming to light from a variety of civilizations seemed to confirm Gunkel's insistence regarding the antiquity of the customs and social conventions interwoven in the Biblical narratives.

The social functions which Gunkel thought to have been served by the Biblical material were examined further by Sigmund Mowinckel, particularly in his investigation of Exodus 20⁶⁵ and the Psalms⁶⁶. In his examination of the Pentateuchal material, Mowinckel offered convincing evidence to indicate that, "The accounts of J and E are nothing other than a reproduction of a New Year Festival, the Enthronement and Covenant-renewal festival, which was celebrated in Jerusalem, now translated into the language of historical myth."⁶⁷ In this statement, Mowinckel offered two very important suggestions which would soon have tremendous implications for the future popularity of the, by now, well established Wellhausen hypothesis. First, Mowinckel suggested

65. Sigmund Mowinckel, Le Decalogue, (Paris, 1927).

66. Sigmund Mowinckel, Psalmestudier (Oslo, 1921-24) reprint edition (Amsterdam: P. Schippers, 1961).

67. Mowinckel, 1927, p.129.

that the material in at least J and E was of ancient origin owning a lengthy history prior to its inscription. Secondly, Mowinckel suggested that the cultic institution served as the vehicle for the transmission of the material. This second observation implies that at least a portion of the legal material of the Pentateuch, the Decalogue of Exodus 20, was equally if not more so, at home in the cult as a confession of faith, as it was part of the judicial platform of the ancient community. Mowinckel's suggestion gives notice to the interrelatedness of the transmitted tradition and the interpretive process of transmission which passed on that tradition.

The idea that the Pentateuchal material functioned as a confession of faith within the ancient community caught the attention of Gerhard von Rad and was developed in an impressive manner by this scholar.⁶⁸ Von Rad gave consideration to the process by which the story units of the Pentateuch were brought together and fitted into the specific context developed in the Pentateuch. He noted that throughout the work a series of credos were brought together highlighting the redemptive activity of the God of Israel. The redaction of these stories into this large statement of faith was seen as part and parcel of the construction of the Pentateuch. Von Rad further gave credence to the antiquity of

68. Gerhard von Rad, Theologie des Alten Testaments 2 vols (Munich: Chr. Kaiser Verlag, 1957) translated by D. M. G. Stalker Old Testament Theology (New York: Harper and Row, 1962).

the material and emphasized, as had Mowinckel, the role of the cultic institution in the development of the traditions of the community.

The most recent form critical investigation to be included in this survey was that done by H. G. Reventlow in 1961.⁶⁹ This study concentrated on the Holiness Code of Leviticus and was guided largely by the principle developed by A. Klostermann which stated that the law was not a literary composition but the deposit of a preaching event.⁷⁰ Reventlow argued that the Holiness Code was a worship document taken from the cultic life of the ancient Israelite community.⁷¹ He contended that since the cultic life of the community at Jerusalem, for all intents and purposes, came to a standstill in 586 B.C.E., the code must predate the Babylonian captivity and may well even predate the destruction of Judah in 722 B.C.E. Reventlow went on to suggest that perhaps even a Mosaic date is too late for the central part of the code.

Reventlow's dating of the Holiness Code, part of the P document, constitutes a direct challenge to the position developed by Wellhausen that the law was after the prophets. Through the efforts of the form critical scholars and, in this review, culminated by the work of Reventlow, the law tradition of the Ancient Israelite community is now thought,

69. Henning Graf Reventlow, Das Heiligkeitsgesetz formgeschichtlich untersucht (Neurkirchen, 1961).

70. A. Klostermann, Der Pentateuch (Leipzig, 1893).

71. Reventlow, 1961, p.165.

by most Biblical scholars, to have developed over a span of generations, transmitted by the cult, and available for appropriation by the prophetic movement. The thesis that the prophets were before the law has given way, among the ranks of form critics, to the thesis that the law was with the prophets.⁷²

The form critical methodology spawned several other methodological approaches to the study of the Old Testament which have impacted the examination of the problem of the law in the prophets. Perhaps the most noteworthy of these various approaches is the tradition-historical approach. This approach examines the various traditions recorded in the Pentateuchal sagas and asserts a considerable oral history prior to the inscription of a given literary piece. Utilizing this methodological approach, Johannes Pedersen examined Exodus 1-15 in an attempt to trace the development of the traditions contained within those chapters.⁷³ He argued that the traditions recorded in this passage progressed through a lengthy stage of oral transmission prior to being committed to writing. The sources contained within these chapters which were identified by Wellhausen, Pedersen contended, were

72. The most recent of these challenges was authored by Avi Hurvitz, "Dating the Priestly Source in Light of the Historical Study of Biblical Hebrew a Century After Wellhausen," ZAW vol 100 (1988), p.88-99.

73. Johannes Pedersen, "Passahfest und passahlegende," ZAW vol 52 (1934), p.161ff.

parallel and did not succeed one another in the composition of the whole.⁷⁴

Engnell also argued against the formulation of sources as developed by Wellhausen on the basis of a thorough going tradition-historical approach.⁷⁵ As others had before him, Engnell began with an examination of Genesis through Numbers, noting the differences between this material and that of Deuteronomy, and the probable association of Deuteronomy with the narrative of Joshua through II Kings. Regarding the material in Genesis through Numbers, Engnell maintained that it should not be divided into sources and that it, instead, was transmitted orally until the time of its final redaction by P. Evaluating the contributions of Engnell, one scholar recently wrote, "In the strongest possible way Engnell affirmed that Wellhausen and literary criticism had been outdated by the recognition of the place of oral tradition".⁷⁶

The same type of scrutiny was applied to other legal texts in the Pentateuch by scholars not within the tradition-historical school, most notably perhaps, Albricht Alt⁷⁷ and

74. Johannes Pedersen, "Die Auffassung vom Alten Testament," ZAW vol.49 (1931), p.161-181.

75. I. Engnell, Gamla Testament. En traditionshistorisk Inledning (Stockholm, 1945). and "The Pentateuch" in Critical Essays on the Old Testament translated by J. T. Willis (London, 1970), p.50-67.

76. Thompson, 1970, p.147.

77. Albricht Alt Die Ursprünge des Israelitischen Rechts (Leipzig, 1934) translated by Robert Wilson, "The Origins of Israelite Law" in Essays on Old Testament History and Religion, (Oxford: Oxford University Press, 1966), p.79-132.

George Mendenhall⁷⁸. Both, although differing in detail and method of argumentation, concluded that a long and complex tradition resides behind the written formulation of the law material.

While it may seem at first glance that the scholarly community has moved back to the consensus of the pre-critical age regarding the antiquity of the law tradition, a major change has taken place. The pre-critical assertion of the law before the prophets assumed that the law tradition was static and was transmitted without regard to the particularities of the community in which it resided. Through the journey along the path of first source criticism and then form and tradition-historical criticism, the hermeneutical qualities of the transmission of the law tradition become more obvious as it is apparent that the tradition was both an agent of and a beneficiary from the dialog which it has maintained with successive generations within the Ancient Israelite community. The growing awareness, within the community of Biblical scholars, of the limitations of comparative philological investigations is companion to the growing awareness of the historical interrelatedness between tradition and transmission. It is this awareness that gives support to the formulation of the problem of law and the prophets as a hermeneutical problem. The following section describes that growing awareness by examining the research

78. George Mendenhall "Ancient Oriental and Biblical Law", BA vol 17 (1954), p. 26-46.

which scholars have conducted on the non-legal traditions influencing the prophecy of Amos.

III. Amos and the Non-Legal Traditions

This section represents the innermost concentric circle into which our journey will move. Here, my concern is to illustrate the manner in which the hermeneutical issues and methodological procedures previously reviewed have been applied to the Amos text. In recent scholarly examinations the investigation of the traditional material in the prophecy of Amos has generally revolved around the "wisdom tradition" and the "cultic" material found within the book. These examinations have uncovered a wealth of material pertaining to the circulation of traditional elements within the Israelite society. These examinations have also encountered imposing methodological hurdles.

The purpose of the following section is twofold. The first is to describe the type of research which has been conducted in the investigation of the traditional influences of the prophet Amos. This review will seek to accentuate methodological developments and issues which have been set forth by various scholars concerning the role of traditional influences on the prophecy of Amos.

The second goal which I shall endeavor to accomplish in this section is to place the legal tradition within the context of other recognized influences upon the prophecy of Amos. The development of this context will prevent an unbalanced view of the prophet's relation to the legal tradition and will allow us to highlight specific methodological problems in a way which will not impede the investigation of the legal tradition.

A. Amos and the Wisdom Tradition

The wisdom tradition has been claimed by some to have exerted a pervasive influence upon the prophetic document of Amos.⁷⁹ This claim is gaining in popularity among biblical scholars although the details of that influence are by no means agreed upon by those investigating the problem. The obstacles which have been uncovered in the scholarly investigation of the wisdom tradition in the Old Testament are numerous and imposing. The study is so problematic that one scholar began his review of the scholarly research into the wisdom tradition in the Old Testament with a consideration of wisdom as the "Elusive Quest".⁸⁰

79. The most extensive treatment is presented by Hans Walter Wolff, Joel and Amos: A Commentary on the Books of the Prophets Joel and Amos, trans. W. Janzen, S. Dean McBride, and Charles Meunchou, in the Hermenia Series, edited by S. Dean McBride, (Philadelphia: Fortress Press, 1977).

80. James Crenshaw, "The Wisdom Literature", in The Hebrew Bible and Its Modern Interpreters, edited by Douglas Knight

The first, and perhaps greatest hurdle to overcome, in the investigation of the wisdom tradition, is the definition of the tradition itself. Various scholars have conducted their research with the assumption that wisdom is:

1. A Social milieu, variously identified with a clan, court, or school.
2. An ideology composed of certain and specific attitudes values and manners of comprehending life.
3. A literature.⁸¹

The variety of definitions assigned to the "wisdom" of Ancient Israel has led to a second difficulty, namely the development of specific criteria by which to determine wisdom's presence or influence. If wisdom is predetermined to be a body of literature then the influence of that literature will be evidenced by quotations or allusions based upon a combination of predetermined essential vocabulary, literary form, and motif. While this method may at first glance commend itself due to its appearance of objectivity, it seems less than adequate to consider the ideological and sociological basis from which the literature originated. This may be especially debilitating if it is considered that such

and Gene Tucker, (Chico California: Scholars Press, 1985), p.369-407.

81. James Crenshaw, ed. "Prolegomenon", in Studies in Ancient Israelite Wisdom, (New York: KTAV, 1976), p.4.

a sociological or ideological basis may have been capable of exerting an influence upon other traditions independent of the literature assigned to that sociological nexus. That is, the influence of a social tradition may be broader than the influence of its extant literature. The circularity of this problem becomes apparent, however, when informative statements are attempted regarding that sociological context without reference to the literature produced by the group.⁸²

In attempting to isolate the influence of the wisdom tradition in other areas of the Israelite corpus, a further difficulty presents itself. As was indicated above, for the vast majority of Biblical scholars, any definition of wisdom involves the predetermination of either vocabulary, genres, or motifs. These criteria are usable as part of a positive comparative criteria only if they also appear outside of the sphere of the wisdom tradition. The difficulty comes in that, when such is the case, it is just as likely that the item of intended criteria for comparison is authentically common to wisdom and non-wisdom circles.

At present, the scholar is caught between two, as of yet, irreconcilable alternatives. Either the researcher limits the investigation to the preserved literature thereby sacrificing inquiry into the social dynamics responsible for

82. For a sampling of different approaches to this problem see, Johannes Lindbloom, "Wisdom in the Old Testament Prophets," in Wisdom in Israel and the Ancient Near East. VT Sup 3 (1955), p.192-204. Donn Morgan, "Wisdom and the Prophets," Studia Biblica 1 (1978), p.209-244. J. McKenzie, "Reflections on Wisdom," JBL 86 (1967), p.1-9.

the literature, or the researcher broadens the inquiry so as to include the social and ideological backgrounds of the wisdom literature and in so doing loses the appearance of objective accuracy that presents itself in the comparison of literary documents. Present scholarly investigation is torn between these two poles precluding any overall consensus regarding the influence of the wisdom tradition in other parts of the Hebrew canon.

These major methodological obstacles notwithstanding, there have been several scholars who have ventured into the examination of the problem of wisdom influence in the prophecy of Amos. One of the earliest treatments appears in the discussion presented by W. Harper.⁸³ In an influential study on the prophet Amos, Harper gave expression to the methodology which was to guide research for years to come when he wrote, "That its (wisdom's) influence was felt can scarcely be doubted, since in it we have the first definite formulation of Yahwah's relationship to the outside world, the idea which lay the basis of all Hebrew wisdom."⁸⁴ In this statement Harper indicated that a particular world-view composed of recognizable motifs serves as sufficient criteria by which to determine wisdom's presence outside of its normal

83. W. Harper, Die Weisheit Israels in Spruch, Sage und Dichtung, (Liepzig: Quelle and Meyer, 1908).

84. William R. Harper, A Critical and Exegetical Commentary on Amos and Hosea, The International Critical Commentary, edited by Samuel Driver, Alfred Plummer, and Charles Briggs, (Edinburgh: T. and T. Clark, 1919), p.cxxxvii. Parenthesis mine.

milieu. Those following Harper, Walther Zimmerli,⁸⁵ and O. S. Rankin,⁸⁶ sought to develop a sociological context for the origin of the world-view which was associated with the wisdom tradition.

Johannes Fichtner completed the methodological guidelines followed by subsequent scholars with the publication of his study on Isaiah in 1949.⁸⁷ Fichtner suggested that, ". . . writings of the eighth century prophets, Amos, Hosea, and Micah, insofar as they are to be attributed to them - show no Hokmatic influence, either in style and diction or in their literary forms."⁸⁸ Following the path blazed by Harper, Zimmerli, Rankin, and Fichtner, modern scholars have attempted to search for the evidence of wisdom's presence by examining a motif determined to be characteristic of wisdom, vocabulary, or literary form thought to be especially prominent within the wisdom tradition.

Various scholars have employed these methodological guidelines in the search for wisdom's influence in the prophetic texts with a wide range of results. Some approach what may be called a "pan-wisdom" position and conclude the

85. Walther Zimmerli, "Zur Struktur der Altestamentlichen Weisheit," ZAW 51 (1933): 177-204.

86. O. S. Rankin, Israel's Wisdom Literature: Its Bearing on Theology and the History of Religion, (Edinburgh: T. and T. Clark, 1936).

87. Johannes Fichtner, "Jesaja unter den Weisen," ThLZ 74 (1949): 75-80 and republished as "Isaiah Among the Wise," Studies in Ancient Israelite Wisdom, edited by James Crenshaw, (New York: KTAV, 1976), p.429-438.

88. *ibid.*, p.430.

influence of the tradition to be pervasive in the whole of the Hebrew canon.⁸⁹ Samuel Terrien attempted a further description of the precise nature of the influence exerted by the wisdom tradition and concluded that, ". . . various groups, such as priests, prophets and wisemen existed should not be denied. At the same time, such groups were not alien one from the others, and that they lived in a common and mutually interacting environment."⁹⁰ Terrien's statement has come to be seen as the key which opened a "Pandora's box" for the study of the wisdom tradition in the Hebrew canon. If the groups mentioned by Terrien were mutually interacting in a common environment, how then could one isolate a particular influence and call it "wisdom" at all! Subsequent attempts to deal with this issue have discerned different types of wisdom traditions, professional, royal, educational, as well as a family or clan wisdom. Each of these aspects of the intellectual tradition of Ancient Israel seems to have distinct characteristics but at the same time it admits to a great deal of overlap justifying the retention of the category of "wisdom" in the Israelite society. The issue has been recognized as so complex that many scholars feel that the research has reached an impasse which will require

89. Johannes Lindblom, "Wisdom in the Old Testament Prophets," in Wisdom in Israel and the Ancient Near East VT Sup 3 Leiden: E.J. Brill, 1955): 192-204.

90. Samuel Terrien, "Amos and Wisdom," in Israel's Prophetic Heritage: Essays in Honor of James Muilenburg, edited by Bernard Anderson and Walter Harrelson, (London: SCM Press, 1962), p.115.

additional sociological information about the Israelite society before further progress can be made into the use of the wisdom tradition by other traditional sectors of Israel.⁹¹ Research into the problem of the influence of the wisdom tradition in the prophecy of Amos may be considered by viewing the work of four representative scholars.

Erhard Gerstenberger concluded that the woe oracle and the salvation oracle, similar to the type employed by Amos, originated in the wisdom circles and to the extent that these literary forms also appear in the prophecy of Amos, he too was under the influence of the wise.⁹² This conclusion, it will be noted, is contingent upon the assumption that wisdom is recognizable as a set of literary forms thought to be either stylized or adapted and promulgated by a social entity called the "wise". Gerstenberger extended his observations of the prophet and his relation to the wise by suggesting that the moral tradition expressed by the prophet was also influenced by the wise, whom Gerstenberger considered as the guardians and transmitters of the tradition.⁹³ Terrien conducted his research with a similar definition of wisdom which allowed him to search the prophet for the influence of

91. See Leo Perdue, "Liminality as a Social Setting for Wisdom's Instructions," ZAW 39 (1981), p.114-127. Robert Gordis, "The Social Background of Wisdom Literature," HUCA 18 (1944), p.77-118. William Irwin, "Where Shall Wisdom be Found," JBL 80 (1961), p.133-142.

92. Erhard Gerstenberger, "The Woe-Oracles of the Prophets," JBL 81 (1962), p.261.

93. Erhard Gerstenberger, "Covenant and Commandment," JBL 84 (1965): 38-51.

a "literary movement" identifiable by "hokmic language styles, and ideas".⁹⁴ In his study, Terrien compared the prophecy to the "language and speech habits" of the wisemen and concluded that the prophet was heavily indebted to the wisdom tradition.⁹⁵

Hans Walter Wolff, in his monograph on Amos,⁹⁶ and more extensively in his commentary on Amos⁹⁷, detailed his hypothesis concerning wisdom's influence on the prophet. Wolff specifies what, in his opinion, constituted the influence of the wise upon Amos when he wrote, "Moreover, clan wisdom employed its own completely peculiar forms, as we observed them in the didactic questions, the woe-cry and the numerical sequence. The characteristic rhetorical forms of Amos are to be understood only as we seek his cultural background in this wisdom realm."⁹⁸ The evidence accumulated by Wolff to support his hypothesis of the wisdom influence on Amos is composed primarily of literary style (woe oracle - 5:18ff, 6:1ff, 6:4ff; didactic questions - 3:2-8; the numerical sequence - 1:3,6,9,11,13, 2:1,4) and motifs (universalism - 9:7; naturalism - 4:13, 5:8-9, 9:5-6). Wolff's assertions regarding the influence of the wise upon

94. Terrien, "Amos and Wisdom," 1962, p.109.

95. Terrien, "Amos and Wisdom," 1962, p.109-113.

96. Hans Walter Wolff, Amos' Gerstige Heimat, WMANT 18 (1964) eds. Gunther Bornkamm and Gerhard von Rad (Neukirchener Vluyn: Neukirchener Verlag des Erziehungsvereins) translated by Foster McCurley, Amos the Prophet: The Man and His Background (Philadelphia: Fortress Press, 1973).

97. Wolff, 1977.

98. Wolff, 1973, p.53.

the prophetic document assume that the literary formulations and ideological motifs which he mentions originated within the circle of the wise and spread to other social contexts. The process of wisdom's dispersal throughout the clan structure is extremely difficult to demonstrate based upon the evidence provided by the preserved literature. Despite this difficulty, Wolff persists in maintaining that it was through the clan structure that the wisdom tradition exerted an influence upon the prophet Amos. The clan pervades Ancient Israelite society making this proposed source of the wisdom tradition indistinguishable from that of the non-wisdom tradition.

Perhaps the most balanced and considered discussion of the influence of wisdom on the prophet was presented by James Crenshaw.⁹⁹ Crenshaw cautioned against the conclusion expressed by Wolff by noting that, "Wisdom literature is based upon experience; this means that a degree of overlap of style, vocabulary, and theology between wisdom and the prophetic and priestly traditions is unavoidable, for the wise did not have a monopoly on experience".¹⁰⁰ Having issued this warning against the dangers of polarizing the wisdom tradition from the rest of Israelite society, Crenshaw still is able to present literary evidence which confirms the presence of wisdom's influence on the prophetic document. At

99. James Crenshaw, "The Influence of the Wise upon Amos," ZAW 79 (1967): 42-51.

100. Crenshaw, 1967, p.44.

present there seems to be a general acceptance of the presence of a wisdom influence in the document attributed to Amos but there is no consensus within the scholarly community regarding the scope or nature of that influence.¹⁰¹

B. Amos and the Cult

The second major tradition which has been thought by some to exert an influence on the prophet Amos is the cultic tradition. In trying to trace lines of influence, the cultic tradition is more easily managed than the wisdom tradition of Ancient Israel in that the social nexus of the tradition is somewhat more restricted. As may be expected, there is diversity among Biblical scholars over the definition of cult and that diversity will naturally result in a certain amount of diversity in the type of influence which the cult is considered to have exerted. Arvid Kapelrud proposes a broad definition when he suggests that cult is ". . . religious life in certain regulated forms, expressing the relationship between God and man intended for use in a society".¹⁰² Sigmund Mowinckel offers a narrower conception of the cult, "Cult or worship may generally be defined as the socially established

101. Methodological guidelines can be found in James Crenshaw, "Method in Determining Wisdom Influence upon Historical Literature," JBL 88 (1969), p.481-494. James Crenshaw, Introduction to Old Testament Wisdom (Atlanta: John Knox Press, 1981).

102. Arvid Kapelrud, "Tradition and Worship. The Role of the Cult in Old Israel", in God and His Friends in the Old Testament, (Oslo: University of Oslo, 1979), p.29.

and regulated holy acts and words, through which the encounter and communion of God with the congregation is established."¹²⁵ A mediating position is offered by G. Henton Davies. He suggests that the central kernel of a cult is worship and that worship, ". . . is used to describe the activities and attitudes, the behavior, proper to the sanctuary."¹²⁶ Common to these definitions is the notion that the cult involves activities which are socially recognizable and reproducible, religiously oriented and connected with a designated holy site, object, or festivity.

Some have suggested that Amos operated under the umbrella of the cult and occupied the position of a cultic prophet.¹⁰³ A cultic prophet is a prophet exercising religious duties and enjoying sustained official standing at an identifiable cultic center or during a repeatable cultic observance. As stated by John Watts, those religious duties involve; 1) preserving the ideology which expresses the preferred relationship between God and man, and 2) acting as the official spokesman whether to effect repentance or intercession.¹⁰⁴ Amos' affinity to the cult is supposed upon

125. As found in Kapelrud, 1979, p.29.

126. G. Henton Davies, "Worship in the Old Testament", The Interpreter's Dictionary of the Bible, vol 4 (Nashville: Abingdon Press, 1982), p.879.

103. William McKane, "Prophet and Institution," ZAW 94 (1982), p.251-266. Johannes Pederson, "Canaanite and Israelite Cultus," Acta Orientalia 18 (1940), p.1-14. A. Halder, Associations of Cultic Prophets Among the Ancient Semites (Uppsala: Almqvist and Wiksell, 1945).

104. John D. Watts, Vision and Prophecy in Amos, (Grand Rapids: Eerdmans Publishing Co., 1958), p.19-20. See also G. Ahlstrom, "Some Remarks on Prophets and Cult," in Transitions

the basis of several pointed and stylistic literary formulations within the prophecy which seem to indicate that the prophet borrowed from the cultic arena.

