

theses submitted to American institutions of higher education. These kind of data would have been still more useful would Dr. G. have decided to give details as to the availability (e.g. through Dissertation Abstracts Inc., Ann Arbor) of such dissertations for serious study.

3^e) Why are photomechanical reprints of older works hardly mentioned at all? The poor quality, bibliographical inadequacy or wilful obscurity of title-pages and sometimes unlawfulness of some modern Israeli reprints does not distract from the general usefulness of reprints in making available older works that are completely out of print and/or hard to obtain even from larger libraries.

Leiden

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ROBERT DU MESNIL DU BUISSON, *Nouvelles études sur les dieux et les mythes de Canaan*, Leiden Brill 1973, 250 pp., index alphabétique, 132 f. xviii Planches.

L'auteur avait déjà publié en 1970 des *Etudes sur les dieux phéniciens* hérités par l'Empire romain. Plus développé, le présent ouvrage témoigne de la richesse d'information, de l'érudition aimable et de l'ingéniosité d'interprétation de l'auteur. Il y est peu question de la Bible, une note trop brève sur Gen. iii (p. 235), une allusion à Jos. v 11 (p. 19), et surtout un effort d'interprétation de Is. xiv 12-15 (Helel, p. 160 et 202-3); et xvii 10-11 (jardins d'Adonis p. 160). C'est surtout par l'interprétation du symbolisme des dieux cananéophéniciens que le livre intéressera le bibliste. L'auteur centre essentiellement ses interprétations sur le rythme diurne, Ashtar étoile du matin conduit le taureau symbole de la chaleur du jour avant que celui-ci ne soit tué par Ashtar étoile du soir. Certains, avec DE MOOR (et ce serait mon point de vue) rattacheraient plutôt ce symbole aux phénomènes saisonniers et hésiteront à donner à Ashtar un tel rapport avec l'étoile du matin ou avec le lion. Mais la thèse de R. DU MESNIL DU BUISSON mérite d'être discutée, surtout en fonction de sa traduction du texte ougaritique des "dieux gracieux". Au moment où leur rapport avec les Dioscures est contestée (cf. P. XELLA) le riche dossier proposé par l'auteur mérite d'être réexaminé.

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THE "HEBREW SLAVE"

Comments on the Slave Law Ex. xxi 2-11

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In general it is accepted right away that there is a direct connection from the law of the Hebrew slave, Ex. xxi 2 ff., to Dtn. xv 12 ff. and Jer. xxxiv 8 ff., because the word עבֵרִי has been used in all 3 passages¹). As a matter of fact it would be more reasonable to fasten upon the use of חֶפְשִׁי in those passages. The last word very clearly implies a dependence of Dtn. xv 12 ff. and Jer. xxxiv 8 ff. on Ex. xxi 2 ff., since in Deuteronomic literature חֶפְשִׁי is practically only used in Dtn. xv 12, 13, 18 and in the Deuteronomically coloured Jer. xxxiv (vv. 9, 10, 11, 14, 16). Besides the passages mentioned חֶפְשִׁי is only used once in the Deuteronomic historical work, in 1.S am. xvii 25, but then this is a non-Deuteronomic setting, and the word is used in a sense that is probably often misinterpreted²). The words עבֵרִי and חֶפְשִׁי thus show that there were links from Ex. xxi 2 ff. to the mentioned passages, but they are also of the utmost importance when trying to understand Ex. xxi 2 ff. and the "Sitz im Leben" of this passage. From the way עבֵרִי and חֶפְשִׁי have been applied, it is also possible to draw conclusions with regard to the historical arrangement of the first part of the Book of the Covenant, Ex. xxi 2-xxiii 16.

I. *The First Part of the Book of the Covenant, Seen in the Light of Canaanite and Mesopotamian Law*

It will fall outside the scope of this article to account in details for the discussion on exactly when the first part of the Book of the Covenant was amplified by the second part, Ex. xxii 17 — xxiii 19, and

¹) Cf among others G. BEER & K. GALLING, *Exodus*, HAT I 3, 1939, p. 107, and especially M. DAVID, "The Manumission of Slaves under Zedekiah", *OTS* 5, 1948, pp. 63-79.

²) This is usually interpreted as if David's family was promised a special exemption.—Literature, see H. J. STOEBE, "Die Goliathperikope 1 Sam. xvii 1—xviii 5 und die Textform der Septuaginta", *VT* 6, 1956, pp. 397-413, p. 403, and *Das erste Buch Samuelis*, KAT VIII 1, 1973, p. 324.—Cf to this my note "חֶפְשִׁי in 1 Sam. xvii 25" (forthcoming).

by the apodictic passages of the first part. Most modern Old Testament scholars date the amalgamation of the two parts to the time of the judges ³⁾. Also it is generally agreed upon that the first part of the Book of the Covenant is even older, and that the so-called casuistic laws are related to the Near-Oriental law tradition ⁴⁾.

It seems natural at this place to refer to the study by S. M. PAUL, which has recently appeared, and which, I think, represents the most comprehensive commentary on the Book of the Covenant of a more recent date, based on Near-Oriental source material ⁵⁾. There is hardly one section in the older part of the Book of the Covenant Ex. xxi 2 - xxii 16 (apart from the secondarily inserted verses Ex. xxi 12-17, 23-25) that has not its parallels outside Israel in the law literature from the second millennium. Based on an analysis of details PAUL endeavours to prove that the Book of the Covenant as a whole

³⁾ e.g. F. HORST, "Bundesbuch", *RGG* I, col. 1524; M. NOTH, *Die Gesetze im Pentateuch*, (1940), i *Ges.St.*, I, 1957, pp. 9-141, pp. 17.31 and *Das zweite Buch Mose, Exodus*, *ATD* 5, 3.ed., 1965, pp. 140f.; G. VON RAD, *Theologie des Alten Testaments*, I, 4.ed., 1966, p. 44; E. NIELSEN, *The Ten Commandments in New Perspective*, *SBT SS* 7, 1968, p. 77.—Some deviationists: A. PHILLIPS, *Ancient Israel's Criminal Law*, 1970, p. 159, who dates the amalgamation to the time of David and Solomon and G. FOHRER, in SELLIN & FOHRER, *Einleitung in das Alte Testament*, 10. ed., 1965, pp. 149f., and *Geschichte des israelitischen Religions*, 1969, p. 131, who fixes it to the time of Jehu. Cf. already A. MENES, *Die vorexilischen Gesetze Israels*, *BZAW* 50, 1928, p. 43, but cf. also NOTH's decisive counter arguments, *Ges.St.*, I, pp. 30f. FOHRER discusses the question from the viewpoint that the Book of the Covenant was a reform pamphlet and in this connection refers to Mesopotamian codices. But the codices of Mesopotamia can hardly be called actual reforms; these were contained in the *misarum*—acts, the royal edicts; cf. in this connection F. R. KRAUS, *Ein Edikt des Königs Ammi-Šaduqa von Babylon*, *SD* 5, 1958, pp. 182-247; J. J. FINKELSTEIN, "Ammišaduqa's Edict and the Babylonian 'Law Codes'", *JCS* 15, 1961, pp. 91-104, and "Some New *Misbarum* Material and its Implications", *Assyriological Studies* 16, 1965, pp. 233-246; J. BOTTÉRO, "Désordre économique et annulation des dettes en Mésopotamie à l'époque Paléo-Babylonienne", *JESHO* 4, 1961, pp. 113-164.—Cf. also in general C. J. GADD in *CAH*, 3. ed., II/1, 1973, pp. 187 ff.

⁴⁾ Deviationists from the general interpretation: M. DAVID, "The Codex Hammurabi and its Relations to the Provisions of Law in Exodus", *OTS* 7, 1950, pp. 149-178; Z. W. FALK, *Hebrew Laws in Biblical Times*, 1964, pp. 33 f.; and W. PREISER, "Vergeltung und Sühne im altisraelitischen Strafrecht", *Festschrift für Eberhard Schmidt*, 1961, pp. 7-38, reprinted in K. KOCH, *Um das Prinzip der Vergeltung in Religion und Recht des Alten Testaments, Wege der Forschung* 125, pp. 236-277, pp. 240 ff.—The parallels from the Ancient Near East do, however, far exceed the "general conditions" and possibly include the structuralization of the law material, cf. V. WAGNER, "Zur Systematik in dem Codex Ex 21,2-22,26", *ZAW* 81, 1969, pp. 176-182.

⁵⁾ S. M. PAUL, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law*, *VTS* 18, 1970.

was part of a code of laws extending over Ex. xix-xxiv where Ex. xix 3b-6 (plus the Decalogue) formed the prologue and xxiii 20-33 the epilogue. He dates the amalgamation to the time just before the settlement of the Israelite tribes ⁶⁾ and refuses to accept that the casuistically formed laws should have been taken over from the Canaanites even though he does admit that, as far as investigations go, the Canaanite law seems to show a strong dependence on cuneiform law ⁷⁾. Though PAUL's thesis must be rejected—apparently he fails to follow up the conclusions of his own analyses while not fully alive to the value of modern literary criticism and the history of tradition—the results of his investigations will be that very little—if any—material in the casuistic laws of Ex. xxi 2—xxii 16 suggests that Israelite lawgivers inspired their amalgamation ⁸⁾. As a matter of fact it is quite possible to look for the origin of the first part of the Book of the Covenant in any Canaanite city-state in the second half of the second millennium and to assume that it was later (in extenso?) taken over by the Israelite tradition ⁹⁾. The consequence of this will

⁶⁾ *Op.cit.* pp. 101 f. The author here tries to prove the existence of a codex modelled on the prologue-main body-epilogue lines by analogy to Codex Hammurabi (from now on CH).

⁷⁾ *Op.cit.* pp. 104 f., 116 ff.; cf. to this ALT, *Eine neue Provinz des Keilschriftsrechts*, (1947), *Kl.Schr.*, III, 1959, pp. 141-157 and R. DE VAUX, *Les institutions de l'Ancien Testament*, I, 2.ed., 1961, pp. 226 f.

⁸⁾ It is a fact, however, that this part of the Book of the Covenant has been enlarged by certain apodictically formed rules: Ex. xxi 12-17, 23-25.— Cf. also G. LIECKE, *Gestalt und Bezeichnung alttestamentlicher Rechtsätze*, *WMANT* 39, 1971, pp. 130 ff. Apart from vv. 23-25, the talion formula, there is in every single case an unmistakable connection to the decalogue: Ex. xxi 12 ∞ xx 13; xxi 16 ∞ xx 15; xxi 15, 17 ∞ xx 12 (cf. to the original content of xx 15: E. NIELSEN, *op.cit.*, pp. 85.91, who follows ALT, "Das Verbot des Diebstahls im Dekalog", 1949, in *Kl.Schr.*, I, 1953, pp. 333-340).— R. HENTSCHEKE, "Erwägungen zur israelitischen Rechtsgeschichte", *Theologia Viatorum* 10, 1965/66, pp. 108-133, suggests that this alternation between casuistic and apodictic sections should be compared to a corresponding variation in Ammīšaduqa's edict (about 1645), which has been published by KRAUS, *op.cit.*, and provided with a substantial supplement by J. J. FINKELSTEIN, "The Edict of Ammīšaduqa: a New Text", *RA* 63, 1969, pp. 45-64.— HENTSCHEKE's argumentation has been emphatically opposed by S. HERRMANN, "Das 'apodiktische Recht'. Erwägungen zur Klärung dieses Begriffs", *MIO* 15, 1969, pp. 249-261, pp. 255 f.— Cf. also apodictic law outside Israel: LIECKE, *op.cit.*, pp. 115 f., p. 126 f.