The textual material which is most readily assigned to the prophet supports the conclusion that Amos was knowledgeable of the cult situated at Bethel. Chapter 7 of the book indicates, however, that Amos was, in no uncertain terms, considered by the authorities as an unwelcome intruder. It is doubtful that this negative opinion concerning the prophet from the south differed much in the minds of the populace in general. Part of that untoward opinion seems to have been generated by the prophet's reformulation of the cultic liturgies and rituals which he observed at the sanctuary in Bethel. Those elements within the book which do suggest a cultic origination also betray a usage which differed from that of the normal cultic setting and in their usage argue against the supposition of the prophet's official ties to the cult. The following examples illustrate the manner in which the cultic material found within the book tends toward a parody of the priestly material.

An examination of the material within the book that can most readily be assigned to the prophet himself reveals five passages whose phraseology suggests a liturgical origin. In the following survey of those passages, a suggestion will be

offered for each regarding a possible reconstruction of the original cultic phrase or formula as well as the particular usage of the phrase or formula given by the prophet. The narrative of 7:10-17 will be considered separately.

3:2 "You only have I known, of all the families of the earth."¹⁰⁵

George Farr says of this verse, ". . . we have probably a recasting of a popular expression in the mouth of Amos' hearers."¹⁰⁶ Due to its ideological content, A. Vanlier Hunter argues that this phrase most easily finds its social location in the cult.¹⁰⁷ In its cultic setting, the phrase was determined to communicate a sense of security and well being by appealing to the mighty and selective activity of God in the Exodus event. As the favor of God was demonstrated in the Exodus, the hope of the continued prosperity of the community is assured by recollection of the same event. Farr speculates that the community may have said something to the effect that, "God has known only us of all the families of the earth. Therefore we are secure."¹⁰⁸ If this be the case, then

105. Unless otherwise noted, Biblical quotations are taken from the Holy Bible, Revised Standard Version, (New York: Thomas Nelson, 1952).

106. George Farr, "The Language of Amos, Popular or Cultic?", VT 16 (1966): p.320.

107. A. Vanlier Hunter, Seek the Lord: A Study of the Meaning and Function of the Exhortations in Amos, Hosea, Micah, And Zephaniah, (Baltimore: St. Mary's Seminary and University, 1982), p.93.

108. Farr, 1966, p.320.

the ironic twist which Amos gives to the phrase, "therefore I will punish you for all your iniquities" (3:2) was quite surprising indeed! The cultic formula, which was intended to provide security and comfort for the community was changed by the prophet into an indictment against the community.

4:4-5 "Come to Bethel and transgress
 To Gilgal, and multiply transgression;
 Bring your sacrifices every morning,
 Your tithes every three days;
 Offer a sacrifice of thanksgiving of that which
 is leavened
 And proclaim freewill offerings,
 Publish them;
 For so you love to do, O people of Israel!"

This use of irony is one of the most expressive in the whole book of Amos. Instead of the expected effect of well being, the prophet offers futility and sin as the reward for the journey to the cultic site. The ironic effect is made plain if one consider the following proposed reconstruction

of the cultic formula:

Come to Bethel,

To Gilgal

Bring your sacrifices every morning,

Your tithes every three days;

Offer a sacrifice of thanksgiving of that which is
leavened,

And proclaim freewill offerings,

Publish them;

O people of Israel!

That which was credited to the community as meritorious is changed by the prophet to amount to a further indictment of the worshiping society. Wolff indicates that the present passage is to be understood as, ". . . a parody of priestly torah."¹⁰⁹ The cultic address, of which this passage was a part, consisted of an appeal and the promise of a benefit as a result of the suggested activity. Amos, in an ironic twist, turned the appeal into a reproach founded not upon the will of the Lord but upon the self-love of the community.

109. Wolff, 1977, p.211.

4:12b "Prepare to meet your God"

Even though commentators are divided over whether or not the phrase is authentic to Amos himself, the cultic setting of the formula is generally accepted.¹¹⁰ The formula is similar to passages found in Exodus (19:11,15,17 34:9) in which the covenant ceremony is central. Hunter has concluded that the audience, upon hearing the prophetic voice, would have assumed a call to covenant renewal, but Amos would have ". . . meant it to be an ironic announcement of judgment".¹¹¹ The prophetic usage of the phrase depended upon the potential double meaning of the cultic formula.¹¹²

5:4 "Seek me and live"

While there can be no absolute certainty regarding the origin of the phrase, it is widely assumed to have a cultic setting.¹¹³ Citing linguistic points of contact in the Psalms, (27:8, 24:6) as well as certain historical narratives, (I Sam. 9:9, I Kgs. 14:5, II Kgs. 3:11; 8:8) Hunter concludes that the phrase, ". . . must refer to some cultic activity in which a prophet played a role where there was always a

110. See Walter Brueggemann, "Amos IV 4-13 and Israel's Covenant Worship", *VT* 15 (1965), p.1 and Wolff, 1977, p.222.

111. Hunter, 1982, p.119.

112. Hunter, 1982, p.121.

113. For an important alternative position see Wolff, 1977, p.238-239.

promise and assurance of salvation."¹¹⁴ While the phrase in and of itself has no ironic content, when it is placed into the prophetic context of 4:4-5 and seen as contrasting the activity of approaching the cultic sites of Bethel, Gilgal and Beer-sheba the irony of the phrase is apparent. In its cultic setting the phrase would have served as encouragement to perform the specified ritual or cultic activity, but in its prophetic setting the phrase has just the opposite effect.¹¹⁵

5:21-25 "I hate, I despise your feasts,
and I take no delight in your solemn
assemblies.

Even though you offer me your burnt offerings
and your cereal offerings,
I will not accept them,
and the peace offerings of your fatted beasts
I will not look upon.

Take away from me the noise of your songs;
to the melody of your harps I will not listen
But let justice roll down like waters,
and righteousness like an ever-flowing
stream."

114. Hunter, 1982, p.73.

115. These observations are shared by proponents of rhetorical criticism. See N. J. Tromp, "Amos V 1-17: Towards a Stylistic and Rhetorical Analysis", OTS 23, Prophets, Worship, and Theodicy, (Leiden: E. J. Brill, 1984), p.64-65.

The reliance of this speech upon cultic forms has long been noted.¹¹⁶ Perhaps resident behind the text is the priestly function of proclaiming the acceptance or rejection of a particular sacrificial act. One can easily imagine the prophet clashing with the priestly functionaries in proclaiming the rejection of the whole cultic exercise.¹¹⁷ Once again the prophetic statement derives its force from an ironic use of the institutionalized cult formula.

7:10-17 Historical narrative at Bethel.

Most discussions of the prophet's vocation consider this narrative as of prime importance, especially the statement found in 7:14. In this narrative, a conflict is recorded which places Amos and the political as well as the religious authorities of Judah as antagonists. The manner in which the prophet identifies himself has led to a great deal of discussion among Biblical scholars. The conclusion to the debate, as presented by Wolff, is that the present passage indicates that Amos viewed himself differently, than a "salaried cult official".¹¹⁸

116. Wolff, 1977, p.261 characteristically maintains a sapiential influence upon the present passage and serves to warn against a simple intellectual tradition for the prophet.

117. Hunter, 1982, p.114.

118. Wolff, 1977, p.313. See also Wolff 1977, p.124 for a treatment of the term **קִנְיָן** and its implications on the vocation of Amos.

In summary of the above survey of the prophetic use of cultic material, it has been demonstrated that the prophet, while utilizing cultic language, and even perhaps liturgical formulas, consistently gives the material an ironic twist. The prophetic statements have just the opposite effect of their normal cultic usage. The cultic material resident in the prophecy of Amos indicates that the prophet utilized traditions which were well known both to him and his audience. The prophet was capable of reflective critical evaluation regarding that tradition and effective communication of the results of that critical thinking. It is this very process which seems to have motivated the disciples of the prophet to record his pronouncements and continue the tradition of religious evolution which the prophet was perceived to have begun.

IV. Summary

Throughout the preceding discussion, attention was drawn to a growing awareness among Biblical scholars of the historicity of the transmission of the traditions incorporated into the Biblical text. It was suggested that the evolutionary formulation of Jurgen Habermas provides a plausible framework for understanding the interBiblical use of Ancient Israelite traditions. That framework involves three elements; tradition, social labor, and domination.

The prophecy of Amos gives supporting evidence to the conclusion that Amos was at least aware of, and probably utilized, material from both the wisdom tradition and the cultic tradition. In the review of Amos' use of the wisdom tradition, attention was drawn to the limitations imposed upon scholars by the lack of agreement regarding the social milieu of the tradition. In reviewing the manner in which the prophet used the cultic tradition, it was observed how drastically the tradition was affected by the process of transmission incorporating the prophetic pronouncements. Both observations will be valuable in the discussion of the prophet's use of the legal tradition due to the suspected interrelationship of the legal tradition and the wisdom tradition¹¹⁹ and the cultic tradition.¹²⁰ What lies before us now is an inquiry into a form of social labor and domination (chapter 3) and the role of a tradition (chapter 4) in the formation of a prophetic text from eighth century Judah.

119. Gerstenberger, 1965.

120. Von Rad, 1962.

Chapter 3

Aspects of Social Labor and Domination in the Evolution of Israelite Society From the Tenth to the Eighth Centuries B.C.E.

The hermeneutical construction which Habermas presents incorporates the historicity of the interpreter into the process of interpretation. His hermeneutical framework is composed of three elements; 1) social labor, 2) social domination, 3) tradition. In this chapter the focus of attention will be upon certain aspects of the evolution of Israelite society from the tenth to the eighth centuries B.C.E. Of particular interest will be those evolutionary items which constitute aspects of social labor and domination relevant to eighth century Israel as perceived by the prophet Amos. The most conspicuous item in the social evolution of Israel, dating from this period, is the change which occurred in the political institutions. Concurrent with the political evolution of the Israelite society was the formation of the Israelite city.

I. Social Theory of State Formation

Theories designed to confront the problems which plague the investigation of the rise of the city fall into three general categories dependant upon the formative approach which they assume: the conflict approach, the integrative approach and the synthetic approach.¹ In the following section each approach will be surveyed and the synthetic approach will be presented as the most useful in explaining the advent of the Israelite state. Pertinent evolutionary aspects of the Israelite society will then be discussed as constituent factors of social power and domination.

A. The Conflict Approach

The conflict approach to the formation of the state focuses upon change and dissent within the social order and suggests that increased centralization, characteristic of the state, arises out of either internal or external conflict. Internal conflict arises as groups vie for access to scarce resources or access to the limited means of production available to the community. Within the internal conflict orientation, the institutions which maintain the dominant

1. R. Cohen, "Introduction," Origins of the State: The Anthropology of Political Evolution. Edited by R. Cohen and E. R. Service, (Philadelphia: Institute for the Study of Human Issues, 1978), p.1-20.

position of one group are seen by theorists to constitute the mechanisms of the state.² External conflict involves conditions in which one social group asserts domination over another group, dominating particularly the means of production of the subjugated group. The institutions which enable the dominate group to maintain that domination constitute the state. Those applying this approach to the problem of the monarchy in Israel point to the role played by the Philistines as providing the catalyst for the emergence of a mechanism to handle the threat which they posed to the Israelite tribes thereby creating the impetus for a secondary state in Israel (I Samuel 8:20, 9:16).³

B. The Integrative Approach

The integrative approach is generally formulated in a structural-functional manner which regards societies as stable systems. While acknowledging that societies experience conflict, the focus is placed upon the capacity of the state system to coordinate large groups of people. A centralized government is perceived as offering a capacity to provide

2. See D. Webster, "Warfare and the Evolution of the State: A Reconsideration," American Antiquity 40 (1975): 464-470. R. L. Carneiro, "A Theory of the Origin of the State," Science 169 (1970): 733-738. M. H. Fried, The Evolution of Political Society, (New York: Random House, 1967).

3. For histories utilizing this approach see John Hayes and J. Maxwell Miller, eds. Israelite and Judean History, Philadelphia: Westminster Press, 1977) and Siegfried Herrmann, A History of Israel in Old Testament Times, 2nd ed., (Philadelphia: Fortress Press, 1981).

security and stability in exchange for the support of the emerging ruling class.⁴ This approach, as applied to the establishment of the Israelite monarchy, focuses upon the failure of the tribal confederacy in securing stability for the populace as evidenced by the recurring pronouncement in Judges which gives the impression that the society was degrading because "Israel had no king" (Judges 19:1, 21:25). Frick states that in integration theory, ". . . social stratification is coterminous with state formation while for conflict theory it occurs first".⁵ This approach is utilized, in part, by Gottwald in his discussion of the rise of Israel's monarchy.⁶

C. The Synthetic Approach

While both of the above approaches are seen as helpful in illuminating certain aspects of state formation, the singular causation which they assume by the postulation of a "prime mover" resulting in state formation leads one to

4. E. R. Service, "Classical and Modern Theories of the Origins of Government," Origins of the State, Edited by R. Cohen and E. R. Service, (Philadelphia: Institute for the Study of Human Issues, 1978), p.21-34.

5. Frank Frick, The Formation of the State in Ancient Israel: A Survey of Models and Theories, (Decatur: Almond Press, 1985), p.30.

6. Norman Gottwald, The Hebrew Bible: A Socio-Literary Introduction, (Philadelphia: Fortress Press, 1985), p.319-320. See also Norman Gottwald, "Domain Assumptions and Societal Models in the Study of the Pre-monarchic Israel," VT Sup 18 (1975): 89-100. George Mendenhall, "The Hebrew Conquest of Palestine," BA 25 (1962): 66-87.

suspect that they are partial in scope. The position which I will adopt in this discussion is that known as the synthetic approach to state formation. Those advocating the synthetic approach consider state formation as the effect of a multiplicity of factors instead of the singularity proposed in either the conflict or integrative approaches.⁷ The synthetic approach affirms that there are multiple trajectories to statehood and a variety of influences which can trigger the formation of the state.⁸ Once the path towards centralized government has been taken, the hierarchical structure becomes an agent which in turn produces reciprocal effects upon the sociocultural features which initiated the structure. The synthetic approach emphasizes both, the social system and the variables which act to change the system.⁹

The claim that one social system has changed into another social system is paramount to asserting that the variables acting upon the system have exceeded the limits imposed by the old system and that a new concept of the system is required. When applied to the formation of the Israelite monarchy, the interaction between the tribal association and the surrounding national units served as a variable which introduced a political conception which the

7. E. Cohen, "Environmental Orientations: A Multidimensional Approach to Social Ecology," Current Anthropology 17 (1976): 49-70.

8. Frick, 1985, p.31. See also G. Lenski, "History and Social Change," American Journal of Sociology 82 (1976): 584-64.

9. Frick, 1985. p.32.

tribal system was not prepared to incorporate (I Samuel 8:4). Frick is of the opinion that, "State formation, either of a pristine or secondary type, is a multiple feedback system in which pre-state polities in various situations respond to selective pressures by changing some of their internal structures, or by subduing a competing group, or by establishing themselves as dominant in a region, or by gaining access to water resources, etc."¹⁰ Those pressures which act upon the social structure to effect state formation are multilinear, but in the case of Ancient Israel, emphasize agriculture as a major area of energy expenditure in the Ancient Israelite social order.

The stress upon agriculture as influential in the social evolution of Ancient Israel is not intended to imply that the changes effected are necessary or one directional. As described by Salzman, sedentarization involves, in many cases, ". . . a voluntary uncoerced shift from one available pattern to another in response to changing pressures, constraints, and opportunities both internal and external to the society."¹¹ The Israelite social construction involved actors making use of available institutional and environmental resources.

10. Frick, 1985, p.32.

11. Philip Salzman, "Introduction: Processes of Sedentarization as Adaption and Response," in When Nomads Settle: Processes of Sedentarization as Adaption and Response. Edited by Philip Salzman, (New York: J. F. Bergin Publishers, 1986), p.14.

Sanders and Webster have developed a paradigm which can be used in the synthetic investigation of the rise of the monarchy in Israel.¹² Their methodology sets forth a multilineal paradigm in which evolutionary patterns are related to agricultural risk, diversity, productivity, and the character and size of the climatic and geographical environment. A hierarchy is presented which establishes first-order factors of agricultural risk and diversity and second-order factors related to the environmental situation. Ecological and social variables are seen as interactive, and neither are presented as a list of immutable givens.

The first-order factor of risk is defined by Sanders and Webster as ". . . any essential environmental parameters essential to production of energy (e.g., moisture, temperature) with wide, relatively frequent, and unpredictable variations".¹³ This factor influences the process of the centralization of social authority as the attempt is made to reduce the risk through centralized management. The other first-order factor, as presented by Sanders and Webster, is diversity and is defined as ". . . the closeness and pattern of spacing of contrasting environmental conditions significant in terms of human

12. William Sanders and David Webster, "Unilinealism, Multilinealism, and the Evolution of Complex Societies," Social Archaeology: Beyond Subsistence and Dating. Edited by C. L. Redman et. al. (New York: Academic Press, 1978), p.249-302.

13. Sanders and Webster, 1978, p.253.

exploitation."¹⁴ In an agrarian society, soil types and water availability are chief among the environmental conditions investigated.¹⁵

Productivity is the second-order factor which is included in the model by Sanders and Webster. Productivity is defined as, "... the potential of the landscape to produce energy in the form of subsistence products for the support of human populations".¹⁶ Productivity is conditioned by the ecological constraints as well as by the cultural factors of technological development, social organization, and information dispersal. The intensification of agriculture through the implementation of technologies such as terracing, water systems, and iron tools and weapons may very well lead to an increase in the demographic capabilities of an arid or semi-arid region such as that found in Ancient Israel. The gradual growth in population allowable with the intensified agriculture and the risk reduction achieved in the diversity of agriculture permitted with the intensification, in Ancient Israel, set the trajectory for social growth from a segmentary society, to that of a chiefdom, to that of a small urban state.¹⁷

Central to this model is a definition of agriculture which emphasizes the social processes involved. Frick adopts a definition derived from the work of J. Stephen Athens, and

14. Sanders and Webster, 1978, p.253.

15. Frick, 1985, p.37.

16. Sanders and Webster, 1978, p.261.

17. Frick, 1987, p.250.

suggests that agriculture is, "the deliberate caring for, manipulation of, or cultivation of plants so as to enhance their utility for human consumption or use....Agriculture involves human intervention in the maintenance of an artificial ecosystem."¹⁸ This functional definition of agriculture involves both techno-environmental and societal factors. The resultant analysis of agricultural intensification involving the factors of agricultural risk and diversity views the processes of centralization as strategies for overcoming environmental problems. That is, an analysis of agricultural intensification emphasizes ". . . the way in which ecological opportunity is translated into sociopolitical change".¹⁹ These strategies can be seen as operative by noting the agricultural intensification experienced in Israel in Iron Age I through IIb (1200-800) evidenced by terracing innovations, the construction of silo granaries, metallurgical developments, and the construction of water retention facilities, all of which illustrate the sociopolitical change which accompanied agricultural intensification.²⁰

In Iron I Israel, there was exerted a pressure to use labor efficiently through technological innovation and sociological organization. Under the influence of greater

18. Stephen J. Athens, "Theory Building and the Study of Evolutionary Process in Complex Societies," For Theory Building in Archaeology. Edited by L. R. Binford, (New York: Academic Press, 1977), p.362.

19. Frick, 1987, p.251.

20. Frick, 1987, p.253.

agricultural intensification, there developed specialized labor capacities. This specialization required an organizing principle in order to coordinate the efforts of the community. That organizing principle was based upon the establishment of the hierarchical partitioning of society. The hierarchy not only organized the efforts of the individual members of the community but was invested with the power and authority needed to make sure that the necessary tasks were completed in accordance with the limitations set by the environmental and seasonal conditions of the area. In Frick's view, "Agricultural intensification, discernible through archaeological remains, appears to be a significant contributory factor in ancient Israel's trajectory to statehood".²¹

These factors are important in the investigation of the moral pronouncements found in the prophecy of Amos. Many of the prophet's indictments are directed toward the powerful hierarchy of Israel and accuse that hierarchy of the violation of traditional property rights. In the section that follows several of the specific factors involved in agricultural intensification will be examined as pertaining to the evolution of the society of Ancient Israel.

21. Frick, 1987, p.256. See also T. Thompson, "Historical Notes on Israel's Conquest of Palestine: A Peasant's Rebellion?" JSOT 7 (1978): 20-27.

II. Agricultural Innovations and Sociopolitical change.

A. Eretz-Israel

The agricultural description of both Eretz-Israel and the community itself was incorporated into the traditions of the community at an early stage. Although the Biblical record represents a theological reflection upon the community and its history, it does provide sufficient evidence to conclude that ancient Israelite agriculture impacted almost every aspect of daily life and social intercourse. The desirability of Eretz-Israel and the position of the land within the religious constructions of the community is clear from its prominent role in the Abrahamic Covenant (Gen. 12:1-2) as well as the description given to the land in Deuteronomy (8:7-9). Regardless of the theory of entrance into the land which is maintained, invasion, revolt, or peaceful and gradual migration, the land and its bounty figure as important in the identity of the community.

The ecological conditions of the land influenced the sites chosen by the Israelite community in which to settle and so participated in establishing parameters for the extent of social interaction available to the local settlements. The central hill region of Eretz-Israel posed serious problems for the agricultural community in soil utilization and water conservation. These problems provided obstacles to the

intensification of agriculture and required social innovation if the community was to experience growth. Terracing, iron tools and the beam press used in olive oil production represent innovations which suggest that the Israelites were quite versatile agriculturalists. These agricultural and innovative talents of the community are given prominent expression in the collective memory of the nation (Dt. 33:28, Jug. 6:11; 7:13; 13:7,14).²²

The agricultural base of the community also affected the economic development of the society. Surplus produce was stored in silos and warehouses which required cooperative efforts both to build and maintain. The surplus available for use by the monarchy paid for building projects (I Kgs. 5:25, II Chr.2:9,14) and was appropriated in the form of taxation (I Kgs. 4:7-9).²³ Agricultural considerations are depicted in the Biblical account as factors involved in major social movements within the history of the nation. The civil war led by Jeroboam and Rehoboam was precipitated, at least in part, by the difficulties placed upon the Israelite agriculturalists due to the policies of forced labor instigated by Solomon and intended for continuation by his son Rehoboam (I Kgs 5:28-30; I Kgs 12).

The manner in which Israel's agricultural processes were conducted also found expression in the religious institutions

22. Oded Borowski, Agriculture in Iron Age Israel, (Winona Lake: Eisenbrauns, 1987), p.6-7.

23. Y. Aharoni, "The Solomonic Districts," TA 3 (1976): 5-15.

of the community. The land was perceived as a gift from God and success within that land was conditioned upon fidelity to the covenant established between the community and God. If the moral and religious stipulations expressed in the cult were observed, the group could expect success, and failure if the conditions were not adhered to faithfully.²⁴ Given this pattern of religiously conditioned agricultural success or failure, it is no surprise that the moral injunctions found within the Biblical text are often concerned with the processes involved in agricultural production. The texts demonstrate that Israel could fulfill many of her moral imperatives by right use of the land.²⁵

As shown above, changes in agricultural technology were accompanied by socio-political changes within the Israelite community. The manner in which the community uses agricultural terms to describe itself within this literary tradition suggests that these changes represented a potential crises for the maintenance of the social order. Several of the innovations which most efficaciously accompanied the social-political changes experienced by the community in the transition to the monarchy and, later, the entrance into the eighth century era of the prophets will be examined below.