⁹⁾ Thus most recently L. ROST, "Das Bundesbuch", *ZAW* 77, 1965, pp. 255-259; cf. also O. EISSFELDT, *The Old Testament. An Introduction*, 1965, pp. 26 ff. EISSFELDT is inclined to think that what we find here is the taking over of continuous series of laws, *op.cit.*, p. 29; cf. also to this L. WATERMANN, "Pre-Israelite Laws in the Book of the Covenant", *AJSL* 38, 1922, pp. 36-54 and A. T. OLMSTEAD, *History of Palestine and Syria*, 1931, pp. 104 ff.— ALT thought that the casuistic laws in the Book of the Covenant were originally Canaanite (see his

be that undocumented assertions such as put forward by G. E. MENDENHALL will have to be turned down. MENDENHALL maintains that the Book of the Covenant cannot belong to a Canaanite background because of the low moral stage of the Canaanite communities and their strict social classification¹⁰). This way of argumentation is evidently founded on an insufficient knowledge of the social stratification of the Canaanite city-states and also implies that MENDENHALL uncritically accepts the estimate of the Canaanite civilization formed by the old Israelite history tellers and prophets.

It has been argued that the total absence of a codex in Western Asia speaks against the idea that the casuistic laws in the Book of the Covenant should have been inherited from the Canaanites¹¹). However, this argument is not decisive. The lack of codices may be ascribed to chance archaeological finds—great text discoveries have so far only been made in Alalah and Ugarit. It is a fact that the civil servants of the West Semitic states had a profound knowledge of Accadian cuneiform writing through most of the second millennium. The greater part of the international correspondence was written in Accadian, also letters exchanged between West Semitic princes, and it is evident from the "Canaanisms" which are especially well-known from the Amarna letters that these letters were written by West Semitic clerks¹²). Another result was that the part of the population that was familiar with Accadian must have possessed a considerable insight in a substantial part of the Mesopotamian literature (cf. the teaching methods of that time).

Die Ursprünge des israelitischen Rechts, 1934, in *Kl.Schr.*, I, pp. 278-332, pp. 295 ff.). A. JEPSEN, *Untersuchungen zum Bundesbuch*, *BWANT* III 5, 1927, pp. 76 ff., 97 ff., admits that they were of 'Palestinian' origin, but he introduces the idea of a "Hebräergesetz" based on an understanding of the "Hebrews" which is now obsolete. Neither JEPSEN's nor ALT's interpretations exclude the possibility that the amalgamation was brought about by the Israelites.

¹⁰) G. E. MENDENHALL, "Ancient Oriental and Biblical Law", *BA* 17, 1954, pp. 26-46, now in *BAR* III, 1970, pp. 3-24, p. 15.

¹¹) Thus PREISER, *op. cit.* p. 246.

¹²) To this F. M. TH. BÖHL, *Die Sprache der Amarnabriefe mit besonderer Berücksichtigung der Kanaanismen*, *LSS* V 2, 1909; cf also K. BEYER, *Althebräische Grammatik*, 1969, pp. 23 f.—Cf as to Ugarit J. NOUGAYROL, "L'influence babylonienne à Ugarit d'après les textes en cunéiformes classiques", *Syria* 39, 1962, pp. 28-35 and J. KRECHER, "Schreiberschulung in Ugarit: Die Tradition von Listen und sumerische Texten", *UF* 1, 1969, pp. 131-158; and as to Alalah M. TSEVAT, "Alalakhiana", *HUCA* 29, 1958, pp. 109-136, particularly II, pp. 124 ff. and G. GIAKUMAKIS, *The Akkadian of Alalah, Janua Linguarum Ser. Prac.* 59, 1970, *passim*.

The fact that the Mesopotamian codices hardly had the legal function normally ascribed to them proves that the absence of codices in Western Asia should not be overestimated. As wellknown there is scarcely one reference to CH in the very comprehensive legal material, which has been saved from the Old Babylonian period¹³). But this means that legal usage in Babylonia must have rested on 'common practice' based on "usus" which had not been written down. To all appearance it is a misapprehension of the function of the Babylonian codices that makes LIEDKE say that similar codices were not needed in the West Semitic states because there the judicial decisions were in the king's hands, and the king could not be tied down by fixed rules¹⁴). Besides it must be assumed that the Mesopotamian kings like their West Asiatic colleagues formed the supreme court of appeal¹⁵).

It is impossible truthfully to say that the first part of the Book of the Covenant has come into being without a Canaanite influence, just because no written evidence of legal rules has been found in Syria-Palestine. The appearance of a code of laws, or legal decisions¹⁶) undoubtedly goes back to an influence from the Babylonian "Weltanschauung"¹⁷).

Other scholars have said against the thesis of a non-Israelite origin of the first part of the Book of the Covenant that although

¹³) Cf B. LANDSBERGER, "Die babylonischen Termini für Gesetz und Recht", *Symbolae Koschaker*, *SD* 2, 1939, pp. 219-234; and also P. KOSCHAKER, "Zur Interpretation des Art. 59 des Codex Bilalama", *JCS* 5, 1951, pp. 104-122, pp. 121 f. Cf also the fact that a judge is nowhere found to refer to an existing law or to any obligation to keep to the law. CH § 5 warns the judges against corruption, but it does not impose upon them any coercion with regard to the foundation of their judgments.

¹⁴) Against LIEDKE, *op. cit.* p. 57—Cf the king's function as judge in Ugarit: G. BOYER, "La place des textes d'Ugarit dans l'Histoire de l'Ancien Droit oriental", *PRU* III, 1955, pp. 281-308, pp. 281 ff., and A. F. RAINEY, *The Social Stratification of Ugarit*, 1962, pp. 19 ff., cf p. 21: "Disputes were not settled merely by the whim of the king. On the contrary, certain legal procedures, well known from other sources, were followed"—To the Babylonian codices: cf FINKELSTEIN, *JCS* 15, pp. 103 f. ("royal apologies and testaments" which were to prove to the gods, whose vicar the king was, that the king was *z šar mišarim*).

¹⁵) To this particularly W. F. LEEMAN's "King Hammurabi as Judge", *Symbolae Martino David*, 2, 1968, pp. 107-129 (with ample documentation). Cf also R. HAASE *Einführung in das Studium keilschriftlicher Rechtsquellen*, 1965, pp. 36 ff.

¹⁶) On the interpretation of CH as a codex of "judgments", F. R. KRAUS, "Ein zentrales Problem des altmesopotamischen Rechtes: was ist der Codex Hammurabi?", *Genava NS* 8, 1960, pp. 283-96.

¹⁷) Cf NOUGAYROL, *op. cit.*, p. 32.

this does betray a relationship to Mesopotamian (and Canaanite) law, yet it is more primitive, thus (under the influence of blood feuds) presupposing more severe punishments¹⁸). This objection does not, however, take into consideration, first that there are also variations from one code of law to another in Mesopotamia as to the character of the punishments (especially fines as opposed to death penalties)¹⁹, secondly it is only natural that the more complicated Babylonian community needed other rules than a Canaanite city-state. There were also differences from state to state in Mesopotamia as can be seen when comparing CH to other codices²⁰). It is unreasonable to look for special West Semitic traits in the creation of codes of laws in Mesopotamia²¹). Many laws, and among them at least one codex, have been handed down from the Sumerians, and it seems that the Western Semites in Mesopotamia only followed in the wake of the earliest inhabitants. Still, the possibility exists that the increase in CH of certain penalties in relation to former codices may be due to a West Semitic influence²²).

¹⁸) Among others VON RAD, *op.cit.*, pp. 44 ff.

¹⁹) JEPSEN gives an example of a Mesopotamian law that demands capital punishment in cases where the Book of the Covenant only imposes fines, Ex. xxii 15 f., cf *Bundesbuch*, p. 69. This goes to prove that it cannot be consistently maintained that the Book of the Covenant is more primitive. But JEPSEN is dependent on an obsolete translation of *Yale Babylonian Collection* 2177 (publ. by A. T. CLAY, *Yale Oriental Series, Babylonian Texts*, Vol. I, no. 28) § 8 in B. MEISSNER, *Babylonien und Assyrien*, I, 1920, p. 151, cf A. JIRKU, *Altorientalischer Kommentar zum Alten Testament*, 1923, p. 98 ("Wenn jemand die Tochter eines Mannes gewaltsam fortführt gegen den Willen (?) ihres Vaters und ihrer Mutter und sie erkennt, so soll der Mann, der sie wider Willen(?) erkannt und vergewaltigt hat, auf Befehl der Götter getötet werden": compare also FINKELSTEIN's translation in *ANET*³, 1969, p. 526: "If (a man) deflowered the daughter of a free citizen in the street, her father and her mother having known (that she was in the street), but the man who deflowered her denied that he knew (her to be of the free citizen class) and, standing at the temple gate, swore an oath (to this effect, he shall be freed)").

²⁰) Cf M. SAN NICÓLO, *Beiträge zur Rechtsgeschichte im Bereiche der keilschriftlichen Rechtsquellen*, 1931, pp. 63 ff.; cf also DAVID, *OTS* 7, pp. 149 ff. DAVID arrives at the negative conclusion that there is no connection.

²¹) Against JEPSEN, "Die "Hebräer" und ihr Recht", *AJO* 15, 1945-51, pp. 55-68.

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

II. *The Placing of Ex. xxi 2 ff in its Present Connection in the Book of the Covenant*

According to MT Ex. xxi 2 ff is a downright account of a purchase of a slave, which was, however, cancelled again after 6 years. ALT thought—in part agreement with JEPSEN—that v. 2 originally related how a "Hebrew" sold himself²³). For formcritical reasons JEPSEN corrected תקנה to יקנה, and ALT went even further and read מכר in correspondence with Dtn. xv 12. When PAUL rebuts ALT's emendation on the grounds that תקנה in v. 2 is dependent on תשים in v. 1 and thus original, he disregards form historical as well as tradition historical criteria²⁴). Supposing PAUL is right, it would mean that from the beginning v. 1 was the introduction to an important code of laws whose first units were vv. 2-6, and this is unreasonable. Besides, JEPSEN's objection against 2 p. sing. is still valid since this is an encroachment on the casuistic legal phrase as such²⁵). But more objections have been raised against the assertion that v. 2 should have been preserved in its original form. PAUL's arguments are inseparably bound up with his (mosaic?) dating of the Book of the Covenant as a whole²⁶). But there can be no doubt that Ex. xxi 1 alone shows the tension between the Book of the Covenant and its setting and that it disrupts the coherence²⁷).

In continuation of his correction of the verbal form ALT wanted to replace the difficult עבד by the neutral איש by analogy to vv. 7, 14, 18 (pl.) 20 etc.²⁸) עבד is most troublesome where it stands row, and, if MT is to be abided by, it can best be understood as a proleptic expression²⁹). Not until he is bought or sold, does an עברי become a slave.

It would mean a strengthening of Alt's emendations if the present placing of Ex. xxi 2-11 could be shaken. J. M. P. VAN DER PLOEC has in some articles asserted that vv. 2-11 are secondary elements in the Book of the Covenant, inserted at a later date and placed at the head of the compilation out of "nationalistic" reasons (עברי =

²³) ALT, *Kl.Schr.*, I, p. 291 and n.2; JEPSEN, *Bundesbuch*, p. 56.