24. Blessings: Lev. 33:3-5 Dt. 28:1-14. Curses: Dt. 28:15-51. In the prophetic literature the fortunes of the people are paralleled to the fortunes of the land, Amos 9:13-15, Hos. 2:14, Hab. 3:17.

25. Ex. 23:11, Lev. 25:6; 19:9; 23:22, Dt. 24:19.

B. Economic Growth and Socio-Political Change

The initial picture given of Israelite settlements, particularly in the book of Judges, indicates that each settlement was responsible for both the economic well being of its residents as well as their military defense. As archaeological findings have supported, there existed a need for the defense of the individual settlement which was met through the construction of walls, moats, and trenches, and the maintenance of an armed military contingent. As the burden for this defense gradually was transferred from the individual settlement to the cooperative effort of the nation, the economic relationships within the settlement changed. Since the community no longer needed to bear the brunt of the expense for their own defense, the economic surplus of the community was freed for other industrial endeavors. The networking of the nation in defense was accompanied by a similar networking of economic factors. This process of change incorporated, and to some degree was stimulated by, the monarchical institution which in turn absorbed religious and moral connotations affecting the world-view of the Israelite community of faith.²⁶

Israelite society underwent an evolving process which involved three different forms of economic social

26. See Frank S. Frick, The City in Ancient Israel, (Missoula: Scholars Press, 1977), p.98.

organization from the premonarchical era through the eighth century: nomadic, agricultural, distributional. As might be expected, this evolution was at least in part conditioned by the geography and climate of Palestine. Two elements figured prominently in this conditioning; the availability of tillable land, and water.

The transition from a nomadic existence to that of an agricultural form of life involved significant innovations within the Israelite community. For the inhabitants of the hill regions, there was a limited supply of tillable land, the use of which was complicated by the lack of a means to retain the already scant water resources. The appearance of cisterns slaked with lime in order to make them watertight²⁷ gives evidence of a change in the ordering of the relations of production as the size and location of these cisterns presuppose communal labor and access.²⁸ These cisterns appear in the vicinity of village settlements which spring up in the central hill region around the year 1200 B.C.E. The archaeological data suggests that around 1200 a new social arrangement - the small village in the central hills, and a

27. Certain aspects of the archeological evidence leads one to conclude that the cisterns did not permit the agricultural intensification, but were a result of it. Frick, 1985, p.172-173.

28. Nelson Glueck, The Jordan River, (New York, McGraw-Hill Publishing. 1968), p.10. Edward Neufeld, "The Emergence of a Royal-Urban Society in Ancient Israel," HUCA 31 (1960): 31-53.

new technology - the production of cisterns, occurred simultaneously.²⁹

In the expansion of tillable land, the Israelites utilized two innovations which allowed the cultivation of new lands. The development of techniques, which permitted terracing and run off farming, facilitated Israelite settlement in areas which were previously unsuitable for agriculture. The Northern state of Israel was most dramatically affected by the terracing method of land use. Borowski indicates that land terracing, a labor intensive endeavor, was practiced only on a limited scale in Canaan before the arrival of the Israelites. The fertile valleys and lowlands being already occupied, the Israelites were forced to settle, at the end of the Late Bronze Age, in the more sparsely populated hill region.³⁰ He points out that the use of terracing not only made possible the settlement in previously unpopulated areas, but also affected the manner in which the community could expand and communicate between settlements as roadways and urban areas were situated in

29. Examples of these settlements are: Geba, Gibeah, Ramah, Micmash, Beth-shemesh (which became a veritable city of cisterns), Beth-el, and Debir or Tel Beit Mirsim. The development of the cisterns is also attested by the excavations of Demsky and Kochabi in 1978 at the site which they identify as Ebenezer. Aaron Demsky and Moshe Kochabi, "An Alphabet from the Days of the Judges," BAR 4 (Sept./Oct. 1978): 27-28.

30. Borowski, 1987, p.15.

locations which were unsuitable for even this frugal manner of land use.³¹

The picture presented in I Samuel 1-8 suggests that the 13th through the 11th centuries B.C.E. witnessed a population growth among the Israelites which brought them into more and more frequent conflict with their non-Israelite neighbors. The Samuel account states that it was this growth which helped create the climate for the establishment of the monarchy and a change in the political structure of the community. The introduction of iron tools and iron tipped plowshares in the cultivation of the newly developed agricultural regions, led to an agricultural surplus which was able to support the dramatically increasing population of the central hill region during the initial years of the tenth century. An example of this population boom is presented by Magen Broshi who estimates that the city of Jerusalem expanded from a size of 10 to 32 acres between the years 1000 and 930 B.C.E., supporting a population which more than doubled from approximately 2,000 to 5,000 people.³²

The record preserved in I and II Kings gives testimony that the nation also experienced economic growth during this period. While not supported by extra-Biblical documentation,

31. Borowski, 1987, p.17. See also Z. Ron, "Agricultural Terraces in the Judean Mountains," IEJ 16 (1966): 33-49, 111-122. Lawrence Stager, "The Archaeology of the East Slope of Jerusalem and the Terraces of the Kidron," JNES 41 (1982): 111-121.

32. Magen Broshi, "Estimating the Population of Ancient Jerusalem," BAR 4 (June 1978): 10-15.

the wealth of the nation is attested by its ability to support the building campaigns of Solomon in places such as Jerusalem, Megiddo, Hazor, Gezer, and Lachish. The celebrated monolithic inscription of the Assyrian conqueror, Shalmaneser III gives evidence that this level of economic growth was maintained into the ninth and eighth centuries. On the monolith it is stated that in the year approximately 858 B.C.E. Shalmaneser defeated a coalition of Israelite-Syrian forces to which the Israelite king, Ahab, contributed 10,000 soldiers and 2,000 chariots.³³ Ahab's fighting force was second in size only to that of Hazael the Syrian leader and by far surpassed the other units listed by Shalmaneser. The size of the force mustered by Ahab indicates that there was a substantial economic base available to the leader by which to finance his military expedition.

The economic growth of Israel from the eleventh through the eighth centuries is further evidenced by the industrial and commercial opportunities that were open to the Israelite community. Archaeological excavations indicate that Israel's economy was thriving and capable of long range investments. The uncovering of industrial complexes at Gibeon and Debir along with the scattered evidence of oil presses, metallurgical facilities, large cisterns, and terracing indicates that the Israelite community participated in long

33. James Pritchard, ed. Ancient Near Eastern Texts Relating to the Old Testament, "The Fight Against the Aramean Coalition," (Princeton: Princeton University Press, 1969), p.279.

range investments intended to produce returns over a number of years.³⁴

The amount of trade goods which this production base could supply is substantial, although records of the amount of material which was transported over land are scarce. The Biblical material provides only a few allusions to the commercial trade of the society. Amos 2:13 refers to wagons full of grain and Isaiah 5:18 mentions cart ropes used to harness the cart to its source of locomotion. II Chronicles 2:15 indicates that at least on one occasion there had developed a sea route for trade along the eastern edge of the Mediterranean. The extent of that trade is, as of yet, unknown but there has recently been salvaged a boat load of copper ingots from off the coast at Ceserea which dates from the early Iron Age and suggests that trade and manufacturing was vibrant up and down the Eastern Mediterranean.³⁵

There are other tantalizing indications of the lively international trade which took place in Israel during the first half of the Iron Age. Examples of Egyptian pottery are fairly common in Israel from the eleventh through the eighth centuries. Archaeologists have recovered an extensive number of jar handles, in Judah, bearing labels which may give

34. Morris Silver, Prophets and Markets: The Political Economy of Ancient Israel, (Boston: Kluwer-Nijhoff Publishing, 1983), p.16,17. See also Gershon Edelstein and Shimon Gibson, "Ancient Jerusalem's Rural Food Basket," BAR 8 (1982): 46-54.

35. Display information gathered at the Archaeological Museum, Jerusalem.

evidence of the existence of specialized industries using specific brand names on the jars holding their goods, as well as warehouse facilities in which to store the products.³⁶

The economic status of the nations of Israel and Judah was protected by a series of military campaigns from the eleventh through the eighth centuries. Particularly important in this study are the imperialistic extensions of Judah and Israel eastward which engulfed the fabled King's Highway of Transjordan. The Israelites continuously controlled several key points along the coastal trade route including such prominent sites as Hazor and Megiddo. In the early part of the eighth century Judah gained a secure foothold on the southern portion of the King's Highway permitting her to regulate and benefit from the trade flowing to and from Egypt.³⁷ Maritime commerce is attested through the activity of Uzziah who is credited with rebuilding Elath.³⁸ This expansion under Uzziah effectively gave Judah control over the southernmost portion of the King's Highway including the port of Ezion-geber. Uzziah's successor, Jotham, continued

36. Perhaps the best known example of warehouse construction is that of Megiddo where that which was once thought to be Solomon's stables by the troughs and the rings to tether horses is better interpreted as storehouses with narrow aisles in between. The troughs and the tethers were probably used for the donkeys and horses while they were being unburdened. The structures are much too small to adequately house fighting horses and their location in the middle of the city is improbable for a stable. See also James Pritchard, "The First Excavations at Tel es-Sa'idiyeh," *BA* 28 (1965): 10-17. and Yigal Shiloh, "The City of David Archaeological Project: The Third Season-1980," *BA* 44 (1981): 161-170.

37. See II Kings 14:7, II Chronicles 25:10-13.

38. II Chronicles 26:2.

his father's program of economic and territorial expansion by defeating the Ammonites and in so doing solidified Judah's control over the central section of the King's Highway, adding to that already controlled in the south.³⁹

While Judah was establishing its hold in the south, Israel won control over the northern section of the King's Highway. Joash reconquered Israelite Transjordan and made impressive gains nearer the Mediterranean coast by defeating the Philistines at Aphek.⁴⁰ Jeroboam II is credited with restoring the territory of Israel from Lebo-hamath to the Sea of Arba⁴¹, and of increasing Israelite influence by recovering Damascus and Hamoth.⁴²

As a result of these expansions, Judah found herself in a position to control the southern part of the King's Highway and a sizable portion of the Via Maris including some of the most fertile sections of the Philistine plain. Israel, meanwhile, controlled the northern section of the King's Highway as well as considerable portions of Trans-Jordan,

39. II Chronicles 27:5. Archaeological excavations in the area have revealed several Judean fortresses and settlements, the pottery from which can not be dated before the 8th century. An interesting find mentioned in the same report is a large structure situated in the northern Sinai, along the same trade route and dating from the first half of the 8th century, which contained inscriptions invoking the blessing of Yahweh, Baal, and Bes. Ze-ev Mishel, "Did Yahweh have a Consort?" BAR (March/April, 1979): 24-35.

40. II Kings 13:17.

41. II Kings 14:25, Amos 6:13,14.

42. II Kings 14:28.

especially in the area of Moab.⁴³ John Bright concludes that this expansion, ushered in at the end of the ninth century and beginning of the eighth, must have ". . . poured wealth into both countries".⁴⁴ While Bright's assessment may be overstated, it is certain that these military expeditions did have a positive effect on the national economic growth of eighth century Judah and Israel.⁴⁵

The social relationships which were established during this period of economic growth are more difficult to assess. The prominent structure used for storing grain, during the monarchy of Israel was the public storehouse. The storehouse has been characterized by its relatively large size, and public location. It was designed to accommodate various containers holding grain and olive oil.⁴⁶ Archaeological excavations have uncovered the remains of buildings which fit this description at Jericho, Lachish, Megiddo, Beth-sheemesh, Tell Beit Mirsim, Beer-sheba, Hazor, Arad and Tell Jemmeh. The appearance of these facilities coincides with the reign of Solomon and can be attributed to his policies of economic

43. Yohanan Aharoni, The Land of the Bible: A Historical Geography translated by A. F. Rainey, (Philadelphia: Westminster Press, 1967), p.313.

44. John Bright, A History of Israel, second edition (Philadelphia: Westminster, 1972.), p.255.

45. S. Herrmann takes a more cautious approach to the economic aspects of Jeroboam's reign, A History of Israel in Old Testament Times, 1981, p.237, and Donner restricts the affluence of the period to a select few residing in the major urban centers of the country, Israelite and Judean History, ed. Hays and Miller, "The Separate States of Israel and Judah", 1977, p.414.

46. Borowski, 1987, p.72.

expansion (I Kgs 4:7-19; 9:19). The collection of foodstuffs into a central facility had a variety of purposes. In some locations the central, protected location of the storehouse indicates that one of the considerations leading to the building of the facility was to ensure its protection from outside threats. Other sites, such as that in Beer-sheba, suggest that the storehouse was positioned so as to facilitate administrative requirements.⁴⁷ There is ample evidence in the Old Testament description of the monarchy to conclude that such facilities were used by the crown to aid in the collection of taxes, and to facilitate the provisioning of military garrisons.⁴⁸ The prophecy of Amos indicates that the cult, at least in the North, also required storage facilities although the line of demarcation between those destined for the use of the crown and those for the cult is blurred.⁴⁹ It is certain that the appearance of these remains indicates a progressive evolution of social cooperation in the production of these facilities and operations for the regulation of their use. This regulation presupposes some mechanism endowed with authority by which the regulation was maintained. In the evolution of Israelite society, that authority was centered around the monarchy.

The text in I Samuel 16:25 gives evidence of a hierarchy which resembles the feudalistic system established at

47. Z. Herzog, "Notes and News: Tel Beer-sheba," IEJ 27 (1976): 168-170.

48. II Chr 26:10; 32:27-29; I Kgs 9:19.

49. Amos 2:8; 7:13.

Ugarit.⁵⁰ The I Samuel text relates a promise made by Saul, in the face of the Philistine threat, that anyone who defeated Goliath would have his house made free in Israel. The promise indicated that the victor would be freed from normal obligations, presumably regarding the payment of taxes and military service. The implication resident in this promise is that there existed such a class in the Israelite society for whom this freedom was a reality, and the existence of a set of normal obligations incumbent upon the rest of the social order. Aspects of this social bifurcation will now occupy our attention.

C. Urbanization

The advent of the monarchy coincides with the period of urbanization for the fledgling nation. The growth of the city in Ancient Israel was, in part, dependant upon several agriculturally related factors. First, there was required a means by which to produce an agricultural surplus so that those not occupied as growers could benefit from the labors of others. Utilization of new tracts of land and more productive use of existing tracts was required for the existence of this surplus. Secondly, the growth of the urban

50. John Grey, "Feudalism in Ugarit and Early Israel," ZAW 64 (1952), p.55.

populations required the development of a network of communication and travel between the rural and urban areas.

The Biblical record depicts the era of Israelite city building as taking place under the political oversight of the monarchy. Incorporated into the Israelite monarchy was a system which made use of key urban sites for administrative purposes. Where there was no city suitable in a given administrative district, a city was built.⁵¹ The process of this administrative growth was initiated early in the monarchy by David and extended by his son, Solomon.⁵² The building activity of this, by now legendary monarch, is remembered by the Biblical narrator in an impressive fashion. Solomon is credited with building administrative sites, store cities, and military depots throughout the territory which he controlled. The narrator summarizes Solomon's propensity to build by concluding that he constructed ". . . whatever he desired".⁵³ This aggressive national policy of construction did not end with Solomon, but was emulated by several of his successors. Uzziah⁵⁴, Jotham⁵⁵, Hezekiah⁵⁶, and Manasseh⁵⁷ are all credited with the construction of urban areas which served the administrative designs of the monarchy.

51. See G. E. Wright, "The Provinces of Solomon (I Kings 4:7-19)," *EI* 8 (1967): 69-82.

52. II Samuel 24:1-17.

53. I Kings 9:15-19.

54. II Chr. 26:9-10.

55. II Chr. 27:3-4.

56. II Chr. 32:5.

57. II Chr. 33:14.

Israel's early social development moves, in broad strokes, roughly from a segmentary society, to that of a chiefdom, to a small urban state admitting the emergence of an upper and lower class.⁵⁸ The change in world view as expressed in I Samuel 8, which involved both ideological and social innovations and brought about the establishment of a monarchy in Israel, also figured into the evolution of the society by effecting a change in the relations of production in at least a portion of the society. The emergence of the monarchy saw the establishment of a national sense of identity which competed with tribal affinities. Integral to this self-identification was a network of social relations which accorded emerging power to an elite group of city dwellers wielding religious, economic, and political power over a large peasant population in the form of taxation, trade monopolies and forced conscription into work details and fighting units. This development was resented and opposed by at least a portion of the Israelite community as is evidenced from both Samuel's warning⁵⁹ and Jeroboam's complaint.⁶⁰

This resentment is also given expression in what has often been described as an anti-urban attitude which has been uncovered in the Biblical text. The Genesis stories of Cain

58. Frick, 1985, p.250. See also T. McCellan, Towns and Fortresses. The Transformation of the Urban Life in Judah from the 8th to the 7th Centuries B. C. (Missoula: Scholars Press, 1978).

59. I Samuel 8: 10-18.

60. I Kings 12:1-16.

and the tower of Babel, both of which communicate negative attitudes toward the city structure, have been interpreted as elucidating an attitude which is thought to have found fuller expression in several of the Hebrew prophets.⁶¹ Von Rad associates the rise of the prophetic movement with four factors present in Israelite society of the ninth through seventh centuries: 1) the degeneration of pure worship of the Lord God of Israel due to a syncretistic relationship with Baalism, 2) the removal of the sense of the immediacy of the Lord God of Israel due to the creation of the monarchical state, 3) the evolution in the relationships of production precipitated by the monarchy, 4) the threat of foreign intervention, particularly Assyria.⁶² Of the four elements listed by von Rad, the first three are related to the rise of urbanization and the social relationships accompanying the formation of cities in the Ancient Israelite society.

A survey of prophetic texts suggests that the prophetic dislike of the city is not simply directed against the urban site but is directed toward the political structure and economic activities given expression within the confines of the city environment.⁶³ The rise of the city, in the social development of Ancient Israel, gave expression to a complex of social practices, founded upon a world view which served as the integrating agent for the social order, and meriting

61. Gen. 4:17 and Gen. 11:1-8.

62. Von Rad, Old Testament Theology I, p.64-65.

63. R. B. Y. Scott, The Relevance of the Prophets, (New York: Macmillan, 1968), p.182.

prophetic condemnation. It is that world view, as expressed in the city, which seems to be at the center of the prophetic indictments.

The prophetic dislike for the city has often been characterized as an appeal for a "desert ideal".⁶⁴ This "ideal" has been understood as a prophetic appeal for a return to the simplicity of the nomadic way of life in favor over the present complexities of urban life.⁶⁵ Although popular among Biblical scholars in the early part of the 20th century, this appeal, as demonstrated by Frick, can hardly be supported by an examination of the prophetic literature.⁶⁶ Instead of objecting to the city itself, the prophets, especially Jeremiah, Hosea, and to some extent Amos, object to the social expressions of power represented by the city.

The Ancient Israelite city represented the power of the monarchy and was useful for protection from foreign oppression. This perception of political power is attested by curses recovered from various parts of the Ancient Near East which almost without exception contain maledictions directed toward the city of the enemy and its capacity to protect its population from the conquering force.⁶⁷ Zephania concludes a

64. Perhaps the most extended treatment of the position can be found in J. Flight, "The Nomadic Ideal," JBL 42 (1923): 158-226.

65. See also the article dealing with the prophetic formulation of this ideal by, P. Humbert, "Osee le prophete bedouin," Revue d'histoire et de philosophie religieuses 1 (1921): 97-118.

66. F. Frick, 1985, p.218-222.

67. For discussions see, Dennis McCarthy, Treaty and Covenant, (Rome: Pontifical Biblical Press, 1981), p.172-175.

malediction concerning Assyria and her capital Ninevah by stating,

"This is the exultant city that dwelt secure, that said to herself, 'I am and there is none else.' What a desolation she has become, a lair for wild beasts! Everyone who passes by her hisses and shakes his fist."⁶⁸

The destruction of the city was understood in the ANE as the final act in national conquest. For the prophets, the destruction of the city signaled the destruction of the political powers which energized the social order resident within the city. The monarchy, and the city, arose as institutions to effect the protection of the people and so be "like all the other nations".⁶⁹ This attempt was considered by a portion of the prophets as an effort to abandon the protection offered by the national God and so was a breach of the covenant established between God and the nation. Hosea

and F. C. Fensham, "Maledictions and Benedictions in Ancient Near Eastern Vassal-Treaties and the Old Testament," ZAW 74 (1962), p.1-9.

68. Zephania 2:15.

69. I Samuel 8:5.

expresses the attitude succinctly:

I will destroy you, O Israel
 who can help you?
 Where is your king now,
 where is he that he can save you in all your
 cities? ⁷⁰

The prophetic indictment is directed, in this instance, to the city as a means of defense, a permanent fortified settlement. The destruction which Hosea foretells in 8:14 is concentrated upon the strongholds, the cities, in a manner which reminds the reader of the pronouncements made by Amos upon the strongholds of Israel's neighbors in chapter 1 and 2 of the prophecy attributed to him. The sense of self-sufficiency and contentment which seems to have been especially apparent in the city, merits that prophet's denunciation;

"I abhor the pride of Jacob,
 and hate his strongholds."⁷¹

A similar perception of the city is seen in Isaiah and Jeremiah.⁷² The city was seen as an expression of a social

70. Hosea 13:9-10a.

71. Amos 6:8.

72. Is. 2:12-15; 22:8-11, Jer. 21:8.

organization which had deviated from its moorings in the security provided by the covenant with God. The Deuteronomist puts it this way;

"When the Lord your God brings you into the land he swore to your fathers, tho Abraham, Issac, and Jacob, to give you a land with large flourishing cities you did not build...be careful that you do not forget the Lord. . ."

"When you have eaten and are satisfied, praise the Lord your God for the good land he has given you...Otherwise, when you eat and are satisfied, when you build fine houses and settle down, and when your herds and flocks grow large and your silver and gold increase and all you have is multiplied then your heart will become proud and you will forget the Lord your God."⁷³

These examples of the "anti-urban attitude" do not express an aversion to the city, as such, but to the social relationships which were manifest in the city and taken to be normative for the society.⁷⁴ The basic problem, as demonstrated by this prophetic survey, was not the existence of the city but instead a violation of religious expectations

73. Deuteronomy 6:10-12; 8:10-14.

74. P. Reimann, Desert and Return to Desert in the Pre-exilic Prophets. Unpublished dissertation, Harvard University, 1963.

expressed within the social order of the city. Frick attempts to summarize the view of the prophets by stating that, "The city, as a symbol of man's attempt to provide for his own material security, stands condemned".⁷⁵ Whether or not Frick is correct in his assessment of the meaning of the city, his statement is instructive in that he makes clear that among the prophets there was no inherent aversion to the city as a social order. Instead the prophetic denunciation is directed toward the world view which expressed itself in the social relationships prominently displayed within the city walls. These social relationships figure boldly in the moral accusations found in the prophecy of Amos, particularly as they involve the moral norms concerning property rights.

D. Land Ownership

1. Private Property Rights

Dominating the Israelite conception of the land was the underlying assertion that the land was a possession of God.⁷⁶

75. Frick, 1985, p.231.

76. See Gen. 12:7; 13:14-17; 15:7,18 ; 17:8; 24:7; 28:4,12-15; 48:4; Lev. 25:23. Some have suggested that the patriarchal narratives find their context within the Iron Age and express the norms of that era. If that be the case, the concept of the Divine ownership of the land was wide spread during the period of the Israelite monarchy. See T. L. Thompson, The Historicity of the Patriarchal Narratives (New York and Berlin: de Gruyter, 1974).

The individual family or clan laid claim to the land as an inheritance given by God. This ideal is given expression in the prophetic statement in Mic 2:2b, ". . . a man and his house, a man and his inheritance". Early Israel was a society of herdsman and farmers intimately related to the land and the cult. The God of the nation was recognized as the owner of the land (Lev 25:23) who gave it to the family as a possession intended to be inalienable.⁷⁷ The concept of divine ownership of the land, and distribution of the land due to the pleasure of the deities was a fairly common tenet in the ANE.

The placement of the promise of land possession within the covenant stories of the patriarchs served as justification for the Israelite conquest. The right to the private ownership of the land was secured, in the Joshua account (ch.13-19), through participation in the conquest. It was through this military expedition that the allotment of the land was made by divine providence. Consequent to that allotment, in the Israelite traditions, the land was destined to remain within the possession of the family or clan through the institution of a family inheritance (נחלה or ירש).

Despite the statement regarding the inalienability of the land in Lev 25:23, verse 25 of the same chapter does discriminate potential situations in which the land could be sold in times of financial distress. The sale of land is

77. K. H. Henrey, "Land Tenure in the Old Testament," PEQ 86 (1954): 5-15.

presented as a last resort and was invoked only after a person had first sold himself or his children.⁷⁸ Such extreme instances were guarded against by the development of a process by which the redemption of the property could be affected by the individual involved or by a member of the affected family who acted as a kinsman-redeemer.⁷⁹ Even if no such redemption was possible, the land was forfeited only on a temporary basis. The Jubilee assured that the land would return to the original owner and thereby prevent the perpetual landless condition of an unfortunate family.⁸⁰ The law of the rights of redemption distinguishes between property within the confines of a city and that without the city walls. The agricultural land was perceived as a means of economic solvency and provisions were made which distinguished it from property which was not essential for the economic viability of the clan (Lev 25:29-31). While it may be argued that the precepts of the Jubilee are idealic, stemming from the post-exilic period, it is evident that the measures are based upon an older premise which affirms that the land is God's inheritance (I Sam 26:19; II Sam 14:16; Jer 2:7; 16:18; Ps 68:10).

The traditional attachment to the family inheritance is seen in the despotic dealings of Ahab and Jezebel with Naboth (I Kgs 21:1-19). Naboth's refusal to part with his vineyard

78. Lev 25:39; Ex 21:7-11.

79. The goel relationship is assumed in the story of Ruth 4:1-14 and Jer 32:6-12.

80. Lev 25:15-17.

is based upon his understanding of the land as his family's inheritance from the Lord. The narrator says nothing to indicate that Ahab's request was illegal, just that it violated the traditional cultic norms which Naboth held to be operative.⁸¹ Naboth's reply to the request of Ahab is not based upon legal norms but upon the consideration that the land was an indication of God's blessing upon the family. The possibility of alienation from the land is recognized but it is rejected, by Naboth, on religious grounds.

In this story, competing social pressures are brought to bear upon the matter of property rights. It is probable that competing forces within the Israelite society were responsible for the ". . . pressures either to use landed property as a convenient form of capital or to preserve its use for the family".⁸² A socio-economic structure that was agrarian in nature and in which the extended family derived its livelihood from the land would tend to support the preservation of that property within the family. That segment of society which depended upon economic specialization, either involved in industry or distribution of goods, would be much more inclined to view land as a form of capital.⁸³

81. R. Bohlen, Der Fall Nabot, (Trier: Paulinus-Verlag, 1978), p.333.

82. John Andrew Dearmann, Property Rights in the Eighth-Century Prophets, (Atlanta: Scholars Press, 1988), p.69.

83. See M. Nash, Primitive and Peasant Economic Systems, (San Francisco: Chandler, 1966), T. F. Carney, The Economics of Antiquity, (Lawrence: Coronado Press, 1973), M. Weber, The Agrarian Sociology of Ancient Civilizations, (London: NLB, 1976).

Some have seen this tension regarding the alienability of land as due to the influence of the Canaanites upon the Israelite community,⁸⁴ but since Canaanites are never implicated within the textual tradition it is perhaps better to view the tension as authentic within the Israelite society and co-existent with the evolution of specialized economic exchange.⁸⁵

The norms which protect the family's claim to property have analogies throughout the ANE in comparative societies which are all agrarian in structure.⁸⁶ Dearmann concludes that throughout the ANE, "The principle of inalienation, whether it stems from customary or state law, finds its support among those people whose livelihood depends on the produce of the soil and whose family structure provides the basic means of production."⁸⁷ Where neither the agrarian structure nor the family means of production is essential, unmovable property becomes a form of capital as in the specifications of the Jubilee regarding houses within the walls of a city (Lev 25:29-31). Evidence regarding the economic structure of pre-monarchical Israel seems to confirm Nash's observation that ". . . in most societies land tenure is merely the geographical expression of the social

84. A. Alt, Der Anteil des Konigtum an der sozialen Entwicklung in den Reichen Israel und Juda," Kleine Schriften zur Geschichte des Volkes Israels, 3 vols (Munich: C. H. Beck'she, 1953-1959), p.348-372.

85. Dearmann, 1988, p.70.

86. See Dearmann, 1988, p.72-74 for a survey of regulations elicited from ANE societies.

87. Dearmann, 1988, p.74.

structure."⁸⁸ In the Hebrew prophets, especially Micah 2:1-5 and Amos 2:9-11, accusations against the social alienation of property have a theological basis which holds fast the traditions of Exodus and conquest, and the premises that the land is owned by the Lord and granted to the family unit as an indication of blessing and favor. As Dearmann observes, "It is these traditions which help form the valuation of the land and provide a contrast with the "crimes" of excessive property accumulation."⁸⁹ Violations of these traditions, which constitute "crimes" in the prophetic texts are attributed to influential Israelites and the judicial and economic institutions of the state.

It is evident from the instances cited above that the Old Testament regarded the land as the rightful property of the deity who entrusted it to the safekeeping of the people within the Israelite community. The land was acquired, in the traditions of the community, through conquest and was, by social customs, assured to remain the holdings of the family. Under severe circumstances the land could be transferred to another family so that there was the potential that a landless segment of society could develop, both among the Israelites and foreigners who were living in the land (גֵּרִים, טֹבֵי'ם).

88. Nash, 1966, p.34.

89. Dearmann, 1988, 77.

Private land ownership continued, in Israel, throughout the course of the divided monarchy.⁹⁰ The book of Isaiah presents a picture of private land ownership within the environs of Jerusalem in the last days of the eighth century (5:8). The situation expressed by the prophet is one which testifies of the progressive accumulation of wealth by a small group at the expense of the rest. Not all of the family estates were abandoned, however, for as Jeremiah indicates, customs regarding the family inheritance are still observed in the waning days of the Judean kingdom (32:6-14).

Disputes over private property rights were adjudicated by local assemblies in each Israelite community. The Hebrew text indicates that judicial proceedings in the pre-monarchical period were the responsibility of local elders, heads of clans and property owners, meeting in the gates of the city or town.⁹¹ When needed, the elders convened in the gate of the city, a place accessible to the population of the city, to conduct local administrative and judicial affairs, often early in the morning. The Biblical text records portions of several such meetings of the city elders (Gen 23:10-18; Ruth 4:1-11). The books of Judges and I Sam indicate that some of the local leaders had a wider jurisdiction perhaps based upon a notion of a tribal

90. James Pritchard, ed. Ancient Near Eastern Texts Relating to the Old Testament, "Samaritan Ostraca," (Princeton: Princeton University Press, 1978), p.321.

91. D. McKenzie, "Judicial Procedure at the Town Gate," VT 14 (1964): 100-104.

confederacy among the Israelite tribes.⁹² These leaders, called "judges" were involved in military as well as administrative duties (I Sam 8:20).⁹³ The combining of leadership in these two social spheres was accomplished most significantly, between the pre-monarchical era and the eighth century by the institution of the monarchy.

By the eighth century, an administrative and judicial system had developed, sanctioned by the royal court which overshadowed the local and traditional administration of justice in the city and town. Dearmann suggests that this development was largely due to the evolving perceptions of property rights in the nations of Israel and Judah.⁹⁴ In the prophetic text of Amos many of the indictments have to do with the ordering of justice in the nation and invariably involve the expression of justice involving property management. The prophetic call for justice, without any explanation of how to effect the call (Amos 5:24), suggests that there was a common understanding between the prophet and the audience regarding the meaning of justice in the social arena. One of the key terms to describe the failure to execute justice by the governing body used in the Hebrew text is the verb **הט** (turn aside). It is used to signify "the

92. For argumentation for and against this view see, O. Bachli, Amphiktyonie im Alten Testament, (Basel: Friedrich Reinhardt, 1977).

93. T. Ishida, "The Leaders of the Tribal Leagues 'Israel'," RB 80 (1973): 514-30.

94. Dearmann, 1988, p.78.

denial of due process and personal rights".⁹⁵ The demand for justice seems to be a favored motif of the period and has ample precedent within earlier portions of the Hebrew text (Gen 18:19, I Sam 8:3; Ex 23:6 Dt 16:19). Amos gives only brief notice as to the royal court's responsibility for perpetrating violations of a sense of justice in the state of Israel. In 3:9 reference is made to the capital of the nation and the crimes within that city. In 7:1 the prophet refers to the "king's mowing", and in 5:11 "exactions", a form of taxes, are mentioned. Both practices appear to have formed part of the tax collection process of the administration used to finance the operations of the state and her officers. The evidence which can be gleaned from the prophetic texts regarding the administrative/judicial system can be summarized in two observations; 1) The administrative/judicial system receives special condemnation because it failed to protect the property rights of a segment of the population (Amos 5:7,10,12). 2) Officials serving in the administrative operations of the state stood to receive personal gain from these violations which the prophets contend were perpetuated by the state (Amos 6:1-7).⁹⁶

Some have suggested that the account of Ex 18:13-27 accurately portrays the establishment of the judicial hierarchy during the time of the monarchy.⁹⁷ The account of

95. Dearmann, 1988, p.79.

96. Dearmann, 1988, p.82.

97. Dearmann, 1988, p.86.

Moses setting up a judicial policy and appointing those to serve is descriptive of the mid-ninth century social mechanisms in Israel and gives insight to the relationship between local authorities and those established by the state. Dearmann points out that the judges installed by Moses were appointed by a central authority and not by local or clan determinations.⁹⁸ If this passage does describe the judicial procedures of the monarchical period then it is instructive in that the Amos texts, which contain accusations involving the infringement of private property rights, condemn officials within the royal administration who stand to gain from the misuse of their position of authority. In that the relevant material implies that there was a connection between the judicial administration and the military organization the suggestion presents itself that there was little or no check and balance on the exercise of power by the central government. The prophetic indictments invoke the wrath of God for there was no other power to which an appeal could be made.

Nowhere in the prophetic text is there an indication that the abuses listed by the prophet are the result of "Canaanite" influences and so a perversion of the normal Israelite custom. On the contrary, the prophetic indictments consistently accuse Israelites as the culprits and identify them as officers within a centralized authority dependant

98. Dearmann, 1988, p.88.

upon royal appointment and administration. Amos indicts the society because justice was not being executed in the gates (5:10-12). This was the responsibility of those who functioned as judges and administrators who received their appointment and authority from the king.⁹⁹ The conflict between the prophet and the royal administration is vividly portrayed in chapter seven in the dialogue between Amos and Amaziah. The response of the priest to the activity of Amos is one of disgust. Amaziah orders the prophet out of the cultic area, not because it is a sacred place but because it is the temple of the king. Amos created an offense because he trespassed on the royal estate. The royal land holdings mentioned in the dialogue between Amos and Amaziah represent a social development which is foreign to the considerations of family inheritances given in the Pentateuchal texts.

2. Royal Property Rights

The law codes do not mention the formation of royal estates nor any regulations governing their usage. The first bit of information within the Hebrew text regarding royal estates is found in I Sam 8:11-17. In this passage there appears a list of activities which, in the narrative, Samuel warns will come to characterize the king in Israel. This

99. H. Donner, "Die soziale Botschaft des Propheten im Lichte der Gesellschaftsordnung in Israel," *Or Ant* 2 (1963): 229-245.

account, many feel, was written close to the time of the reign of Solomon and, according to Jer 22:13-17, is a fair portrayal of the monarchy subsequent to Solomon. Three of the ways in which the monarchy exercised its influence over property rights was through the corvee system, the levying of taxes, and the acquisition of royal estates.

David is presented in II Sam 20:24 as the first Israelite monarch to enlist forced labor. It appears as though this pool of labor was employed for the maintenance of the royal household and for the benefit of the administrative officials within the government. In II Sam 24 the negative response to the census taken by David, preliminary to the conscription of the population, indicates that the practice was not popular but also that there was no forum in which the conscription could be appealed. Solomon expanded the work force at his disposal by the use of state slaves and Israelite forced labor (I Kgs 5:27; 9:15-22; 11:28).¹⁰⁰ Although this policy is presented as a contributing factor to the civil war which erupted during Rehoboam's inauguration, it was continued by at least two other Judean monarchs, Asa (I Kgs 15:22) and Jehoikim (Jer 22:13).¹⁰¹

The power of the throne extended beyond the conscription of labor and included the collection of taxes (I Kgs 10:14-

100. Roland de Vaux, Ancient Israel: Its Life and Institutions, 2 vols (New York: McGraw-Hill, 1965), vol 1 p.141-142.

101. I Kgs 12:1-16. Extra-Biblical material suggests that Josiah also maintained a contingent of forced labor. See Pritchard, "A Letter From the Time of Josiah," ANET, p.568.

15; II Kgs 23:33; II Chr 17:11; II Chr 17:5). An important illustration of the taxation practices of the kingdom of Israel has been brought to light in the form of the Samaria Ostraca.¹⁰² These approximately 65 fragments taken from excavations of ancient Samaria, the capital of Israel from the time of Omri, date to the eighth century and were found in the confines of the royal palace.¹⁰³ Although there have been several suggestions as to the interpretation of the fragments, it is generally recognized that they record shipments of commodities used for the maintenance of the royal administration. The ostraca are instructive in that they, through the clan names listed on the receipts, provide evidence that the clan structure was still intact in eighth century Israel, especially in the rural areas of the nation. In the documents, administrative districts used in the scheduling of provisions for the administration, are referred to by their clan names indicating that the ties between the extended family and property rights were still strong despite the encroachment of the royal administration.¹⁰⁴ The ostraca illustrate the manner in which certain citizens of the city held land and received support from its produce even though that produce was the result of another's labor.

The accounts presented in II Samuel and I and II Kings indicate that royal land holdings assumed large proportions.

102. ANET, p.321.

103. A. Rainey, "The Sitz im Leben of the Samaria Ostraca," TA 6 (1979), p.91.

104. Dearmann, 1988, p.122.

Saul is presented as the first to preside over royal holdings and evidently was empowered to present additional properties to those who would aid him in state business (I Sam 22:7-8). Borowski has identified six ways in which the royal estate could be enlarged and utilized:

1. Military conquest (II Sam 5:7,9; 10:19).
2. Assuming ownership of vacant land
(II Kgs 8:1-6).
3. Purchase (II Sam 24:24; I Kgs 21:6).
4. Exchange for services with foreign authorities
(I Kgs 9:11-14).
5. As a gift from a foreign authority (I Kgs 9:16).
6. Confiscation (II Sam 9:7; 16:1-4;
I Sam 8:12-17).

It is difficult to estimate the actual size of the royal holdings, other than noting that in the case of several of the monarchs the estate must have been considerable and requiring management by overseers (I Chr 27:25-31). The holdings included storehouse facilities, villages, forts, olive groves, vineyards, and herds of sheep, goats, and cattle.

3. Cultic Property Rights

Besides the land controlled by the crown, there was a sizable portion of land which was given over to cultic usage. This property is mentioned only four times in the Old Testament (Jos 21, Num 35:1-8, Dt 18:1-2, Lev 25:34). Despite the infrequent reference to the property, it may still be concluded that the size of the holdings was substantial. Although the description of the Levitical cities and surrounding territory is presented in somewhat of an idealized fashion, de Vaux is of the opinion that the presentation ". . . must at some time have reflected a real situation".¹⁰⁵ Certainly the confrontation between Amaziah and Amos in chapter 7 of the prophecy includes a malediction concerning property which was under priestly jurisdiction (7:17).

III. International Political Conditions Influencing the Society of the Eighth Century Israel

The preceding survey of land use indicates that a tension developed in Israel from the tenth to the eighth centuries between the centralized administration of the

105. de Vaux, vol 2, p.367.

monarchy and the local clan relationships. Some have suggested that this tension was the result of capitalistic developments in the economy of the nation. There is little evidence, however, from either archaeological investigations or from the Biblical text to suggest that Israel's economy was "capitalistic". This designation is inapplicable in that there is little evidence of an extensive private market operating in either pre-exilic Israel or Judah. Instead the evidence at our disposal indicates that there existed a land grant system based upon patrimony but infringed upon by the growing influence of state policies which through taxation and land acquisition determined the fate of surplus produce more than the activity of private entrepreneurs.¹⁰⁶ Dearmann suggests that the economies of Israel and Judah are best described as "redistributing" for ". . . this description is used particularly to identify an economy in antiquity which had a monarch or strong, central leader who developed trading relations with other nations and who required loyal servants for assistance in co-ordinating redistributing mechanisms".¹⁰⁷ The role of the state in redistributing goods is important in understanding the authority exercised by the state over property rights leading to the conflict with extended family rights championed by the prophets.¹⁰⁸ Carney is of the

106. T. McCellan, "Towns and Fortresses: The Transformation of Urban Life in Judah from the 8th to 7th Centuries B. C.," SBLASP (Missoula: Scholars Press, 1978), p.281.

107. Dearmann, 1988, p.134.

108. See also T. F. Carney, The Economics of Antiquity, (Lawrence: Coronado Press, 1973), p.21-22.

opinion that in the ancient economies, the elite, gathered around the king, were responsible for the redistribution of the nation's produce and tended to treat the citizens living in the countryside as subjects with fewer rights than those living in the city.¹⁰⁹ This arrangement describes very well the prophetic conflict expressed in the prophetic indictments involving property rights found in the book of Amos. These social/judicial practices regarding property rights were gradually adopted, in Israel, from the eleventh century through the eighth. There are several factors which contributed to the intensification of the problem in eighth century Israel.

The Davidic/Solomonic empire grew rapidly in an international environment which permitted the acquisition of power by the new nation due to the relative inactivity of the larger political systems situated in Egypt and Mesopotamia. Israel maintained a course which led to international prosperity under the direction of Omri. This remarkable monarch displayed an innovative flair for international affairs evidenced by his relocation of the capital to Samaria thereby loosening tribal, religious strictures, and by the establishment of economic and political treaties with Israel's neighboring states.

This international prosperity was brought to a sudden halt by the re-emerging Assyrian empire and her domination

109. Carney, 1973, p.21.

over the region in the second half of the ninth century. Israel was reduced to a shell of her former glory (I Kgs 13:7) and was unable to withstand the Syrian overlordship (II Kgs 10:32-33). Subsequent conflict between the Arameans and the Assyrian empire loosened the devastating burden which had been placed upon Israel and allowed her to recover slowly during the first half of the eighth century.

The king most closely associated with this political and economic recovery is Jeroboam II. He regained at least a nominal influence over the major Transjordanian trade routes and achieved a certain amount of security by exercising domination over his eastern neighbors.¹¹⁰ The amount of prosperity which filtered through the nation during the reign of Jeroboam II can legitimately be debated, but nevertheless there is evidence that the court of the king and his close administrative officials prospered during the period. Jeroboam II engaged in a rapid rebuilding program which may have involved the same kind of governmental policies of taxation and forced labor as is associated with David and Solomon.

An important political development characterizing the administration of Jeroboam II in the eighth century was his utilization of administrative policies borrowed from the Assyrian empire. If under Jehu, Israel developed close ties with this far-flung empire, then it is highly likely that

110. M. Haran, "The Rise and Decline of the Empire of Jeroboam ben Joash," *VT* 17 (1967): 267-284.

Assyrian administrative policies were introduced to the Israelite government.¹¹¹ Dearmann describes the Neo-Assyrian empire as a society wherein, "the rich and politically elite owned estates in the provinces where their influence was manifest in controlling much of the administrative/judicial processes, agricultural production, and tax collection".¹¹² It is entirely possible that some of these practices and values infiltrated the Israelite society during the period of Assyrian domination of the ninth century and were then allowed free expression in the period of renewed Israelite independence of the eighth century. Evidence for the influence of the Assyrian society upon Israel may be gathered from the comparative investigation of Samaria and Kalhu, both of which became capital cities under the Assyrian domination and are surprisingly similar in culture, as is attested from the archaeological remains of the period.¹¹³ It is likely that during the period of Assyrian domination, Assyria was able to exert influence over the Israelite society due, in part, to the international openness of the society demonstrated by the Omrids. It wasn't until the eighth century, under the leadership of Jeroboam II that the attitude toward property

111. J. S. Holladay, "Assyrian Statecraft and the Prophets of Israel," *HTR* 63 (1970): 29-51.

112. Dearmann, 1988, p.141.

113. M. Mallowan, "Samaria and Calah-Nimrud: Conjunctions in History and Archaeology," Archaeology in the Levant. Essays for Kathleen Kenyon. Edited by R. Moorey and P. Parr; Warminster: Aris and Phillips, 1978), p.155-163.

rights assimilated from the Assyrians was given national expression and became authentically Israelite.¹¹⁴

IV. Summary

The framework developed by Habermas for understanding the evolution of a society involves three components; 1) social labor, 2) social domination, 3) tradition. In the steady march of Israel's legal tradition from the pre-monarchical era to the eighth century several technological and social developments influenced Israel's experience of power and domination. The intensification of agriculture experienced by the nation in the eleventh and tenth centuries was accompanied by the establishment of a centralized form of social authority, the monarchy. The accumulation of influence which was achieved by elite members of the Israelite and Judean political systems is evidenced by the growing acquisition of land holdings in the name of the state. The change in the manner in which private land holdings were managed can be seen in the role which the monarchy assumed in redistributing the agricultural surplus of the nation.

114. The practices of land grants, taxation, and land alienation become common throughout the cultures of the ANE following the Neo-Assyrian period indicating the expanse of the influence of this efficient administrative system. See Dearmann, 1988, p.141, 142.

The eighth century provided a unique blend of international and national developments which prompted the prophets to condemn what they perceived to be the abuse of property rights. Israel became a state with a redistributing economy that after a period of Assyrian domination was able to exercise an amount of national independence during which time expression was given to a system of property rights mimicking that of the Assyrians. What an Assyrian ruler may have demanded of his Israelite subject was eventually demanded by the Israelite ruler of his fellow citizen. This denial of rights placed the governmental leadership in jeopardy of condemnation by the prophetic conscience.

Chapter 4

Amos and the Law

This study has proceeded from the premise that the social action which constitutes the prophecy of Amos must be understood as influenced conjointly by social labor, domination and tradition. In chapter three a social context was established for the prophetic use of moral tradition by viewing select aspects of agricultural intensification and the centralization of social domination. In this chapter, attention will be given to the moral tradition itself. Specifically, concentration will be given to the literary relationship between the prophetic document of Amos and the Pentateuchal texts. Central to the investigation will be the question, how are the Amos indictments similar and dissimilar to the legal traditions of the Pentateuch? Initiating that comparison will be a discussion designed to set the limits of the literary traditions as utilized in this comparative study.