²⁴) PAUL, *op.cit.*, p. 46, n.7

²⁵) To the casuistic law, compare in particular the very exhaustive study by LIECKE, *op.cit.*, pp. 19-61. LIECKE also locks upon the "when-you" wording in casuistic legal rules as the product of a later development.

²⁶) PAUL, *op.cit.*, pp. 101 f.

²⁷) Cf further E. NIELSEN, *op.cit.*, pp. 51.; ALT, *Kl.Schr.*, I, p. 286 n. 1.

²⁸) ALT, *Kl.Schr.*, I, p. 291 n.2; cf also JEPSEN, *Bundesbuch*, p.56: כִּי יִקְנֶה אִישׁ.

²⁹) ALT, *ibid.*; cf NOTH, *ATD*, p. 143.

Israelite)³⁰. VAN DER PLOEG's main argument is that the present placing breaks the otherwise systematical arrangement of the Book of the Covenant inasmuch as its slave laws do not appear till Ex. xxi 26-27. But several objections may be raised against VAN DER PLOEG. In the first place there is, as mentioned, every reason to believe that the wording at the beginning of v. 2 has been influenced by the secondary v. 1. Secondly the insertion of slave laws at the head of a code of laws (even such as aim at very particular circumstances) do not exclude that other decrees on slaves appear at some other place in the same codex. To keep to the best known parallel there are in CH slave laws (decrees on slaves) in the §§ 116-119, but also later-on, especially §§ 279-82. Finally, even though it could be proved that vv. 2-11 have been placed at the head of the Book of the Covenant at a later stage of tradition, the possibility is not excluded that this section originally belonged somewhere else and, if so, probably in connection with vv. 26-27, in which the slave reaches the חפשי state because he has been mutilated by his owner.

III. חפשי and עברי

To understand Ex. xxi 2-6 it is necessary to realize exactly what the terms עברי and חפשי mean. To-day nearly all Old Testament scholars acknowledge the connection between עברי and *habiru*. But since they look upon the first part of the Book of the Covenant as an Israelite invention, they take עברי for a gentilic noun instead of an appellative. In this way it becomes a question of purchase and sale among countrymen³¹.

Thus on one hand R. NORTH recognizes a connection between עברי in Ex. xxi 2 ff and *habiru* on the whole, yet he understands the verses in a traditional light. On the other hand he is doubtful as to whether Dtn. xv 12 ff. is dependent on Ex. xxi 2-6, and he therefore suggests that both laws have a common source, a *habiru* document³². The

³⁰ J. P. M. VAN DER PLOEG, "Studies in Hebrew Law", II, *CBQ* 12, 1950, pp. 416-427, see pp. 425 f., and III, *CBQ* 13, pp. 28-43, pp. 28 f., and most recently "Slavery in the Old Testament", *VTS* 22, 1972, pp. 72-87, see pp. 78-81.

³¹ E.g. F. HORSF, *Das Privilegrecht Jannes*, *FRLANT* 45, 1930, now in *Gottes Recht*, 1961, pp. 17-154, p. 97; R. DE VAUX, *Les institutions de l'Ancien Testament*, I, 1961, p. 129 (cf pp. 136.265); this also applies partly to BEER AND GALLING, *op.cit.*, p. 107, though they realize that vv 2-6 did not originally refer to the Israelites, but to the "Hebrews".

³² R. NORTH, *Sociology of the Biblical Jubilee*, *AnBi* 4, 1954, p. 148; this point of view is shared by PAUL, *op.cit.*, p. 46.

most original suggestion within recent years has been made by A. PHILLIPS³³. To PHILLIPS it is a decisive factor that the slave is to be set free in the seventh year. The Book of the Covenant gives no reason for this; but, based on Dtn. xv 1 ff. and especially Dtn. xxxi 10f, PHILLIPS suggests that Ex. xxi 2-6 is taken for a secondary "secularizing" of an originally cultic decree. According to this, Israelites, who had fallen into slavery, were to be set free to enable them to take part in the amfictyonic feast of the renewal of the Covenant as free citizens. According to Phillips it can be deduced from Dtn. xxxi 10f. that this feast took place every seventh year. But Phillips' suggestion is dependent on several unclarified circumstances. First he takes it for granted that the classical amfictyonic thesis can be maintained which is very uncertain according to more recent studies³⁴. This alone will force Phillips to moderate his theory. Secondly the discrepancies between Dtn. xv 1-11 and xv 12-18 show that the sabbath year and the liberation of slaves do not originate in the same tradition. In fact Dtn. xv 12 ff. seems to treat the liberation of the slaves individually, setting them free after a certain period of slavery, not collectively every seventh year.

PAUL, who on this point follows J. LEWY, says that the parallels from Nuzi may be taken as a proof that עברי in Ex. xxi 2 ff. is an appellative, but with his views on the Book of the Covenant in mind it is not sufficiently clear how he interprets עברי as opposed to *habiru*³⁵. J. LEWY tried to re-interpret the word in the direction of a certain element among the inhabitants in Palestine, "the Hebrews", not to be confused with the Israelites or the Canaanites, and in this he has later been backed by J. WEINGREEN³⁶. Lewy's argumentation is based partly on a traditional view of the origin of the Israelites,

³³ A. PHILLIPS, *op.cit.*, pp. 73 ff.

³⁴ Compare my *Israel i Dommertiden. Tekst og Tolkning* 4, 1972. To the literature mentioned there should be added the very important article by R. DE VAUX, "La thèse de l'Amphictyonie Israélite", *HTbR* 64, 1971, pp. 415-436.