I. The Literary Limitations of the Tradition

A. The Law Tradition

This section of the study will be concerned with defining the legal traditions which predated the prophecy of Amos in order to set the boundaries for a comparative study between the Pentateuchal material and the book of Amos. Within the Pentateuchal material, law codes have been identified, five of which are; The Decalogue, The Book of the Covenant, The Holiness Code, The Priestly Code, and the Deuteronomic Code. While there is no conclusive evidence to demonstrate that any of the codes are not of ancient origin, at least regarding their traditional sources, scholars are in agreement that four of the codes, in roughly their present form, can be dated to the pre-monarchical period of Ancient Israel.

It has been claimed that the Book of the Covenant (Ex 20:23-23:19) is, "the earliest collection of biblical law".¹ Due to the variety of material contained within the BC (Book of the Covenant), dating the code is a multifarious matter. The code presents itself as the constitution for a new nation which is to be based upon the covenant agreement, and maintained by the stipulations recounted in the code. The BC

1. Shalom Paul, Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law. VT Sup 18 (Leiden: E. J. Brill, 1970), p.27.

refers to the corporate body of Israel by means of two phrases which indicate that the code presents itself as the constitution for a newly established polity. Within the framework of the covenant presented in Ex 19, the people of Israel were formed into a "nation of priests" and again a "holy nation". As noted by Paul, the phrase "holy nation" is a hapax legomenon within the Biblical text.² In both phrases ממלכה and גוי act as synonyms. Israel is presented as on the verge of becoming a nation, a polity, based upon law and transformed by that law into a holy people. As the constitution of the nation, the BC presents itself as prior to any other national codes of law which may govern the collective and political life of the people.

Phillips recognizes the eclectic nature of the present form of the code and suggests that the present gathering represents, "a particular moment in Israel's legal history".³ That moment, Phillips identifies with the reign of David and the establishment of an essentially new monarchical system. Phillips is of the opinion that while the bulk of the material in the BC comes from pre-monarchical Israel, the material was bound together as a statement of national law in the Davidic era.⁴ Paul, in comparing the BC with cuneiform law from the ANE, has demonstrated convincingly that, ". . .

2. Paul, 1970, p.31.

3. Anthony Phillips, A New Approach to the Decalogue, (Oxford: Basil Blackwell, 1970), p.159.

4. Phillips, 1970, p.161.

much of the juridical content and formulation of these laws is pre-Mosaic and hence pre-Israelite".⁵

Form critics are of the opinion that the Decalogue has undergone an evolution so that the present formulation represents the expansion of a more distilled and briefer construction. To some degree, the dating of the Decalogue is conditional upon the relationship that one perceives to have existed between the code and the covenant tradition of Sinai. Phillips is of the opinion that ". . . the Decalogue constituted Ancient Israel's pre-exilic criminal law code given to her at Sinai".⁶ In the period of modern Biblical criticism from roughly 1880 to about 1930 the majority of critical scholars stood in disagreement with the position taken by Phillips and were of the opinion that the Decalogue of Ex 20 was post-prophetic if not post-exilic.⁷ Since that time the work of Hugo Gressmann,⁸ Sigmond Mowinckel,⁹ and Albrecht Alt¹⁰ has led the way to a renewed appreciation for the antiquity of the code. The tendency of recent scholarship has been to place the code within the context of cultic ritual and in this contextualization provide a means for the transmission of the code from its very early stages within

5. Paul, 1970, p.104.

6. Phillips, 1970, p.1.

7. J. J. Stamm and M. E. Andrew, The Ten Commandments in Recent Research, (Napperville, IL: Alec Allenson, 1967), p. 23.

8. Hugo Gressmann, Moses und seine Zeit, (Gottingen, 1913), p.473ff.

9. Sigmond Mowinckel, Le decalogue, (Paris, 1927), p.19ff.

10. Albrecht Alt, Die Ursprunge des israelitischen Rechts, (Leipzig, 1934), 278-332.

the life of the Israelite community. Even those who argue against this cultic Sitz-im-Leben maintain the antiquity of the components of the Decalogue, even to the point of pre-dating the Mosaic era.¹¹ There is little doubt that the BC formed a constituent part of the legal tradition available to the prophet Amos.

The Deuteronomic Code (Dt 12-28) has often been identified as that discovered in the temple in the eighteenth year of Josiah's reign (II Kgs 22:8-23:3). Although the influence of this "lawbook" upon the program initiated by Josiah can be debated, all those who identify the lawbook with Dt 12-28 acknowledge the antiquity of the law for the book to have wielded authority and influence in the time of Josiah. Most scholars maintain that the lawbook came to its final written form in the ninth century and that its traditions were derived from the pre-monarchical period.¹² These traditions, it is maintained, were either guarded by a priestly community from the Northern area near Shechem¹³ or were transmitted by those responsible for the wisdom tradition in and around Jerusalem.¹⁴ In either case, the tradition seems to have been firmly entrenched by the time of Amos in the eighth century.

11. Erhard Gerstenberger, "Covenant and Commandment," JBL 84 (1965): 38-51.

12. Dale Patrick, Old Testament Law, (Atlanta: John Knox, 1985), p.99.

13. Von Rad, 1962, vol 1, p.219-231.

14. Moshe Weinfeld, Deuteronomy and the Deuteronomic School, (Oxford: Oxford University Press, 1972).

By far the most expansive of law materials is that attributed to the Priestly Source (Ex 25-31, 35-40, Lev 1-27, Num 1-10). Of this material one code, the Holiness Code (Lev 17-26) is of particular interest in this present study. The name of the code is derived from the recurring emphasis which it places upon the maintenance of holiness through adherence to the regulations of the code. The opinion of the majority of critical scholars is that the Holiness Code is a product of the exilic community composed in an effort to maintain the memory of the first temple and its accompaniments in order to some day effect their duplication.¹⁵ This position has been challenged however by Yehezkel Kaufmann who asserted that many of the provisions found in the Holiness Code seem best suited to a pre-exilic setting.¹⁶ In addition, Kaufmann notes that there are elements of vocabulary and syntax which are abnormal in the exilic and post-exilic eras. These considerations lead him to conclude that the Holiness Code is a pre-exilic formation and that the concept of holiness and its maintenance found in the code are of great antiquity in the ANE. Despite its dubious dating, the Holiness Code will be included in the present consideration of the legal tradition available to the prophet Amos primarily for its expression of a conception of holiness which is readily accepted by scholars to pre-date 8th century Israel.

15. Dale, 1985, p.146.

16. Yehezkel Kaufmann, The Religion of Israel. Translated and abridged by Moshe Greenberg. (New York: Schocken Books, 1960), p.175-200.

B. Amos Text

Most present day commentators consider the prophecy of Amos to be a compilation having undergone anywhere from three to six revisions.¹⁷ The present concern is with the prophet himself, or at least with that material which can reasonably be understood to originate from work of the prophet; therefore it seems prudent that the initial investigation of the legal tradition in Amos be limited to that material which can most readily be assigned to the prophet.

Hans Walter Wolff considers the book of Amos to be the product of a long history of literary growth. This growth, according to Wolff, took place in six stages, three of which are to be attributed to Amos and his disciples, and three of which occurred in later succession, the last appearing during the post-exilic age.¹⁸ The six stages of redaction noted by Wolff are: 1) "the words of Amos from Tekoa" (predominantly ch.3-6), 2) "the literary fixation of the cycles" (predominantly the oracles of ch. 1:3-2:16, and the visions in ch. 7-9), 3) "the old school of Amos" (additions to the inscription, the narrative of 7:10-17, revision of 8:4-14, 9:7-10, as well as stylistic revisions scattered throughout

17. See Robert Coote, Amos Among the Prophets: Composition and Theology, (Philadelphia: Fortress Press, 1981).

18. Wolff, 1977, p.106-107.

the book), 4) "the Bethel exposition of the Josianic Age" (the inscription as it now stands, the anti-Bethel statements 3:14, 4:6-12, 5:5-6, the hymnic insertions - 4:13, 5:8-9, 9:5-6), 5) "the Deuteronomistic redaction" (1:9-12, 2:4-5, 9-12 3:1, 8:11-12), 6) "the postexilic eschatology of salvation" (9:11-15).¹⁹

Of these six levels of redaction, levels 5 and 6 do not concern us in the present study due to their lack of any moral indictments or apparent use of a legal tradition.²⁰ Levels 1 and 2 are assigned to the prophet himself and pose no special difficulties. The material represented in levels 3 and 4 of Wolff's construction must concern us now in defining the literary limitations of our study.

Wolff is of the opinion that level 3, that of the old school of Amos, was composed by eyewitnesses, disciples of the prophet, sometime between 760 and 730. As Melugin points out, much of Wolff's argumentation for the old school rests on the identification of elements of literary style that suggest direct contact with the prophet and yet are different enough to warrant a distinction between the student and master.²¹ The problem which asserts itself with this endeavor is that the book of Amos does not provide enough material for

19. Wolff, 1977, p.107-113.

20. Excepting that found in 2:4-5. Due however to the special problems which that oracle poses it will not be included in the scope of the present study. The exclusion of these verses will not affect the outcome of my investigation.

21. Roy Melugin, "The Formation of Amos: An Analysis of Exegetical Method," SBLASP 1 (1978), p.373.

adequate controls in making such a fine literary distinction. Melugin is of the opinion that the difficulty is especially evident in the reworking of older traditional material within the present book.²² This difficulty is readily observable in 9:7-10. There seems to be no doubt that the material is a recasting of an earlier tradition. The identity of those responsible, however, for that recasting is not altogether clear. Typical of the stylistic features which Wolff uses to distinguish between Amos material and material from the "old school" is the introductory phrase "hear this" instead of "hear this word" which Wolff states is an indication of the redactional activity of the old school. It is judged however that in a book the size of Amos there is not enough material by which to determine stylistic patterns which permit such a fine distinction.

The material which Wolff assigns to the Josianic age, level 4, consists primarily of the hymnic insertions and the anti-Bethel polemics. The hymnic pieces can stylistically be recognized as differing from the Amos material, although when the insertion of the material took place is not so easy to discern.²³ The anti-Bethel material differs from the Amos material in its concentration on the development of statements pointedly directed against the altar at Bethel. Linguistically and stylistically there is little to commend

22. Melugin, 1978, p.373.

23. James Crenshaw, Hymnic Affirmation of Divine Justice: The Doxologies of Amos and Related Texts in the Old Testament, SBLDS 24 (Missoula: Scholars Press, 1975).

the redaction of both sets of material, the hymnic insertions and the anti-Bethel polemics, to the same level. The connection is made by assuming that the Bethel altar is the main focus of attention in 4:6-12 and 9:1-4. Bethel does seem to be the exclusive interest of 4:4-5 and 5:4-5 but the same cannot be said with confidence regarding the other examples. Gilgal may figure just as prominently in the expansion of 4:6-13. Assigning the material to the Josianic age is done not linguistically but based upon the narrative found in II Kgs 23:17. The assumption is that this decidedly anti-Bethel era must have produced literary traditions like those presented in Amos. Since the destruction of the altar was unlikely in the time of the prophet (760-740?) the material predicting that destruction is considered, by Wolff, to be evidence of a later addition. Given, however, the lack of firm linguistical support for the late addition of the anti-Bethel material it will be included in the scope of the present study.

The following exclusions will be made, in establishing the literary limits of the material assigned to Amos. Wolff's level 6, 9:11-15; the hymnic affirmations of 4:13, 5:8-9, 9:5-6, the anti-Bethel pronouncements of 4:4-5, 5:4-5, and the oracle against Judah in 2:4-5. The rest of the material is considered to be representative of the prophet and a proper subject for this investigation. When redactional considerations affect the formation of an indictment presented in the survey of the prophet's use of a moral

tradition exegetical comments will be offered in support of the text which is presented.

In setting the boundaries of the following literary investigation, chapters 1:2-2:5 merit special consideration. This section is a tight literary construction composed of a series of oracles against foreign nations.²⁴ In these oracles nations are condemned for deeds which violate the prophet's sense of morality. Since, however, these nations stood outside of the law tradition of Israel the material is of little help in determining the manner in which the prophet and his Israelite audience related to their own tradition. For this reason the oracles against the foreign nations will not be included within the scope of the present study. Instead, it is assumed that the material directed toward the Israelite nation will be of most assistance in investigating the hermeneutical usage of the legal tradition of that nation.²⁵

24. For the construction of the section see, Shalom Paul, "Amos 1:3-2:3: A Concatenous Literary Pattern," JBL 90 (1971), p.397-405.

25. For a presentation of the rhetorical usage of the oracles against the foreign nations see, John Hayes, "The Usage of Oracles Against Foreign Nations in Israel," JBL 87 (1968), p.81-92. John Barton, Amos's Oracles against the Nations, (Cambridge: Cambridge University Press, 1980).

II. Prophetic Use of the Legal Tradition

A. Methodology

The prophetic documents, in their preserved form, contain numerous indictments against the Israelite and Judean communities of the eighth, seventh, and sixth centuries. These indictments are forceful only if understood as expressive of a common moral tradition shared by the given prophet and his audience. The degree to which a covenant tradition was the source of this morality has been an issue which has long occupied the attention of Biblical scholars. One such scholar stated, "The prophets did employ rich traditional material in composing their threats of doom... This inherited material in the prophets is related to the Israelite tradition of curses as preserved in Deuteronomy 28 and Leviticus 26."²⁶ On the other hand, in noting the absence of actual quotations of law by the prophets (excepting Hosea 4:1-2 and Jeremiah 7:9), others have concluded that, "One can completely understand the prophets without the law".²⁷ At present, the weight of scholarly opinion is sided with the recognition of the law tradition as resident behind the

26. Delbert Hillers, "Treaty Curses and the Old Testament Prophets", Biblica Et Orientalia, vol.16, (Rome: Pontifical Biblical Institute, 1964), p.78.

27. L. Meinhold, "Einfurung in das Alte Testament" as cited by Robert Bache, "Gottesrecht und weltliches Recht in der Verkundigung des Propheten Amos" in Festschrift fur Gunther Dehn, ed. by Wilhelm Schneemelcher, (Neukirchen: Neukirchenerr Verlag, 1957), p.23.

maledictions found in the prophetic literature.²⁸ Until recently, however, the precise nature of the reconstruction of the law tradition in the prophetic documents has been ". . . without the benefit of the detailed exegetical studies of prophetic texts that would make such a reconstruction reasonable."²⁹ The purpose of the present section is to investigate exegetically the prophetic indictments and compare those indictments with legal stipulations taken from select portions of the Pentateuchal tradition.

In the following, two assumptions will be made: 1) that the indictments found in the prophetic document are authentic to the prophecy by at least the middle of the seventh century, and that 2) by the middle of the seventh century the law codes (at least in the form of an oral tradition) represented in Ex 20:2-17; Ex.20:23-23:19; Lev.17-26; and Dt.12-28 were part of a cultural heritage known to the people of the Israelite and Judean nations.

The rationale for viewing the indictments in the prophecy of Amos as evidence for a law tradition is given by Frank Seilhamer. He states that, "The populace is not being chastised for failing to keep obligations to God about which

28. See R. Bergren, The Prophets and the Law, Monographs of the Hebrew Union College, #4, (Cincinnati: Hebrew Union Press, 1974), Charles Fensham, "Common Trends in Curses of the Near Eastern Treaties and Kadurra Inscriptions Compared with Maledictions of Amos and Isaiah", Zeitschrift fur die alttestamentliche Wissenschaft, vol.75, (1963): 155-175.

29. Gene Tucker, "Prophecy and Prophetic Literature", in The Hebrew Bible and its Modern Interpreters, ed. Douglas Knight and Gene Tucker, (Chico, California: Scholars Press, 1985), p.328.

they knew nothing or which they had not committed themselves to observe in the first place."³⁰ This opinion is amplified by another scholar, who stated, "The end is coming because the traditional values have been abandoned."³¹ The charge of abandonment presumes the commonalty of the tradition between the prophet and his audience. The prophet was not implicating his audience for violating a tradition about which they knew nothing. In the investigation of the morality expressed in the prophetic document of Amos the following methodological steps will be taken:

- 1) The indictments found in the prophet will be isolated, as these are taken to be indicative of a pre-existing moral tradition.
- 2) These indictments will be compared with covenant stipulations found in the The Decalogue - Ex 20:2-17; The Book of the Covenant - Ex: 20:23-23:19; The Holiness Code - Lev 17-26; and the Deuteronomic Code - Dt 12-28.
3. Those prophetic indictments with no discernible parallel in the Pentateuchal codes will be dealt with separately.

30. Frank Seilhamer, "The Role of Covenant in the Mission and Message of Amos." in A Light Unto My Path: Studies in honor of J.M. Myers, ed. Bream, Heim, and Moore. (Philadelphia: Temple University Press, 1974), p.440.

31. Herbert Huffman, "The Social Role of Amos' Message" in The Quest for the Kingdom of God: Studies in honor of George Mendenhall, ed. Green, Huffman, and Spina, (Winona Lake, Indiana: Eisenbraus, 1983), p.111.

The covenant stipulations found in the law tradition and the indictments of Amos appear in different literary contexts and serve different functions. This being the case, one must expect a degree of variation in style and vocabulary between the stipulations and indictments. Nevertheless, the closeness of the parallels between the covenant stipulations and the prophetic indictments should be judged linguistically, given the same general topic found in both the stipulations and the indictments. In the following presentation, topical comparisons have been made with an emphasis placed upon the specific items of linguistic similarity and difference. The format of translation, exegetical observations, and comparative examination, follows in part, that used in the Hermenia Series of Bible Commentaries published by Fortress Press.³²

In the presentation of the Hebrew text the reader will note a pronounced preference for the reading of the MT and that consonantal emendation is conservatively proposed. This is not because I believe that the MT is free from error but because it is not certain that: 1) difficult readings are due to a corrupted text, or to a lack of semantic information, and it is not certain that 2) when it seems as though a

32. Hermeneia - A Critical and Historical Commentary on the Bible, Edited by Frank M. Cross, Helmut Koester, et. al. (Philadelphia: Fortress Press).

corruption is present, the original wording can, with confidence, be restored.³³

Where the parallel law text is particularly close to the reading of the Amos prophecy, the Hebrew text has been included in the discussion. Otherwise, only the English translation of the Pentateuchal text is included.

Translations of the Amos text are mine while the Pentateuchal translations are from the RSV, unless otherwise noted.

B. The Prophetic Indictments and the Covenant Stipulations

COMPARISON OF PROPHETIC INDICTMENTS WHICH HAVE PARALLELS IN THE COVENANT STIPULATIONS

1. SEXUAL PERVERSIONS

a. Prophetic Indictments

1. Amos 2:7

וַאִישׁ וָאָבִיו יֵלְכוּ אֶל-הַגֶּעִרָה

A man and his father go into the same girl.

33. Avi Hurvitz, Biblical Hebrew in Transition - A Study in Post-Exilic Hebrew and Its Implications for the Dating of the Psalms, (Jerusalem: Bailik Institute, 1972), p.8. (in Hebrew)

1. **הלך** to go, come, walk. Used to refer to sexual intercourse.³⁴
2. **הנערה** Translated as girl. Indicative of an unmarried woman. The girl is not specified as a slave or indentured servant - **אמה**.

b. Covenant Stipulations

1) Ex. 21:7-10 When a man sells his daughter as a slave, she shall not go out as the male slaves do. If she does not please her master, who has designated her for himself, then he shall let her be redeemed; he shall have no right to sell her to a foreign people, since he has dealt faithlessly with her. If he designates her for his son, he shall deal with her as with a daughter. If he takes another wife to himself, he shall not diminish her food, her clothing or her marital rights.

2) Lev. 18:6-23; 20:11,12; 19:20; 20:10-21; especially:
 18:8 You shall not uncover the nakedness of your father's wife.
 18:15 You shall not uncover the nakedness of your daughter-in-law.

34. See also Hos 3:3.

3) Dt. 23:17 There shall be no cult prostitute of the daughters of Israel.

c. Observations.

1. The Amos indictment is directed toward the practice of a father and son having sexual intercourse with one girl.

Silver identifies the "girl" as a loan officer functioning within the sacred precincts, but this view is to be rejected based upon the scarcity of evidence regarding the economic procedures operating within the Israelite temple structure.³⁵

2. Exodus 21:7-10 specifies that the girl under consideration is a slave (אִמָּה), purchased as a wife, and is to be accorded honor either as a wife or daughter-in-law.

3. The Ex 21 passage is concerned with the rights of a female bondservant which has been sold into slavery by her father. In such a situation, the female bondslave is considered the property of her owner. Nevertheless, in Israelite law she is accorded certain rights which prevent her from being forced into a relation as concubine with both father and son.³⁶

3. The Leviticus stipulations are limited to the treatment of a wife.

35. Morris Silver, Prophets and Markets: The Political Economy of Ancient Israel, (Boston: Kluwer-Nijhoff Publishing, 1983), p.66, 67.

36. I. Mendelsohn, Slavery in the Ancient Near East, (New York: Oxford University Press, 1949), p.13.

4. The stipulation in Deuteronomy is against cultic prostitution. There is no prohibition limited only to a father and son.
5. The Amos text specifies father and son, leaving the identity of the girl in general terms.
6. The **הַגֵּעֶרָה** is not specified either as a **אִמָּה** or as a **קְדִישָׁה**.

The Exodus, Leviticus, and Deuteronomy texts are specific regarding the identity of the girl. The Exodus and Leviticus texts can be incorporated under the broader umbrella of the Amos text. If the reference in Amos is to cultic prostitution, then the Deuteronomy text is more comprehensive than the Amos text. If the Amos text is not a reference to cultic prostitution, then the Deuteronomy text is not parallel.³⁷ The moral stipulation in the Amos text is reminiscent of the moral statement of Dt 22:28-29. In Deuteronomy, the woman is guaranteed certain social rights as a result of the sexual activity of the male. The rights of the woman are further insured by the prohibition of Lev 18:15. The same social restraints are included in the Amos text.

37. In this respect the passage is problematic with scholarly work on each side of the debate. For a discussion of the issue see Wolff p.166-167.

2. SOCIAL OPPRESSION (ECONOMIC)

a. Prophetic Indictments

1. Amos 2:6

על-מכרם בגִּסְה צִדִּיק

Because they sell the righteous for silver

1. For the use of ב pretii in בגִּסְה see GKC paragraph 119 p.

2. צִדִּיק Designates "righteous" in the sense of being legally just. The victim is not under duress or guilt due to an infraction.³⁸

3. The parallel use of "righteous" with "poor" in the next phrase does not mean that the righteous were landless; in fact, throughout Amos the "righteous" are seen as in danger of losing their property. The most destitute in the social scheme, the widows and orphans, are not even mentioned by the prophet even though consideration of these two social classes serves as a moral rallying cry in both Pentateuchal and prophetic texts.

38. BDB. p.843. See also Eliezer Berkovits, Man and God. Studies in Biblical Theology. (Detroit: Wayne State University Press, 1969) ch.7.

4. The present accusation is seen by most modern scholars as a condemnation of an unjust creditor.³⁹ The questioned activity was conducted within the conscripts of the legal mechanisms of the community and so falls into that awkward category of activities which are at once legal but morally repulsive. The prophet's condemnation is not leveled at an infraction of law, but instead, Amos takes issue with the legal institution which no longer represents the moral order established by the God of Israel.

2. Amos 2:6

וְאַבְיוֹן בְּעִבּוֹר גְּעָלִים

And the needy for a pair of sandals

1. The phrase is understood as parallel to that just preceding.
2. Both phrases function as the object of **מָכַר**, "to sell".
3. The reference to a pair of sandals is probably an idiomatic phrase seen also in Amos 8:6, I Sam 12:3 (LXX), and in the custom involved in the narration found in Ruth 4:7. A pair of shoes functioned as a symbol of the exchange of property rights and a token of possession. The reference in Amos 2:6 suggests that the

39. Wolff, 1977, p.165. James L. Mays, Amos: A Commentary, (Philadelphia: Westminster Press, 1969), p.45.

prophetic indictment was leveled at those who considered the "needy" only as representative of an economic valuation.⁴⁰ Those indicted possessed the means by which to control the economic fortunes of the needy. That control was directed by values which led to the degradation of the misfortunate. This, the prophet finds unacceptable.

3. Amos 8:6

לקנוח בגסף דלים

That we may buy the poor ones for silver

1. The absence of the article ה before דלים may be explained rhythmically. There is no doubt however that לקנוח serves as the object of דלים.

4. Amos 8:6

ואביון בעבור געלים

And the needy for a pair of sandals

1. The phrase is in parallelism with the previous modifying לקנוח from above.
2. The absence of the ה as definite article for אביון is explained as above (3.1).

40. See also E. A. Speiser, "Of Shoes and Shekels," BASOR 77 (1940), p.15-20.

5. Amos 2:7

הַשְׂאִפִּים עַל-עַפְר־אָרֶץ בְּרֹאשׁ דָּלִים

Trample the head of the poor into the dust of the earth

1. **הַשְׂאִפִּים** is better read **הַשְׂאִפִּים** from the root **שוּף** attested in Gen. 3:15. This reading is supported by LXX. **BDB** suggests **שוּף** and **שִׂאף** are parallel in meaning, but this is to be rejected in favor of the more normal "pant or gasp after" translation of **שִׂאף**.
2. The subject of the verb is continued by the participial form from verse 6.
3. LXX reading of "and who slap" understood to be addition serving as parallel to **הַשְׂאִפִּים**.
4. Wolff understands "into the dust of the earth" as a late gloss which destroys the structure of the bicolon.⁴¹ His decision lacks textual support and is treated as tentative, not affecting the sense of the verse.
5. Several of the older commentators emphasize the connection of this phrase with that just preceding and understand it as a continuation of the activity of the creditor who longs for even the dust that clings to the body of the poor man.⁴²

41. Wolff, 1977, p.133.

42. W. R. Harper, Amos and Hosea, (ICC; New York: Charles Scribner's Sons, 1905), p.49-50.

6. Amos 5:11

לִבְנֵי יָעֵן בּוֹשְׁמָם עַל-דָּל

Therefore because you extort rent from the poor

1. **בּוֹשְׁמָם**, following Wolff's suggestion, is better read **שׁוֹבְסָם**. The **ש** and **ב** being transposed.

The root, as suggested by Torczyner, is understood from the Akkadian, sabasu "to levy taxes". Although this translation is suitable to the context of 5:10-12 the unusual form of the verb and the rarity of the root warn against a firm position.⁴³

2. LXX favors a root of **בּוֹס**.

3. The above understanding of the verb requires **עַל** to be understood in an antagonistic sense as seen in the "from" translation.⁴⁴

4. The parallelism established between this phrase and that of 11b gives support to the translation suggested above.⁴⁵

5. Most commentators understand this as a reference to some sort of tenant farming system in which the debtor is required to pay interest on a loan by forfeiting a portion of his harvest. There is no clear evidence of this social arrangement in Israel, however, and if the

43. Harry Torczyner, "Presidential Address," JPOS 16 (1936), p.6,7.

44. BDB, paragraph 119, dd.

45. H. R. Cohen, Biblical Hapax Legomena in the Light of Akkadian and Ugaritic, SBLDS vol. 37, (Missoula: Scholars Press, 1978), p.49.

situation did exist it probably was not the typical arrangement.⁴⁶ Akkadian sources suggest that the practice may be directed more toward governmental taxation rather than only private loan agreements. The reference to the wealthy in 11b may refer to those entrusted with the collection of the taxes on behalf of the state.⁴⁷ The prophet apparently sensed that it was the political system itself that led to the unjust treatment of the "poor" and not abuses of the system. As Dearman observes the, ". . . collection of taxes, or better forced exactions, was not the result of insolvency but a direct contribution to it".⁴⁸ This certainly is consistent with what the prophet observes about the judicial practices in the gate (2:7, 5:10), and the economic practices in the market place (8:4-6).

7. Amos 8:4.

הַשְׂאִפִּים אֲבִיוֹן

You who are trampling upon the needy

1. See above 2:7 note 5.1.

46. T. D. Mettinger, Solomonic State Officials. A Study of the Civil Government Officials of the Israelite Monarchy, (OTS 5; Lund: C W K Gleerup, 1971), p.87.

47. Marlene Fendler, "Zur Sozialkritik des Amos. Versuch einer wirtschafts - und sozialgeschichtlichen Interpretation alttestamentlicher Texte," EvT 33 (1973), p.37-38.

48. Dearman, 1988, p.30.

8. Amos 4:1.

הַעֲשִׂקוּחַ דָּלִים הָרָצוּחַ אֲבִינִים

Those who oppress the poor and crush the needy

1. The verbs **עשק** and **רצע**, as used in parallelism here to indicate maltreatment of the unfortunate, appear also in Hos. 5:11, I Sam 12:3-4, and Dt 28:33.

2. **עשק** connotes the activity of social and perhaps legal abuse resulting in the disallowance of the normal social rights and privileges on behalf of the victim.

3. **רצע** implies physical abuse, such as beating or hitting, afflicted upon the victim.

9. Amos 5:11

וּמִשְׁאַחַגְר חֲקָחוּ מִמֶּנּוּ

You take from him exactions of wheat

1. "Him" is understood as parallel to **ל** of the previous phrase.

10. Amos 8:4.

ולשביח עניי-ארץ

Bring the poor of the land to an end

1. **ולשביח**, an infinitive construct, is corollary to the participle **השֹׁאֲפִים** of the preceding phrase. This effect is achieved through the use of the copula **ו**.⁴⁹

b. Covenant Stipulations

1. Exodus 22:20 (English 21)

וגר לא-חונה ולא חלקצנו

You shall not wrong a stranger or oppress him

2. Exodus 22:21 (English 22).

בל-אלמנה ויתום לא תענון

Any widow or orphan you shall not afflict

3. Deuteronomy 24:14. you shall not oppress a hired servant who is poor and needy

49. BDB, paragraph 114, p.

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c. Observations

1. Cognates of the verb עשק are found in Amos 4:1 and Dt.24:14. Cognates of the verb רצץ occur in Amos 4:1 and Exodus 22:20 (English 21).
2. The object of עשק is אביון in both the Amos and Deuteronomy passages.
3. Exodus forbids oppression directed towards specific groups; strangers, widows, and orphans. Deuteronomy forbids oppression directed towards a hired servant. Amos, in comparison, fails to specify the objects of the oppression except by the adjectives, poor, needy, and righteous.⁵⁰ In a similar fashion, the action of oppression, in Amos, is unspecified and veiled behind metaphorical descriptives - trampling, and bringing to an end - which are not definable by a specific referent (Amos 2:7; 5:11; 8:4).
4. The prophetic indictments of 2:6 and 8:6 are directed against, what the prophet understands to be, a wrongful economic valuation of the afflicted which reduces their status in the community to that of a commodity. This treatment of the "righteous" while perhaps not in violation of any law stipulation is certainly contrary to the formation of a "kingdom of priests" and a "holy nation" as designed in Ex 19.

50. Amos 2:6 and 8:6 may have reference to debt slavery. If so, the object of the oppression is understood, by the audience, as specified.

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3. GARMENTS TAKEN IN PLEDGE.

a. Prophetic Indictments

1. Amos 2:8

וּעַל-בִּגְדֵיהֶם הִבְלִים יָשׁוּ אֶצֶל גֵּל-מוֹבָה

They lay themselves down beside every altar on garments taken in pledge

1. LXX lacks **עַל**. Wolff suggests that **עַל** represents a gloss intended to strengthen the connection of the phrase with the preceding verse. The addition of **עַל** will, in this instance, not affect the sense of the phrase.

2. The phrase "beside every altar" is considered by Wolff to be a later addition due to its cultic emphasis.⁵¹ Stylistic considerations support Wolff's position, but without textual evidence or grammatical necessity the view is rejected. The phrase, in the present formation of the text, finds its parallel in "house of their God" which Wolff would also relegate to the position of a later addition simply on the basis of his conclusion regarding the previous phrase.

51. Wolff, 1977, p.134.

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3. The "garment taken in pledge" was used as surety for an outstanding loan. The garment also served as a blanket in which to sleep and so, for sheperds, was a necessary occupational tool.

b. Covenant Stipulations

1. Exodus 22:25 (English 26)

אם-תִּבֹּל תַּחְבֹּל שְׁלֵמָה רֶעֶךְ עַד-בֹּא הַשֶּׁמֶשׁ חֲשִׁיבֶנּוּ לוֹ

If ever you take your neighbor's garment in pledge, you shall restore it to him before the sun goes down

2. Dt. 24:12,13 If he is a poor man you shall not sleep in his pledge, when the sun goes down you shall restore to him the pledge that he may sleep in his coat, and bless you and it will be righteousness to you before the Lord your God.

3. Dt. 24:17 or (not) take a widow's garment in pledge (parenthesis mine).

c. Observations

1. Two of the legal codes (Dt 24:6, 12-13, 17; Ex 22:25) expressly forbid the use of certain objects as pledges guaranteeing the repayment of a loan. These objects are all essential to the life and economic viability of the debtor. One of these objects was a garment.

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2. The indictment in Amos 2:8 may be either in response to a violation of laying beside altars, or laying on pledged garments, or both. The text is unclear at this point. If the indictment is against laying on pledged garments, then the inclusion of the phrase "beside every altar" is unnecessary. If the indictment is laying beside altars, then the inclusion of the phrase "on garments taken in pledge" is unnecessary. I understand the indictment to be directed towards a boldness which prompted the violation of laying on pledged garments even during the cultic observation.⁵² There is the possibility that the use of the garment in the cultic observance would have "sanctified" it, making its removal from the temple impossible. If this is indeed the case then the Amos invective is directed towards those greedy creditors who would not even risk losing their own garment in the service of the temple.⁵³

3. Fines, such as those listed in Amos 2:8b, were intended by the instructions contained in the Pentateuchal codes to make restitution to the injured party (Ex 22:1). Such fines were not intended to enhance the enjoyment of the privileged even if done so at a religious festival.⁵⁴

52. For opinions on the interpretation of this passage see, Julian Morgenstern, "Amos Studies IV: The Address of Amos-Text and Commentary", HUCA vol.32 (1961) p.314. and Wolff p.167.

53. Julian Morgenstern, "Amos Studies," HUCA 32 (1961), p.316.

54. Wolff, 1971, p.168-169.

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4. Amos does not specify that the garments are taken at night, while Exodus 22:25 (English 26) and Dt.24:12,13 include the phrase, "when the sun goes down".
5. Dt. 24:17 specifies that it is a widow's garment that is not to be taken.
6. Dt. 24:12-13 adds that the action of returning the garment is **נָתַן** (righteous). Amos uses this term, as do other prophets, as a key catch-word by which to indicate the fulfillment of covenant obligations (see 5:24).

This particular custom involving the use of a garment as surety for personal loans is illustrated by a letter dating from the seventh century and recovered from near the Mediterranean coast within the territory of Judah.⁵⁵ Albright's translation of the letter appears in its entirety below.

Let my lord commander hear the case of his servant.
 As for thy servant, thy servant was harvesting at Hazarasusim. And thy servant was still harvesting as they finished the storage of grain, as usual before the Sabbath. While thy servant was finishing the storage of grain with his harvesters, Hoshaiiah son of Shobai came and took thy servant's mantle.
 It was while I was finishing with my harvesters that this one for no reason took thy servant's

55. ANET, p.568.

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mantle. And all of my companions will testify on my behalf - those who were harvesting with me in the heat... all my companions will testify on my behalf. If I am innocent of guilt, let him return my mantle, and if not, it is still the commander's right to take my case under advisement and to send word to him asking that he return the mantle of thy servant. And let not the plea of his servant be displeasing to him.

While admittedly the text is fragmentary in places, it seems certain that the plaintiff is serving as a reaper, perhaps conscripted for this task, and is appealing to an official under whom the plaintiff is serving. The form of the letter conforms to that of a legal request.⁵⁶ It is instructive to note that the plaintiff's appeal is based, not upon the violation of Pentateuchal legislation (Ex 22:25-27) nor even upon recognized custom which prohibits the retention of the garment, but upon the alleged innocence of the plaintiff. Also it is instructive to note that the fortress commander (שר/ commander) functions in the role of adjudicator. This lends support for the conclusion that by the seventh century judicial and military authority was

56. J. Naveh, "A Hebrew Letter from the Seventh Century B. C.," IEJ 10 (1960), p. 129-139. and D. Pardee, "The Judicial Plea from Mesad Hashavjahu (Yavneh Yam): A New Philological Study," Maarav 1 (1978-79), p.33-66.

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exercised by the same official.⁵⁷ This may account for the failure on the part of Amos to distinguish between judicial officials and the political leaders (i.e. the "first" of the nation).

4. LEGAL INJUSTICE

a. Prophetic Indictments

1. Amos 5:12.

צָרִי צָדִיק לִקְחֵי נָפֶר

Persecuting the righteous, taking a bribe

1. **בֵּית יִשְׂרָאֵל** from 5:1 is treated as a plural in the address which continues through 5:12 and is referred to as the subject in 5:12.

b. Covenant Stipulations

1. Exodus 23:8.

וְשֹׁחַד לֹא חָקַח כִּי הַשֹּׁחַד יְעוֹר פְּקָחִים וַיְסַלֵּף דְּבַר צְדִיקִים

Take no bribe, for a bribe blinds the officials and subverts the cause of the righteous.

57. Dearman, 1988, p.106.

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2. Dt.16:19 You shall not take a bribe, for a bribe blinds the eyes of the wise and subverts the cause of the righteous.

c. Observations

1. The indictment made by Amos regarding bribery is essentially in the same form as the covenant stipulations in Exodus and Deuteronomy. The covenant stipulations add explicative clauses that are missing in Amos whereby the rationale for the stipulation is set forth. The Amos text indicates that taking a bribe is a form of persecuting the righteous and places the weight of emphasis upon this effect of the bribe. The Exodus text has the greater concern upon the harmful effects of the bribe on the legal system rather than the unfortunate victims. In this sense the Amos text is closer to that found in Dt rather than that found in Ex. The wisdom influence apparent in the Dt text, and the wisdom influences in Amos, suggest that the legal tradition used by Amos may have been transmitted by the "wise" of the Israelite nation.

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a. Prophetic Indictments

1. Amos 2:7.

יִדְרֹךְ עֲנוּיִם יָשׁוּ

Turn aside the way of the afflicted.

1. **נָשָׂה** used in the sense of perverting or wresting justice here and in 5:12.

2. The same verb is used in reference to the legal system elsewhere in the Hebrew canon (see also Ex 23:2,6; I Sam 8:3; Dt 16:19; Prov 17:23; Is 10:2, 29:21, 30:11).⁵⁸ The I Sam 8 passage is particularly instructive in the present discussion. In that text, the leaders of the Israelite society are depicted as making their appeal to Samuel for a king because Samuel's sons have "turned aside after gain; they took bribes and turned aside justice". The double use of "turn aside" indicates that there was perceived a connection between the behavior of the young officials and the condition of the judicial system. Whatever one might conclude about the historical accuracy of the narration, the text provides an insightful glimpse into the expectations placed upon the political leaders during the time of the pre-exilic monarchy.

58. See BDB p.641a.

3. The close proximity, within I Sam of; **נֹשֶׁה**, **שָׁחַר** and **מִשְׁפָּט** is reminiscent of the same three themes in Amos (2:6,7; 5:12).

4. It is likely that the judicial process was held in the gate of the town which hosted the affected parties. There, in the gate, the judges and witnesses would meet to adjudicate the case. The local citizenry was often involved as testifiers to the character of the parties involved, or as witnesses to the propriety of the proceedings (Ruth 4, I Kgs 21:8-14.). If, as in the case of I Kgs, one of the parties involved was wealthy or of high social standing, the possibility existed for the trial to be swayed and the "righteous" to be turned away. The moral tradition, disseminated throughout the whole community, was to act as a preventative to such judicial miscarriages.

2. Amos 5:12.

וְאַבְיוֹנִים בְּשַׁעַר הַטֹּרֶם

Turn aside the needy in the way of the gate.

1. See the note regarding **נֹשֶׁה** above (1.4) for the understanding of turning away with the sense of perverting justice.

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2. **שער** signifies the place where judicial practices were held in the communities of Ancient Israel.⁵⁹

b. Covenant Stipulations

1. Exodus 23:6

לֹא תָטֶה מִשְׁפָּט אֶבְיֹנָךְ בְּרִיבּוֹ

You shall not turn aside the justice due to your needy in his suit.

2. Exodus 23:7 Keep from a false charge and do not slay the innocent and the righteous.

c. Observations

1. Amos 2:7, 5:12 and Exodus 23:6 share the use of cognates of the verb **נָטָה**. This use of the verb is found only here in Ex and in other legal texts, Dt 16:19; 24:17; 27:19. The Dt texts remind one of wisdom texts (Jb 24:4, Prov 17:23), especially 16:19 which is parallel to Ex 23:8 except for Dt's substitution of **חֲנָמִים** for **פְּקָחִים** in Ex 23:8. This sense of **נָטָה** is found in I Sam 8:3. This text also mentions the acts of "perverting justice" and "accepting bribes" as reason for the disqualification of Samuel's sons as leaders in Israel.

59. For a discussion of the role of **שער** in the judicial system see, Donald McKenzie, "Judicial Procedure at the Town Gate," VT 14 (1964): 100-104.

The use of **נָשָׂה** in this relatively infrequent fashion combined with the other prohibited activities suggests that the narrator of I Sam 8 is making use of the Ex 23 tradition.

2. In Amos 5:12 and in Ex 23:6 **אֲבִין** is used as the object of the stipulation.

3. The nonspecific charge of "turning away" which the prophet levels is consistent with his metaphorical accusations of "trampling" used elsewhere. Here, however, the prophet's language is very close to the expressions from I Sam 8 and Ex 23. The similarity of these three texts and the demonstrated variety of ways in which the prophet could have formed his indictment (Hos 2:2; Is 1:23) suggests a close relationship between the prophetic statement and the Pentateuchal tradition. If Dt 16:19 and Prov 17:23; 18:5 are examined, the "wisdom" context of the tradition used by the prophet must be considered as a possible avenue for the transmission of the tradition.

a. Prophetic Indictments

1. Amos 5:12.

צָרְרִי צְדִיק

(You) oppress the righteous

b. Covenant Stipulations

1. Lev. 19:15.

**לֹא-תַעֲשׂוּ עוֹל בְּמִשְׁפָּט לֹא-חֶשֶׁא פְּגִי-ךָל וְלֹא תִהְדָּר
פְּגִי גָדֹל בְּצִדֵּק חֲשַׁפֵּט עִמִּיחָךְ**

You shall do no injustice in judgment. You shall not be partial to the poor or defer to the great. In righteousness you shall judge your neighbor.

2. Dt. 16:19 You shall not show partiality.

3. Dt. 24:17 You shall not pervert the justice due to the sojourner or to the fatherless.

c. Observations

The indictments in Amos characteristically refer to the object of oppression simply as the "righteous". The covenant stipulations, especially in Dt. 24:17, specify the object of the oppression by the terms, "fatherless" and "sojourner".

5. WEIGHTS AND MEASURES

a. Prophetic Indictments

1. Amos 8:5.

להקטין איפה ולהגדיל שקל ולעוה מאוגי מרמה

Make the ephah small and the shekel great and deal deceitfully with false balances.

b. Covenant Stipulations

1. Lev. 19:36

מאוגי צדק אבג-צדק איפה צדק והין צדק יתיה לגם

You shall do no wrong in judgment, in measures of length or weight or quantity. You shall have just balances, just weights, a just ephah, and a just hin.

2. Dt. 25:15 A full and just ephah you shall have.

c. Observations

1. The Amos passage specifies the intent of operating with false weights and measures by the introduction of the greater potential for profit represented by the shekel. Presumably the same intent on the part of the merchant is the object of

the prohibition in the covenant stipulations; however, it is not explicitly stated.

6. SABBATH REGULATIONS

a. Prophetic Indictments

1. Amos 8:5.

לאמר מתי יֵעָבֵר הַחֹדֶשׁ וְנִשְׁבִּיחָהּ שָׁבֵר וְהַשָּׁבֹעַ וְנִפְחָתָהּ-בָּר

Saying when will the new moon be over that we may sell grain and the Sabbath that we may offer wheat for sale.

b. Covenant Stipulations

1. Lev.23:3.

Six days shall work be done but on the seventh day is a Sabbath of solemn rest, a holy convocation. You shall do no work.

2. Dt.5:12-14 Observe the Sabbath to keep it holy, as the Lord your God commanded you. Six days you shall labor and do all your work but on the seventh is a Sabbath to the Lord your God. In it you shall not do any work, you or your son or your daughter or your man-servant or your maid-servant or

your ox or your ass or any of your cattle or the sojourner who is within your gates.

c. Observations

1. The indictment of Amos does not appear to indicate that there has been a violation of the specifics of the covenant stipulations. The covenant stipulation indicates the special character of the Sabbath. It is a day set apart from normal labor, a rest, because it is holy. The nature of the day requires that there be a cessation of that which provides economic advantage for the community. There is, according to the stipulation, to be a regular interruption of the normal pattern of commerce one day out of seven. The indictment given by Amos is directed toward those who viewed the Sabbath as an unwelcome interruption of commerce. While the people may have refrained from labor, as specified by the covenant stipulations, they were still considered in violation by the prophet for they did not keep the Sabbath holy. Instead they are indicted for scheming and eagerly anticipating the end of the Sabbath when they may once again resume their profit making.

PROPHETIC INDICTMENTS WHICH HAVE NO PARALLELS IN THE COVENANT
STIPULATIONS

1. VIOLATION OF RELIGIOUS AUTHORITY

a. Amos 2:12.

וַחֲשָׁקוּ אֶחָד-הַנּוֹרִים יַיִן

Made the Nazarites drink wine

b. Amos 2:12.

וְעַל-הַנְּבִיאִים צִוִּיתָם לֵאמֹר לֹא תִנְבְּאוּ

Commanded the prophets not to prophecy

1. The seriousness of this infraction is emphasized in 3:7-8. By refusing the prophetic voice, Amos accuses the community of refusing to acknowledge the activity of God within the community.

2. CULTIC VIOLATIONS

a. Amos 2:8.

יַיִן עֲנוּשִׁים יִשְׁחוּ בֵּית אֱלֹהֵיהֶם

They drink wine of those who have been fined in the house of their god.

1. **בֵּית** lacks the preposition, therefore the meaning "in" is supplied.