³⁵ *Op.cit.*, pp. 45 ff.— J. LEWY, "Hābirū and Hebrew", *HUCA* 14, 1939, pp. 587-623, "A New Parallel between Hābirū and Hebrews", *HUCA* 15, 1940, pp. 47-58.

³⁶ J. LEWY, "Origin and Signification of the Biblical Term 'Hebrew'", *HUCA* 28, 1957, pp. 1-13; cf J. WEINGREEN, "Saul and the Hābirū", *IV World Congress of Jewish Studies*, I, 1967, pp. 63-66, p. 65, "The Deuteronomic Legislator—a Proto-Rabbinic Type", in *Proclamation and Presence, Old Testament Essays in Honour of Gwynne Herbert Davies*, 1970, pp. 76-89, and "The Continuity of Tradition from Bible to Mishna", in *V World Congress of Jewish Studies*, I, 1972, pp. 27-34, pp. 29 ff.

partly on a now obsolete interpretation of the *ḥabiru* problem, which, owing to his distinguishing between "Hebrews" and Israelites, points towards an ethnic understanding of the *ḥabiru*³⁷). His main argument against the assertion that the "Hebrew" of Ex. xxi 2-6 was an Israelite, is Lev. xxv 44 ff., in which is demanded that slaves in the possession of an Israelite should be foreigners³⁸). However, Lev. xxv is of practically no importance as evidence in this connection, because it is more likely that the whole passage from vv 39 ff. is a late and in some ways more modified re-writing of Ex. xxi 2 ff. and probably also of Dtn. xv 12 ff. Besides the passage is in no way a traditio-historical unity³⁹).

ALT has first of all realized that עברי in Ex. xxi 2 ff. does not refer to a certain descent, but solely to the slave's social standing⁴⁰). ALT even goes so far as to claim that עברי is probably nowhere in the Old Testament used about the Israelites as "eine echte und volltönende Nationalitätsbezeichnung". By עברי is meant a person that sells himself as a slave for debt. On the whole ALT is right, but his interpretation of עברי [*ḥabiru*] is too narrow.

To-day the sociological interpretation predominates, and the identification between *ḥabiru* and עברי may, so long as the opposite remains unproved, be maintained⁴¹). A more detailed account of this interpretation of *ḥabiru* will accordingly not be needed⁴²).

³⁷) As apparent from the prevalent discussion on *ḥabiru* the same objections may be raised against Weingreen's theory on ḥabiri/עבריים in 1 Sam. Cf also R. DE VAUX, *Histoire ancienne d'Israel*, 1971, p. 205, who thinks it reasonable to suppose that apart from Ex. xxi 2 ff. and 1 Sam. xiv 21 (עבריים) is in the Old Testament always used about "Israelites".

³⁸) HUCA 28, pp. 3 f.

³⁹) NOTH, *Das dritte Buch Mose. Leviticus*, ATD 6, 2. ed., 1966, pp. 167 f.; K. ELLIGER, *Leviticus*, HAT I 4, 1966, pp. 341 f.; H. GRAF REVENTLOW, *Das Heiligkeitgesetz formgeschichtlich untersucht*, WMANT 6, 1951, pp. 136 f.; R. KILIAN, *Literarkritische und formgeschichtliche Untersuchung des Heiligkeitgesetzes*, BBB 19, 1963, p. 137; CHR. FEUCHT, *Untersuchungen zum Heiligkeitgesetz*, Theol. Arb 20, 1964, p. 51.

⁴⁰) ALT, *Kl.Sch.*, I, pp. 291 ff.; see also J. HEMPEL, *Die althebräische Literatur und ihr hellenistisch-jüdisches Nachleben*, 1934, pp. 75.80.

⁴¹) R. BORGER's linguistic objections against this identification, "Das Problem der 'apiru' ('Ḥabiru')", ZDPV 74, 1958, pp. 121-132, may be rejected; cf M. WEIPPERT, *Die Landnahme der israelitischen Stämme*, FRLANT 92, 1967, pp. 78 ff., and J. BOTTÉRO, "Ḥabiru", RLA IV/1, 1972, pp. 14-27, p. 22.

⁴²) Cf in general on the *ḥabiru* research WEIPPERT, *op.cit.*, pp. 66-101. To the literature mentioned there may be added the important study by M. LIVERANI, "Il fuoruscitismo in Siria nella tarda età del bronzo", *Rivista Storica Italiana* 77, 1965, pp. 315-336. Cf also R. DE VAUX's research summary "Le problème des Ḥapiru après quinze années", JNES 27, 1968, pp. 221-228, and *Histoire ancienne*,

Nearly all testimonies from Western Asia use the determination *ḥabiru* collectively. In Nuzi, though, the *ḥabiru* are treated as individuals. Here they are mentioned in private documents stating the terms of their voluntary surrender into bondage⁴³). The Nuzi contracts mention no fixed time limits, but they usually opened up the possibility of an annulment of the contract (defined as a breach of contract), either by letting the *ḥabiru* slave produce a substitute or by letting him pay for his manumission. But in case of the slave being a woman there seems to have been no possibility of a liberation⁴⁴). No doubt these slave contracts were the only means a *ḥabiru* had of being legally accepted in the Nuzi society⁴⁵).

It is remarkable that there is hardly one testimony of a *ḥabiru* wanting to become a slave because of debt. It is possible that he had become a *ḥabiru* owing to economic trouble and then become a slave to release himself from his life as a *ḥabiru*. In view of this it is too schematical to take it for granted that the Hebrew of Ex. xxi 2 sold himself for debt. On the other hand this is a thought that lies near at hand since debt was one of the main reasons for slavery in that period, but also because the wellknown Mesopotamian parallel of Ex. xxi 2-6 CH § 117 holds rules for a man's delivering himself into bondage for debt and his manumission from the same⁴⁶).