2. The present location of the phrase "those who have been fined" does disrupt what otherwise would be a bicolon formed by 8a and 8c. This stylistic consideration does not warrant the emendation of the text as it is consistent with the context of 8:7 and considerations of economic exaction.⁶⁰

3. Payment of obligations in kind is attested elsewhere in the Biblical text (II Kgs 4:1-7). Twice in the legal codes mention is made of compensation rendered in the form of a fine (Ex 21:22 and Dt 22:19).⁶¹

4. It is unclear exactly why the consumption of the wine taken as interest payment, in the confines of the temple, is held by the prophet to be morally wrong. It may be that the wine was not so much interest on an outstanding debt as it was a tax or payment on a debt that was structured in such a way so as to render its repayment impossible. If the cultic ceremony was concerned with the celebration of the bountiful provision of the deity on the behalf of the worshiper, then it seems apparent that the prophet was repulsed by the celebration which was at the expense of the poor of the community.

60. Contra Wolff, 1977 p.134 and textual note 8b from BHS.

61. M. Nash, Primitive and Peasant Economic Systems, (San Francisco: Chandler, 1966), p.76,77.

b. Amos 8:14.

הַנִּשְׁבָּעִים בְּאַשְׁמָה שְׁמֶרֶן

They swear by the shame of Samaria

1. Several have suggested that **בְּאַשְׁמָה** be amended to refer to the deity "Ashima" worshiped in Syria. Since there is no indication of a cult to this deity in Samaria, the suggestion must be viewed as tentative. Maag prefers to emend the consonantal text to **אַשְׁרָה**. There is evidence of the cult of Asherah in Samaria (I Kgs 16:33 and II Kgs 17:16) but this is not seen as evidence strong enough to warrant emendation.⁶²

c. Amos 8:14

וְאָמְרוּ כִּי אֱלֹהֶיךָ דָּן

And say as surely as your god lives, Oh Dan!

1. Dan has a long history of cultic association, both prior to and following the Iron Age. The most notable reference to the cultic activity of this site was that associated with Jeroboam I who established the city, along with Bethel, as the officially sanctioned place of worship in the Northern kingdom.

62. Victor, Maag Text, Wortschatz und Begriffswelt des Buches Amos. (Leiden: E. J. Brill, 1951), p.55. See also note in BHS Amos 8:14.

d. Amos 8:14

יְהִי דָרְךָ בְּאֵר-שֶׁבַע

And as surely as the power of Beersheva lives

1. The inclusion of "your god" by the LXX certainly seems to be an accommodation to the preceding **אֱלֹהֶיךָ**.

2. Attempts to find here a reference to a god or pantheon of gods require that the consonantal text be emended and are to be rejected.⁶³

3. JUDICIAL VIOLATIONS

a. Amos 5:10.

שָׂנְאוּ בַשַּׁעַר מְבִיחַ

They hate the one who reproves in the gate

b. Amos 5:10.

וְלֹבֵד תְּמִים יִתְעַבּוּ

And despise the one who testifies truthfully

63. The reader is referred to Peter Ackroyd, "The Meaning of the Hebrew DOR," *JSS* 13 (1968): 4. and Frank Neuberg, "An Unrecognized Meaning of the Hebrew DOR," *JNES* 9 (1950): 215-217. The translation of **דָּרְךָ** as strength is dependent upon the usage of the Ugaritic cognate *drkt* which implies power or strength.

4. LUXURIOUS EXTRAVAGANCES ⁶⁴

a. Amos 4:1.

הָאֹמְרָה לְאֹדְגֵיהֶם הִבִּיֵּאָה וְנִשְׁתָּה

Say to their masters, bring us some drinks

1. The third person pronominal ending does not disrupt the form of the oracle. The masculine form of the ending may argue against the subject being identified as the women of Samaria and instead refer to a social class.

2. The presence of the feminine ending in 4:2, **וְאַחֲרֵיהֶן**, may indicate that the original ending in 4:1 was feminine as well. If so then the referent would most likely be the well to do women of the city of Samaria.

b. Amos 6:4.

הַשֹּׁנִיִּים עַל-מִשׁוֹחַ שֵׁן

Who lie upon beds inlaid with ivory

c. Amos 6:4.

סִרְחִים אֶל-עִרְשׁוֹתָם

Lounge about on their couches

64. For an interpretation of this category of indictments as indicative of a religious festival see, R. B. Coote, Amos Among the Prophets. Composition and Theology, (Philadelphia: Fortress Press, 1981), p.36-39.

1. **סרח** used to refer to a blanket or turban which is spread out (Ex. 26:12).

BDB describes the verb as that which refers to that which is free, and unrestrained. The subject of the verb extends beyond its limits.⁶⁵ The picture painted by the prophet is one in which the participant dreamily overflows the couch on which he or she is reclining.

d. Amos 6:4.

ואכלים ברים מצאן ועגלים מחור מרבק

You dine on choice lambs from the flock and calves from the stall.

e. Amos 6:5.

הפרטים על-פי הגבל

You strum on your harps

f. Amos 6:5.

נרוד חשבו להם נלי-שיר

Like David you improvise on musical instruments

1. The phrase **נרוד** is often considered to be a late addition as it disrupts the pattern of three-stress cola found in the section. The LXX offers a considerably different rendition of the verse, which however, due to

65. **BDB** p.710a.

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the parallelism found in verse 4 and 5 need not concern us here except to note that the LXX does seem to assume a consonantal text which includes כָּלֹר. Wolff is of the opinion that the mention of David is out of place in the pre-exilic Northern Kingdom of 8th century Israel and so must represent the work of a later, exilic editor.⁶⁶

2. Due to the absence of any textual difficulties presented by the mention of David, the phrase is accepted as authentic.

g. Amos 6:6.

הַשָּׂחִים בַּמִּזְרָקִי יֵין

You drink wine by the bowlful

1. The preposition "in" used in reference to the drinking apparatus may indicate the effortless and luxurious manner in which even this activity was performed. Little energy is expended as the drinker's mouth rests upon the rim of the bowl.⁶⁷

66. Wolff, 1977 p.273.

67. Wolff, 1977 p.273.

h. Amos 6:6.

וּרְאִישֵׁי שְׁמָנִים יִמְשְׁחוּ

And anoint themselves with the finest oils

1. The use of **וּרְאִישֵׁי** in reference to the first quality oil finds an ominous parallel in verse 7 where it is said that those who are using the oil from verse 6 will be the first to go into exile. Those privileged to be "first" in verse 6 will also be in the unfortunate position of "first" in exile.

5. Pride

a. Amos 6:13.

תִּשְׂמְחוּ לֹא דִבָּר

You who rejoice in Lo-Debar

1. **לֹא דִבָּר** literally means "nothing".
2. In Amos 6:13 "Lo-Debar" serves as a place name and is found also in Josh 13:26 and II Sam. 9:4, 5; 17:27. The incident, brought to mind by Amos, is undoubtedly the one written of briefly in II Kgs 14:25. Jeroboam II was successful in various military expeditions, which prompted a boastful attitude among the citizens of the capital. The text in Amos 6:13 creates a pun using the name of a site conquered by the armies of Israel to

indicate that the boasting of the populace is totally unfounded as the captured city was "No-thing".

b. Amos 6:13.

הַאֲמַרִּים הָלוֹא בְּחֹזְקֵנוּ לָקַחְנוּ לָנוּ קַרְגִּים

And say, "Have we not by our own strength taken Karnaïm for ourselves?"

1. The pun which was begun in the first half of this verse is continued here with the use of **קַרְגִּים**.
2. This word, literally translated as "horns", is used here to refer to a settlement within the sphere of Israelite influence. Taken in battle from the Syrians, the conquered village served as a symbol of the power of the Israelite nation. The symbolic use of "horn" in the Ancient Near East is vividly portrayed in the story of Macaiiah in I Kgs. 22:10,11.

c. Amos 9:10.

הַאֲמַרִּים לֹא-תִגִּישׁ וְתִקְדִּים בְּעַדֵּינוּ הַרְעָה

Those who say "disaster will not overtake or come upon us"

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6. GENERAL MORAL ATTITUDE

a. Amos 3:10.

וְלֹא-יָדְעוּ עֲשׂוֹת-נִנְקָה הָאוֹצְרִים הָמָס וְשָׁר בְּאַרְמְנוֹתֵיהֶם

They do not know how to do right, ... those who store up
violence and robbery in their strongholds

1. The LXX translates "lands" for "strongholds" both here and in 3:9. **אַרְצוֹת** is certainly more common than **אַרְמְנֵי** but the substitution is unnecessary.
2. The language employed by the prophet in this oracle (3:9-10) is not specific, indicating only a general economic nature to the offense.⁶⁸
3. The oracle does specify the culprits as the political rulers of the Northern Kingdom. Ashdod and Egypt are encouraged to gather on the *mountains* of Samaria to witness against the inhabitants of the *mountain* of Samaria. Omri and his son Ahab built the capital of the Northern kingdom upon this height and subsequently the mountain of Samaria came to be the location of the political administration of the kingdom. The reference to the hill of Samaria is then a reference to those entrusted with the political administration of the state.⁶⁹ It would appear that, in the opinion of the

68. See I Sam 12:3-4, Mic 2:2, Hos 12:8, Jer 21:12, Prov 14:31, 22:16.

69. Dearman, 1988, p.27.

prophet, royal policy was a major contributor to the socio-economic problems of Israel.

b. Amos 5:7.

הַהֲפָנִים לַלְעָגָה מִשְׁפָּט

Those who turn justice to wormwood

1. The LXX seems to favor an emendation of לַלְעָגָה to לַמַּעֲלָה.
2. Following the emendation of this verse, the sense is that justice was "turned on its head".⁷⁰ The emended text does have a parallel in Judg 7:13 but given the absence of any problems posed by the present, MT text, it seems preferable to follow the MT in the consonantal rendition of this verse.

c. Amos 5:7.

וַצַּדִּיקָה לְאָרֶץ הַנִּיחָו

Cast down righteousness to the earth

1. The LXX rendition of the first half of this verse makes it necessary to translate the second half quite differently than that which is presented in the MT. As noted by Wolff, the language of the MT of this verse

70. Maag also follows this emendation, see Victor Maag, Text, Wortschatz und Begriffswelt des Buches Amos, (Leiden: E. J. Brill, 1951) p.30.

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does correspond to other parts of the Amos text (5:24; 6:12).⁷¹

d. Amos 6:6.

ולא גחלו על-שבר יוסף

And are not grieved over the ruin of Joseph

1. This indictment finds its balance and strength from a comparison to the luxurious consumption of the people mentioned earlier who have no foresight nor understanding of the doom which awaits the population.

e. Amos 6:12.

ני-הפנתם לראש משפט

Who have turned justice into poison

f. Amos 6:12.

ופרי צדקה ללעגה

(Who have turned) the fruit of righteousness into bitterness

7. Observations

These indictments, which have no literary parallel in the covenant stipulations, must be seen to be taken from, 1)

71. Wolff, 1977, p.229.

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a law tradition not otherwise preserved, or 2) are implications drawn by the prophet perceived to be consistent with the preserved covenant stipulations and having their foundation in the preserved tradition. While it is certainly conceivable that several of the maledictions stem from a law code, (e.g. do not make Nazarites drink wine, do not forbid prophets to prophecy), it is equally difficult to imagine a law code which forbids lounging on couches, or strumming on harps, or rejoicing in the conquest of Lo-Debar. Further, it seems as though several of the indictments have reference to no one single activity (e.g. turning justice into bitterness, casting righteousness to the ground). Therefore it seems to be in error to postulate an "unknown law code" to which the above maledictions refer. The suggestion of the hermeneutic of Amos must then account for the occasion of parallel occurrences in the covenant stipulations as well for the lack of such parallelism.

C. Concluding Remarks

The following conclusions are offered, based upon the above observations regarding the indictments found in Amos.

1. When parallels to the prophetic maledictions can be found in the covenant stipulations, the prophetic statements are generally more comprehensive and less specific (e.g.

Dt.24:14 you shall not oppress a hired servant, Amos 4:1

oppress the poor and the needy). The phrase "widows and orphans" is absent in the prophetic text and in its place the prophet uses the more socially unspecified phrase "poor and needy".

2. The maledictions in Amos, when specifically directed toward Israel, are not given to a particular historical referent thereby precluding a direct correspondence between the covenant stipulation and the supposed infraction. Specific criminal acts are not enumerated as is the case in the Oracles against the Foreign Nations of chapter one and two.

3. Several of the maledictions are strikingly similar to the covenant stipulations, especially those regarding bribery and false weights.

4. The prophetic indictments regarding bribery are particularly suggestive of Pentateuchal influence mediated by the "wisdom" circles. This is evident by noting the wisdom emphasis in Dt 16:19 when compared with Ex 23:6-8 and the frequency of the verb "turn aside" in Prov 17, 18 and in Amos when compared with statements from other prophetic documents on the same topic (Hos 2:2 and Is 1:23).

5. On one occasion, the violation of the Sabbath in Amos 8:5, the demonstration of an attitude was sufficient cause for the prophet to formulate an indictment, even when the stipulation itself was not broken. The negation of the function of the stipulation was enough to conclude that the stipulation was violated.

6. There occur, in Amos, indictments which have no parallel in the covenant stipulations. There is no apparent distinction made in the function of the prophetic indictments which have a parallel in the covenant stipulations and those indictments which have no such parallel. Equal authority is assigned to both.

Excurses 1

Select Observations Regarding Biblical Law

Within the context of an examination of the prophetic use of the legal traditions of the Pentateuch, it seems worthwhile to make several summary observations concerning Ancient Israelite law in general. As has been noted by numerous scholars, law is an expression of the values of a society.⁷² Speiser stated that Israelite law was the "touchstone" and again the "key" to the civilization.⁷³

It is not surprising then that Israelite law should share certain characteristics with that of her neighbors while at the same time expressing distinct differences when compared to the other civilizations of the Ancient Near East.

The first general observation to be made concerning Ancient Israelite law is that it has parallels in form throughout the ANE. The discovery of these parallels between the literary form of Israelite law and pronouncements from

⁷² Shalom Paul, Studies in the Book of the Covenant in Light of Cuneiform and Biblical Law, VT Sup vol.18, (Leiden: E. J. Brill, 1970), p.1.

⁷³ E. A. Speiser, "Law and Civilization", Canadian Bar Review, 31 (1953), p.871 and p.876.

Egypt, Sumer, and Babylonia has led to considerable speculation concerning the origin of the law codes appropriated by the Ancient Israelites.⁷⁴ While these speculations have yet to be convincingly demonstrated, to the satisfaction of the majority of Biblical scholars, the comparative investigations have led to the conclusion that the forms of the legal pronouncements in Ancient Israel were by no means unique to that society.

The examination of the common form of the law codes used by Israel has brought to the attention of the scholarly community the distinctive Israelite intent which has been infused into the law codes of Ancient Israel. Paul has convincingly demonstrated that throughout Ancient Mesopotamia, "The ultimate source of law...was independent of the deities and belonged to a sphere of existence that surpassed both the human and the divine."⁷⁵ That is, law in the view of Israel's Mesopotamian neighbors was analogous to

74. George Mendenhall argued that the apodictic form of Israelite law has its antecedents in the Hittite Suzerainty covenant, George Mendenhall, "Covenant Forms in Israelite Tradition", *BA*, 17 (1954) p.50-76. Moshe Weinfeld suggested that the Hittite "Instructions" were the origin of apodictic law. Moshe Weinfeld, "The Origin of Apodictic Law; An Overlooked Source" *VT* 23 (Jan.1973), p.63-75. Stanley Gervitz offered a suggestion which stated that the law sprang from a curse formula. Stanley Gervitz, "West-Semitic Curses and the Problem of the Origins of Hebrew Law", *VT* 11 (1961), p.137-157. Finally Erhard Gerstenberger, supported by Gerhard von Rad, argued for the Israelite clan as the source for the ancient law formulations. Erhard Gerstenberger, "Covenant and Commandment", *JBL* 84 (1965), p.38-51 and Gerhard von Rad, *Deuteronomy a Commentary*, (Philadelphia: Westminster Press, 1966).

75. Paul, p.6.

a body of cosmic truth which was protected and disseminated by the gods and their representative, the king. The practical result of this arrangement seems to be that the law codes of Mesopotamia were founded upon a concept of order separable from the cultic expression of the society. The major concern of all of the Mesopotamian law codes is the protection of property and reparation of losses inflicted by the guilty party.⁷⁶ The Israelite law codes on the other hand view the God of Israel as the only legitimate source of her law. Consequently, there is no separation of secular and religious law. Legal legislation, moral rules, and religious orders are intertwined into a composite reflecting the singular source of law.⁷⁷ It is no surprise that, in the Israelite codes, the criminal is viewed as offensive toward God as well as offensive toward society.

A final observation concerns the specific formulation of law found in Exodus 20:2-17. Alt, in his benchmark description of Israelite law, separated the formulations into two basic types corresponding to their literary form.⁷⁸ He was the first to label the "if-style" of legal formulation casuistic law, and the simple command or prohibition, "you shall not", apodictic law. While the criteria used to

76. Moshe Greenburg, "Some Postulates of Biblical Law", Yehezkel Kaufmann Jubilee Volume, edited by M. Haran, (Jerusalem: Magnes Press, 1960), p.9.

77. Paul, 1970, p.8.

78. Albrecht Alt, "The Origins of Israelite Law", translated by R. A. Wilson and reprinted in Essays on Old Testament History and Religion (Oxford: Basil Blackwell, 1966).

determine the category for apodictic law has not withstood scholarly scrutiny, the label has remained a convenient one. The pronouncements in the code of Exodus 20:1-17 are of apodictic form and differ from the more prominent casuistic formula. In fact, if law formulas are composed of a definition of the legal norm and a stipulation of the punishment for infraction, then it can be argued that the code in Exodus 20:2-17 has an intent other than the communication of legislation. M. E. Andrew indicates that the purpose of these pronouncements is not to stipulate legal consequence but to, ". . . fit the life of the individual into that of the social group."⁷⁹ The code is didactic in nature, indicating the moral boundaries of the self-perception of the community. By adherence to the code, the assumption is that the individual enables the continuation of the community and insures his participation in its cultural dynamics. This observation is particularly pertinent to the investigation of the prophetic use of the legal tradition. The prophet Amos indicates that, due to violations of the law, the social order of the Israelite state was threatened. Those entrusted with the preservation of the community's traditions, the political and cultic leaders, were indicted, by the prophet, as the chief of the culprits. This predicament suggested to the prophet that the institutions of

79. J. J. Stamm and M. E. Andrew, The Ten Commandments in Recent Research, (Naperville IL.: Alec Allenson, Inc., 1967), p.45.

Israelite society were incapable of reform and that judgement was imminent.

Excurses 2

לל and אבין The Poor and the Needy

There are several terms used in the prophecy of Amos which deserve special consideration due to their importance in identifying those who are the victims of the abuses mentioned in the book. The terms which the prophet employs locate the victims within the social order of the community and thereby help to illuminate the nature of the social interaction which served as the context for the prophetic indictments. In the discussion of these terms I will briefly mention etymological material where it is considered helpful. The majority of the discussion will center on the prophetic usage of the term and on the occurrence of the term in traditions which may have influenced the prophetic usage.

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1. 𐤔𐤕 (poor)⁸⁰

The root 𐤔𐤕 is found in most Semitic languages.⁸¹ Particularly useful in the investigation into Amos is the occurrence of the root in the recovered Ugaritic literature. Although the identification of the root at times causes great difficulties in the Ugaritic literature, the occasional parallelistic use of dl with hbt, "to plunder, steal, or rob", suggests that dl has a similar connotation, perhaps "to make poor, or oppress". The root does not seem to suggest the idea of poor or helpless (אֲבִיּוֹן) but rather that of "oppressed, exploited, or enslaved".⁸² As is common throughout the ANE, the regency of the king was evaluated as to how well the poor and oppressed fared under his rule. The plight of the poor was evidently thought to have been a political concern.

In the Old Testament text 𐤔𐤕 occurs 48 times. Predominantly the word occurs in poetic texts (39x's). Those

80. The reader of English should bear in mind that while, for convenience, the Hebrew terms will be translated by just one English term, the semantic context in which the word is used in various Biblical texts will provide different nuances to the Hebrew word which effect the English translation. Where necessary this aspect of translation will be noted in the commentary of that particular occurrence.

81. T. Donald, "The Semantic Field of Rich and Poor in the Wisdom Literature of Hebrew and Accadian," Or Ant 3 (1964), p.27-41. A. van Selms, "Akkadian DULLU(M) as a Loan-Word in West Semitic Languages," JNSL 1 (1971), p.51-58. H. Fabry, "dl", TDOT, vol 3, p.208-230. J. Grey, "Social Aspects of Canaanite Religion," VT Sup 15 (1966), p.170-192.

82. H. Fabry, TDOT, vol 3, 1978, p.214.

texts most pertinent to the study of Amos being, Ex: 23:3,⁸³ Jer (2x's), Job (6x's), and Prov (15x's). All four occurrences of the word לָד in Amos appear in parallelism with the word אַבִּיּוֹן (2:7; 4:1; 5:11; 8:6). An examination of the legal documents; the BC (Ex 23:3) and the Holiness code (Lev 19:15; 25:6), indicate that the לָד was a full and free citizen, not listed as a household dependent, who is caught in the daily struggle of survival and the maintenance of his independence. He is vulnerable to those who are more wealthy and so is in special need of the protection of the court in order to retain possession of his small land holding.⁸⁴

The early Wisdom Literature presents the picture of the Lord God of Israel as the lawyer for the lower classes in which are included the לָד.⁸⁵ The king, destined to emulate the Lord, is then encouraged to protect the rights of the poor and oppressed (Prov 29:4,14; 31:5). The recipients of this special attention are distinguished from those who through their own neglect and laziness have become poor (Prov 12:11,24; 13:4; 24:33). The cool and indifferent attitude which the Proverbs displays towards those who are responsible for their own misfortune gives way to concern for the אַבִּיּוֹן and לָד. The difference in attitude suggests that a sense of

83. For the discussion of the translation of this text and the use of either dal or gadol see, H. Fabry, 1978, p.218.

84. Gerhard von Rad, Old Testament Theology, vol 2, 1965, p.135.

85. This concept also is evident in Egyptian literature, "Wisdom of Amenemope," ANET, p.421-424.

social responsibility had developed to which the Proverbs are giving expression.

This same ethos, demonstrated in the Wisdom Literature, is expressed in the prophecy of Amos. Amos uses לל (2:7; 4:1; 5:11; 8:6), אביון (2:6; 4:1; 5:12; 8:4,6), and ענו (2:7; 8:4) in close association with each other. The ethos expressed in Proverbs and the social stipulations of Ex 23 are given concrete formulation in Amos' invectives against the social elite of Samaria. The לל mentioned in Amos retain property, for fines are exacted from them. They are nevertheless subject to abusive treatment and are in jeopardy of exploitation by the upper strata of the society (2:7; 5:11; 8:6). The posture assumed by the prophet is not one which champions the cause of the small farmer simply because he is a small farmer, but instead is one that brands the practices of the upper strata of society as contrary to the will of God due to its inhumane treatment of the poor. The devaluation of the worth of the poor is expressed economically (5:12) and judicially (2:7) and as a result the offenders stand in danger of the punishment of God.

2. אביון (needy)

The Hebrew term אביון occurs 61 times in the Hebrew OT. The greatest frequency of usage is in the Book of the Covenant (2x's), Dt (7x's), the prophetic texts (17x's), Pss

(23x's), and the wisdom literature (10x's). Given the comparative size of the literature, the usage in Amos is striking (5x's).