In Ex. xxi 2 the time of service has been fixed at six years, possibly originally seven years as proposed by B. STADE, with a reference to Gn. xxix 18⁴⁷). After having served six (or seven) years an עברי reached the status of הפשי without, like in Nuzi, being under the

pp. 106-112, 202-208, and J. BOTTÉRO, *RLA IV/1*, pp. 14-27. Important in this connection is also M. L. HELTZER, "Problems of the Social History of Syria in the Late Bronze Age", in LIVERANI (ed), *La Siria nel tardo bronzo*, 1969, pp. 31-46.

⁴³) The documents have been collected and commented upon by BOTTÉRO (ed) *Le problème des Ḥabiru à la 4e RAI*, 1954, pp. 43-70, and in M. GREENBERG, *The Ḥabiru*, AOS 39, 1955, pp. 23-32.

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

⁴⁵) Cf E. CASSIN, 4e *RAI*, p. 69.

⁴⁶) Against I. MENDELSON, *Slavery in the Ancient Near East*, 1949, p. 85. In the Old Testament there is one example to the effect that a private person vouched by his own life for a debt, 2 Kg. iv 1; but this has probably no relation to Ex. xxi 2 ff.

⁴⁷) B. STADE, *Geschichte des Volkes Israel*, I, 1887, p. 378; cf I. BENZINGER, *Hebräische Archäologie*, 3. ed., 1927, p. 131, n. 2 and BEER & GALLING, *op.cit.*, p. 107. DAVID, OTS 5, p. 65 n. 7, says against BENZINGER and BEER & GALLING, that Jacob's services to Laban cannot be characterized as slavery and further, that Laban is no "clansman" to Jacob. DAVID's objections become irrelevant when the preconceived understanding of עברי in Ex. xxi 2 is given up, as mentioned above; besides Jacob's position corresponds rather accurately to the position of the *ḥabiru* slave in the Nuzi documents, and so does the dating.

obligation to give something in return. Usually חפשי is translated by "freedman", "Freigelassener"⁴⁸). This translation, which has been generally accepted, is based on the word's secondary use in the Old Testament, or rather, the word seems to have been used without regard to its original meaning, as e.g. Job iii 19. J. PEDERSEN emphasizes that חפשי is normally used to denominate the opposite of a slave in the Old Testament, and he is right of course⁴⁹); still, it is worth noting that all examples of this use of the word חפשי outside the Book of the Covenant (Dtn. xv 12, 13, 18; Jer. xxxiv 9, 10, 11, 14, 16)—may be apart from Job iii 19; Jes. 58, 6—are dependent on Ex. xxi 2 ff.

PEDERSEN also saw that there was a connection between חפשי and the *ḥupšū*, known from the correspondence of Rib-Addi from Byblus⁵⁰) *Ḥupšū* was the name of a social class, which has later been testified in documents from the Old Assyrian and the Old Babylonian period, including Nuzi, and also later-on, apart from the Amarna letters, in Western Asia in documents from Alalāḥ and Ugarit⁵¹). A closer definition of this social group is, however, still a matter of debate. The choice is between defining them as "independent", that is free in the modern sense of the word ("free proletarians") or as "half free", that is dependent on private persons or on the government (the king). To look upon them as "free proletarians" or "Bauern"⁵²)

⁴⁸) Cf *KBL*³, p. 328; BEER & GALLING, *op.cit.*, p. 106; NOTH, *ATD* 5, p. 136; cf further *New English Bible*: "He shall go free".

⁴⁹) J. PEDERSEN, "Note on Hebrew חפשי", *JPOS* 6, 1925, pp. 103-105, p. 105

⁵⁰) *Ibid.*

⁵¹) Literature: cf WEIPPERT, *op.cit.*, p. 74 n. 9 and to this may be added W. VON SODEN, *AHW*, I, p. 357a; *CAD* 6, *F*, 1956, pp. 241 f.; J. GRAY, *The Legacy of Canaan*, *VTS* 5, 1957, p. 100 n.6; A. F. RAINEY, *The Social Stratification of Ugarit*, diss. Brandeis University 1962, p. 144; M. HELTZER, "Klassovaja i političeskaja bor'ba v Bible amarnskogo vremeni", ("Class struggle and political conflicts at Byblus during the Amarna period"), *VDI* 1954/1, pp. 33-39, pp. 36 ff. "Vojsko ugarita i ego organizacija" ("The Army of Ugarit and its Organization"), *VDI* 1969/3, pp. 21-38, p. 33; his results have been summarized in LIVERANI (ed.), *La Siria*, pp. 31 ff., and in "Soziale Aspekte des Heerwesens in Ugarit", in H. KLENGEL (ed.), *Beiträge zur sozialen Struktur des Alten Vorderasien*, = *Schriften zur Geschichte und Kultur des Alten Orients* 1, 1971, pp. 125-131; H. KLENGEL, *Geschichte Syriens im 2. Jahrtausend v.u.Z. Teil 2. Mittel- und Südsyrien*, pp. 250, 255; M. DIETRICH & O. LORETZ, "Die soziale Struktur von Alalāḥ und Ugarit (II)" *WO* V 1, 1969, pp. 59-93. To the etymology of *ḥupšū*, L. KOPF, "Das arabische Wörterbuch als Hilfsmittel für die hebräische Lexicographie", *VT* 6 1956, pp. 286-302, pp. 299 ff.; cf already W. F. ALBRIGHT, "The North-Canaanite Poems of Al'ayan Ba'al and the "Gracious Gods""", *JPOS* 14, 1934, pp. 101-140, p. 131 n. 102, and *From the Stone Age to Christianity*, 2. ed. 1957, p. 285 n. 12.