In the Book of the Covenant **אביון** is clearly contrasted with the landowner (Ex 32:11). The landowner is able to live off of the surplus produce of the land during the fallow years while the **אביון** is forced to eat that which grows wild. The Book of the Covenant explicitly forbids perverting justice which is due to the **אביון** (Ex 23:6). It is interesting for our examination of Amos that prohibitions against the mistreatment of the righteous (Ex 23:7) follow close behind the regulations protecting the **אביון** (Ex 23:6).

The Wisdom Literature, particularly Proverbs, uses other terms in reference to the poor (**עני**, **ראש**, and **דל**) much more frequently than **אביון**. Frequently, poverty is depicted as the outcome of a lifestyle (10:4; 14:23; 19:15; etc.), yet the admonition is also present that the one who oppresses the poor insults the Creator (19:7; 17:5). Very explicitly, the Proverbs indicate that the "innocent poor" (**אביון**) are specially cared for by the Lord God of Israel. The person who shows kindness to the poor receives kindness from the Lord (19:17; 22:9).

Amos uses **אביון** in 2:6; 4:1; 5:12; 8:4,6. The term finds its parallel in the term **דל** in 2:7; 4:1; 5:11, 8:6, and **אנבים** in 2:7; 8:4. Of particular interest is the parallel usage with **צדק** in 2:6; and 5:12. The **צדק** and **אביון** are victims of the perversion of justice within the city gate.

These unfortunates are deprived of their rights, something guaranteed by the Decalogue and presented in the law as an integral part of their "righteousness" (Ex 19-20). Parallel to the enslavement of the צדק and the אביון in 2:6, verse 7 mentions the affliction of the דלים and the אנבים.

Interesting is the parallel occurrence of this indictment in 8:6 which replaces the צדק with דלים but maintains אביון in both 2:6 and 8:6. The antagonists of the אביון are mentioned explicitly only in 4:1, the "cows of Bashon". These luxurious pleasure seekers are accused of maintaining their lifestyle by oppressing the "poverty stricken" (דלים) and crushing the "innocent needy" (אביון).⁸⁶ Amos' tendency to use אביון in parallelism with "righteous" suggests a moral sensibility which is inflamed by what he perceives to be a violation of property rights.

86. For a more detailed treatment see, G. Johannes Botterweck, "'ebhyon," TDOT, vol 1, p.27-41. Edited by G. Johannes Botterweck and Helmer Ringgren. Grand Rapids: Eerdmans, 1974.

Chapter 5

Conclusions

The preceding pages have been an investigation into the moral tradition expressed in the prophecy of Amos. The suggestion was made that the problem of law in the prophets is, in part, a hermeneutical problem and as such its resolution can be aided by the application of hermeneutical theory. Select aspects of hermeneutical theory taken from the work of Jurgen Habermas were appropriated as helpful in the investigation of law in the prophecy of Amos. Habermas asserts that, "Social actions can only be comprehended in an objective framework that is constituted conjointly by language, labor and domination".¹ In applying this assertion to the problem of law in Amos, it has been necessary to add to the literary critical investigation of the prophetic document an investigation into the mode of production which characterized Israel in both the tenth and the eighth centuries. This investigation provides a plausible context in which to view the prophet's use of Israel's moral tradition.

A change in the mode of production, according to Habermas, ". . . entails a restructuring of the linguistic world view".² This restructuring, in the evolution of Ancient Israelite society, includes aspects of agricultural

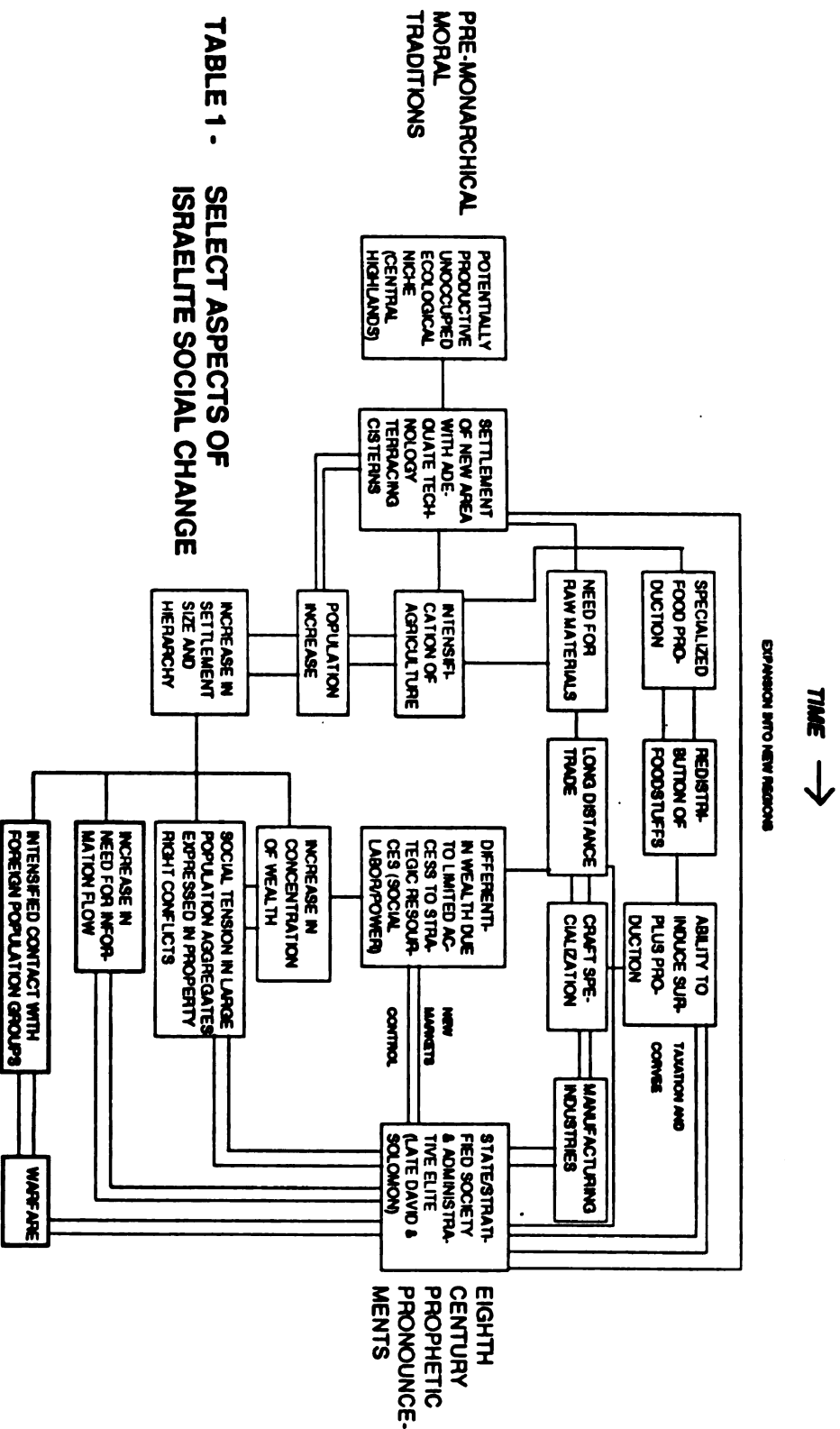
1. Habermas, 1977, p.361.

2. Habermas, 1977, p.360.

intensification and the centralization of social authority in the monarchy which occurred in tenth century Israel, and provides a foundation by which to understand the similarities as well as the differences between the moral statements formulated by Amos and those appearing earlier in the history of Israel's moral tradition. Table one illustrates select aspects of the social change experienced by Israel from the tenth to the eighth centuries which impacted the formulation of the prophetic moral tradition.³ Of particular interest, in this study, were elements of technological innovation and socio-political change which accompanied agricultural intensification.

Tenth century Israel was composed mainly of agricultural settlements organized according to clan relationships. The intensification of agriculture which took place at the end of the tenth century and which extended into the ninth century was accompanied by the establishment of a centralized social authority in the form of the monarchy. The agricultural intensification of the period and the centralized social authority is attested to by the remains of building projects which were both labor intensive, requiring the cooperative effort of the community, and regulated by a recognized social

3. Adapted from C. L. Redman, "Mesopotamian Urban Ecology: The Systemic Context of the Emergence of Urbanism," Social Archeology, ed. C. L. Redman et. al. (New York: Academic Press, 1978), p.329-348.



authority for the benefit of the community.⁴ This new social authority gradually changed the manner in which private land holdings were managed, and gradually assumed a position of privilege in the redistribution of agricultural surplus.

I Samuel 8-12 illustrates the growing opposition to the evolution of this social power which was felt by, what may have represented, the traditional elements of the social order. The writer of the passage believed that the monarchy represented a significant change in the social order of Israel, and was destined to make her "like all the nations". Samuel's objections to the monarchy are stated in economic terms and foreshadow an imminent alteration in traditional relations of social labor and domination. This change altered the customary property rights of the individual and resulted in a social bifurcation regarding the use and distribution of agricultural surplus. That surplus was placed into the hands of an administrative elite gathered around the monarchical authority.⁵

The intensification of agriculture, and the techniques which aided in that intensification were joined in the eighth century by a unique blend of international developments which led the Israelite community to absorb certain Assyrian economic values. Most noticeably, the economic potential of the community was placed in the hands of the monarch and the

4. These building projects include the appearance of water cisterns, public storehouses, presses for both wine and olive oil, and land terracing (see pp. 72, 74-76).

5. See Frick, 1985, p.52.

social power accompanying that potential was given expression in the Israelite community during the political renaissance experienced under Jeroboam II. The change in the mode of production, witnessed by the intensification of agriculture, and the change in the relations of social power, due in part to the Assyrian influence, placed into the hands of an elite access to the economic surplus of the Israelite nation. These expressions of systems of labor and domination provide the "constraints of inner and outer nature" which, with tradition, provide an objective framework whereby, as Habermas states, "social actions can be comprehended".⁶ This objective framework, constituted by language, social labor, and domination, accounts for the similarities and the differences between the prophetic indictments and the pre-monarchical law codes. Particularly it accounts for the predominance of the indictments directed towards the judicial and economic leaders of the community. The urban structure of eighth century Israel placed judicial and economic authority into the hands of a select minority, thereby giving this select group unbridled power over the vast majority of the population.

Those exercising economic privilege, the "first" of the nation, come into sharp condemnation by the prophet as they are accused of maltreatment of the "poor and the needy" and in so doing are not "grieving over the ruin of Joseph". The

6. Habermas, 1977, p.361.

moral traditions of the Pentateuch are reformulated within the framework of the relations of social labor and domination of the eighth century social complexes.

The changing relations of social labor and domination provide a context in which to place the changing Israelite moral tradition. Those changes, as expressed by the prophet Amos, are best identified through a comparative examination of the appropriate selections of the Amos prophecy and the pre-monarchical law codes. As a result of the philological examination in chapter four the following concluding observations are offered.

1. Although the prophetic document does not contain a code delineating moral behavior, a moral tradition is given expression by the prophet and is identifiable through the isolation of indictments presented, by the prophet, against the community of Israel. The lack of rational support for the indictments and, particularly in chapter 7, the lack of any protestation, on the part of the indicted regarding the propriety of the accusation, indicates that the moral expectations of the prophet were not foreign to his audience. The prophet is giving voice to a publicly recognized moral tradition.

2. A selection of the prophetic indictments finds thematic parallel in the pre-monarchical law codes, while other indictments are not paralleled in those codes. In no instance can it be demonstrated that the prophetic document

reproduces the literary formulation of the pre-monarchical codes.

3. When parallels to the prophetic statements can be uncovered within the Pentateuchal codes, invariably the prophetic statements will be more general in scope. Conversely, those prophetic accusations which do admit to specific reference (e.g. lounging on couches 6:4, rejoicing in Lo-Debar 6:13) are without Pentateuchal parallel or are problematic in their relationship.⁷ The general nature of the prophetic indictments should not lead one to suspect that the prophet was incapable of citing specific violations of his moral tradition. The indictments found in chapter one and two of the Book of Amos demonstrate that the prophet was capable of evaluating specific social actions and commenting upon the moral propriety of those actions. The general nature of the indictments against Israel suggest that Amos was more concerned with the moral tradition of the community rather than the specific institutions informed by that tradition.

As indicated earlier, the prophet was well versed in the liturgy and ritual practiced by the cult in the Northern kingdom.⁸ His ironic use of that liturgy, and the unmitigated condemnation of the cultic sites, indicates that the prophet's hope for reform was focused outside of the cultic institution. The same can be said regarding the prophet's attitude towards the legal institutions of the community.

7. e.g. a father and son going into the same girl.

8. See pages 53-58.

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Amos demonstrates an awareness of the judicial practices and the conviction that effective reform must originate outside of the formal institution. The judicial officials are accused of bribery and "turning aside" the needy. The solution to this problem, offered by the prophet, is not judicial reform.

This conclusion is further supported by the prophetic recommendations offered by which to remedy the dilemma facing the Israelite society. The prophet advises his audience to "seek the Lord", and to "Seek good", or to "let justice roll down like waters and righteousness like an ever-flowing stream", rather than offering any program for social reform.

4. Although it cannot, as of yet, be demonstrated conclusively, the moral tradition utilized by the prophet appears to have been mediated by the wisdom circles in Ancient Israel. In addition to the literary evidence which can be accumulated from other parts of the prophetic document, the indictments formulated by the prophet betray a wisdom influence. This can be detected most clearly by noting the wisdom emphasis of Dt 16:19 in comparison to its counterpart taken from the Book of the Covenant in Ex 23:6-7. Dt 16:19 reworks the Ex 23 passage and expresses it by means of vocabulary indicative of a wisdom influence. The same type of wisdom emphasis is present in Amos. This is particularly noticeable through the frequency of the use of **חָכָם** in the Prophetic indictments directed against Israel. The term, used in a judicial context, is relatively rare outside of the wisdom literature and suggests the influence of the wisdom

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tradition.⁹ The dependency of Amos upon the Pentateuchal traditions, mediated by the wise, is especially evident in the prophetic statements regarding bribery. Hos 2:2 and Is 1:23 present variant formulations of the same indictment, but without the "wisdom" terminology. Presumably Amos could have done likewise, but instead he formulates an indictment which shares the form and vocabulary of the Dt passage. The presence of wisdom vocabulary and literary forms favored by the wisdom circles suggests that Amos was influenced by the wisdom tradition in the formulation of his moral expressions. There is slight evidence, however, to indicate that this influence was due to any professional affiliation which Amos is thought to have had with the wise.¹⁰

Throughout the course of this investigation it has been maintained that the contextualization of the prophetic tradition within elements of social labor and domination provides a plausible explanation for the prophetic use of the same tradition expressed in the pre-monarchical law codes. Any suggestion as to the influences upon the prophetic moral tradition by the pre-monarchical tradition must account for the similarity as well as the dissimilarity between the prophetic expressions and the pre-monarchical codes. Three

9. For methodological considerations the reader is directed to a recent discussion of the wisdom influence in the Psalms by Avi Hurvitz, "Wisdom Vocabulary in the Hebrew Psalter: A Contribution to the Study of 'Wisdom Psalms'," *VT* 38 (1988) p.42-51, and Bernard Gosse, "Le Recueil D'Oracles contre les Nations du Livre D'Amos et L'"Histoire Deuteronomique," *VT* 37 (1988), p.22-40.

10. Contra Terrien, 1962, p.114-115.

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possible hypotheses present themselves in accounting for this situation. 1) The prophetic indictments which have no parallel in the Pentateuchal codes were moral assessments privately formulated by the prophet and imposed by him upon the community. These private evaluations have no parallel in the traditions of the community because they were not part of the moral tradition of the community. This suggestion falters, however, when it is remembered that the community never offers a protest regarding the appropriateness of the prophetic indictments. Through its spokesman, Amaziah, the community rejects the prophetic function on the basis of what was perceived as an inappropriate violation of the king's sanctuary, but never is the appropriateness of the prophetic morality questioned.¹¹ 2) The second possible means of accounting for the prophetic indictments which are without Pentateuchal parallel is to appeal to an unknown law code. This suggestion posits that the prophet was indeed appealing to a law tradition of the community which is otherwise unknown. There is evidence of a growing moral and legal tradition which exists in addition to the codes found in the Pentateuch. Specifically, a law having to do with the confiscation of the property of a person convicted of treason (Nu 27:1-11), a rule providing for the distribution of spoil taken in conflict (I Sam 30:24-25), and a prohibition against carrying burdens on the Sabbath (Jer 17:21-22), are legal

11. Such protests were not unknown as is evidenced by the experience of Micaiah in I Kg 22 and Jeremiah in Jer 7:4.

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precepts which were observed but find no counterpart in the Pentateuchal codes.¹² In this manner, certain of the Amos indictments could be understood as representative of an unknown law code (commanding prophets not to prophecy, trampling upon the poor). It is unlikely, however, that this suggestion is capable of accounting for all of the prophetic indictments which have no Pentateuchal parallel.¹³ 3) The third way of accounting for the totality of the prophetic indictments is by positing a hermeneutical framework which accounts for both the similarities and the dissimilarities between the prophetic indictments and the Pentateuchal codes. In light of the above observations, the following conclusion is offered.

The utilization of a socio-hermeneutical theory of interpretation, such as that developed by Habermas, provides the framework needed to account for the literary relationship between the moral indictments found in the Book of Amos and the pre-monarchical law codes found in the Pentateuch. The similarities, as well as the differences, found between the prophetic indictments and the Pentateuchal codes can be plausibly explained as due to the differences in the mode of production between Israel of the tenth century and that of the eighth.

12. J. Weingreen, "The Case of the Daughters of Zelophchad," *VT* 16 (1966): 522. See also J. Weingreen, "The Case of the Woodgatherer," *VT* 16 (1966): 361-364.

13. It is difficult to imagine a law which forbids lounging on couches, or rejoicing in Lo-debar.

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This investigation began with Wolff's question: "What is old and what is new in the prophets?".¹⁴ This question places the prophets within a stream of tradition and so necessitates examination into the objective framework of that tradition. Gadamer suggests that the meaning of a tradition is, in part, ". . . also determined by the historical situation of the interpreter and thus by the whole of the objective course of history".¹⁵ Using select aspects of hermeneutic theory developed by Habermas we have focused upon social labor and domination as influential elements of the historical situation of Amos in his appropriation of a moral tradition. This framework has given a plausible context in which to observe the changing formulation of the Israelite moral tradition from the tenth to the eighth centuries as seen from a comparative examination of the Amos prophecy and the pre-monarchical law codes.

This investigation has not pretended to offer a more objective approach to the problem of law in the prophets than that which has been presented by the sole use of literary critical methodologies. As the ascendancy of the form critical and source critical methods used by Biblical scholars owed its legitimacy to the communicative deliberation of the community of scholars, so too the socio-hermeneutical investigation of the Biblical text is affected

14. p.1.

15. Gadamer, 1975, p.277.

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by the community of tradition in which it operates.¹⁶ The literary-critical methodologies used earlier in this century are being progressively modified as the community of Biblical scholars searches for new paradigms dictated by a changing philosophical climate.

In this study, argumentation has been set forth which asserts that a tradition is apprehended in relation to other aspects of the complex of social life. Just as Amos was influenced by social labor and domination in his understanding of the moral tradition, so too the modern Biblical interpreter is affected by aspects of twentieth century social labor and domination. One might point to the several liberation theologies of the past several decades and note the varied ways in which the historical situation of the interpreter has informed the interpretation of the Biblical tradition. The same can be said of the "socio-hermeneutical approach" proposed in the course of this presentation. The literary critical methodologies favored by past Biblical scholars have been affected in no small measure by the positivistic environment in which they operated. Contemporary changes in social labor and domination are affecting the manner in which the Biblical tradition is being apprehended

16. See Thomas Kuhn, The Structure of Scientific Revolutions, (Chicago: University of Chicago Press, 1973), and Richard Bernstein, Beyond Objectivism and Relativity: Science, Hermeneutics and Praxis, (Philadelphia: University of Pennsylvania Press, 1983).

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The admission of the historical nature of interpretation is not made at the expense of objectivity in interpretation. Far from portraying a formless subjectivism in the task of Biblical interpretation, this study has endeavored to demonstrate the historical quality of both the inter-Biblical traditions and the traditionist in the interpretation of the Biblical text. The social action of Biblical interpretation is comprehended in an objective framework constituted by language, labor and domination.

APPENDICES

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1. Amos 2

2. Amos 3

3. Amos 4

4. Amos 5

5. Amos 6

6. Amos 7

7. Amos 8

8. Amos 9

TABLE 2

Prophetic Accusations with Pentateuchal Parallels

Prophetic Reference	Legal Stipulation	Subject
1. Amos 2:7	Ex 21:7-10 Lev 18:6-23; 20:11,12; 19:20; 20:10-21 Dt 23:17	Sexual intercourse
2. Amos 2:6-7; 4:1; 5:11; 8:4,6	Ex 22:20,21 Dt 24:14	Economic oppression
3. Amos 2:8	Ex 22:25 Dt 24:12,13; 24:17	Garments taken in pledge
4. Amos 5:12	Ex 23:8 Dt 16:19	Bribes
5. Amos 2:7; 5:12	Ex 23:6,7	Turning aside the needy
6. Amos 5:12	Lev 19:15 Dt 16:19; 24:17	Perverting justice
7. Amos 8:5	Lev 19:36	Weights and measures
8. Amos 8:5	Lev 23:3 Dt 5:12-14	Sabbath regulations

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TABLE 3

Prophetic Accusations without Pentateuchal Parallels

A. Violations of Religious Authority

- | | |
|--------------|---|
| 1. Amos 2:12 | Force Nazarites to drink wine |
| 2. Amos 2:12 | Commanded the prophets not to prophecy |
| 3. Amos 2:8 | Drink the wine of those fined in the house of their god |
| 4. Amos 8:14 | Swear by the shame of Samaria |
| 5. Amos 8:14 | Appeal to the god of Dan |
| 6. Amos 8:14 | Rely on the power of Beersheva |

B. Judicial Violations

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|--------------|--|
| 1. Amos 5:10 | Hate the one who reproves in court |
| 2. Amos 5:10 | Despise the one who testifies truthfully |

C. Luxurious Extravagances

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|-------------|--|
| 1. Amos 4:1 | Say to their masters, "bring us some drinks" |
| 2. Amos 6:4 | Lie on beds inlaid with ivory |
| 3. Amos 6:4 | Lounge on couches |

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| 4. Amos 6:4 | Dine on the choice
lambs |
| 5. Amos 6:5 | Strum on harps |
| 6. Amos 6:5 | Improvise on
musical
instruments |
| 7. Amos 6:6 | Drink wine by the
bowlful |
| 8. Amos 6:6 | Anoint themselves
with the finest
oils |

D. Expressions of Pride

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|--------------|-------------------------------------|
| 1. Amos 6:13 | Rejoice in Lo-
Debar |
| 2. Amos 6:13 | Boast in their own
strength |
| 3. Amos 9:10 | Boast in exemption
from disaster |

E. General Moral Attitude

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|-------------------|---|
| 1. Amos 3:10 | Do not know how to
do right |
| 2. Amos 5:7; 6:12 | Turn justice to
wormwood |
| 3. Amos 5:7; 6:12 | Cast righteousness
to the ground |
| 4. Amos 6:6 | Are not greived
over the ruin of
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