⁵²) "Bauern": thus after KNUDTZON, *Die El-Amarna Tafeln*, *VAB* II, 1915, p. 141f. — "Free proletarians": according to I. MENDELSON, "The Canaanite Term for "Free Proletarian""", *BASOR* 33, 1941, pp. 36-39.

is incompatible with the sources from Byblus, Ugarit and Alalāḥ and also with the employment of *ḥupšū* in Assyria. M. HELTZER has shown that in Ugarit *ḥupšū* belonged to the *bnš mlk*, "the king's men". In Ugarit as well as in Alalāḥ *ḥupšū* had a predominantly military function and received from the palace administration the supplies necessary for their subsistence in the form of plots and provisions⁵³). This is in agreement with the mention of *ḥupšū* in Rib-Addi's letters⁵⁴). It has not yet been possible to trace a direct connection between *ḥabiru* and *ḥupšū*; but it has been supposed that the political propaganda of Abdiāširta of Amurru was directed at the *ḥupšū* class at Byblus, and that accordingly Rib-Addi had reason to fear that his *ḥupšū* would either revolt against him or bolt in order to join Abdiāširta⁵⁵). The social standing of *ḥupšū* in Assyria seems to have been very much the same as in Western Asia. There they were also soldiers (mercenaries) with certain corvée obligations⁵⁶). The mention of *ḥupšū*, however, is not restricted to the military profession. From Nuzi we know of three cases, in which persons characterized as *ḥupšū* are weavers⁵⁷) and in Alalāḥ (stratum IV, 15th century) various artisans, shepherds, one courier and one doctor (all these are exceptions though)⁵⁸) are mentioned as belonging to the *ḥupšū* = *name* in Alalāḥ.

⁵³) HELTZER, *VDI* 1969/3, p. 33, cf his "Carskie ljudi" (*bnš mlk*) i carskie hozjajstvennye centry (*gt*) v Ugarite" (Royal Dependents (*bnš mlk*) and Units of the Royal Estate (*gt*) in Ugarit), *VDI* 1967/2, pp. 32-47, and the same in LIVERANI (ed.), *La Siria*, p. 34, and in KLENGEL (ed.), *Beiträge*, p. 129—The testimonies of *ḥupšū* in Ugarit are few; they are mentioned, though, together with the military group *šananuṯnm* in *PRU* 5, 15 (cf also I Krt 90 f.: *ḥpš.dbl spr|tnn.dbl.hg*, "ḥ. without numeral, i. without number).—Important in this connection is also the RS 24 247 (not published) *mlkn.j'zq. 'l.ḥpšh*, "Our king shall prevail over his ḥ.", cited by GORDON, *UT*, p. 404, no. 915. The greater part of the material relating to *ḥupšū* in Alalāḥ has been treated by DIETRICH & LORETZ, *op.cit.*

⁵⁴) Rib-Addi's failing confidence in the loyalty of his *ḥupšū* was a result of his inability to provide them with the mentioned supplies, cf EA 118:23 f.; 125:25 ff.; 85:10 ff.

⁵⁵) KLENGEL, *Geschichte* II, p. 250, and LIVERANI, "Implicazioni sociali nella politica di Abdi-Aširta di Amurru", *RSO* 40, 1965, pp. 267-277, pp. 272 f.— Cf also EA 118:36-39: *al-luṣpa-tā-ri-ma LÜ.MEŠ ḥu-up-ši uṣa-ab-tu LÜ.MEŠ. GAZ.MEŠ/URU*, "it is a fact that the ḥupšū have run away, and the ḥabiri have (consequently) captured the town".

⁵⁶) The material has been summed up in *CAD*, loc. cit.; cf most recently G. CARDASCIA, *Les Lois assyriennes*, 1969, pp. 220 f. (to MAL A § 45, dating from the 12th century though the law may be older, cf MEEK, *ANET*³ p. 180).

⁵⁷) Cf E. R. LACHEMANN, "Note on the Word *Ḥupšū* at Nuzi", *BASOR* 86, 1942, pp. 36-37.

⁵⁸) Cf DIETRICH & LORETZ, *op.cit.*, p. 87. Only in the case of 18 out of 542 persons has an occupation been mentioned.

Based on this material it is possible to define **הפשי** in Ex. xxi 2 in two ways: the Hebrew has become a **הפשי** through being released from slavery and has instead entered into a private clientage to his former master, or the hitherto privately owned **עברי** has passed into a sort of collective dependency on the city state to which his former master belonged. Thus it is inexact to define his social position as just freedman. A **הפשי** should be socially ranged somewhere between a slave and a freedman. According to this there is the difference between Ex. xxi 2 ff. and its secondary further development in Dtn. xv 12 ff. and Lv. xxv 39 ff. that the two last mentioned passages treat the manumission as a complete *restitutio* whereas Ex. xxi 2 ff. lets the slave advance to a subordinate class only.

This promotion was not always looked upon as desirable, as apparent from Ex. xxi 4-6 which confirms the Hebrew's right to choose for himself whether he will remain a slave⁵⁹). But it is not quite clear what his position as **עבר** in Ex. xxi 2 ff. really means. The parallels from Nuzi define the social standing of a *habiru* slave as *wardutu* "slavery"⁶⁰), that of a woman as *amtu*. In the case of the latter the punishment for break of contract on the part of the slave was severe corporal mutilation and re-sale, which might be taken to mean that it was not normally allowed to sell a slave in Nuzi. Whether a similar measure existed in the Book of the Covenant is uncertain, but probable. Nowhere in the Old Testament has re-sale of Hebrew slaves been taken into account.

Nothing can be said about the rights and obligations of a Hebrew slave in a prolonged slavery. The term **עבדו לעלם** Ex. xxi 6 seems to indicate that the slave was to remain in the service of his master indefinitely, but whether this meant that the owner could not get rid of his slave by selling him or setting him free later on, must for the present be left an open question⁶¹).

⁵⁹) Further details to vv. 3-6 in PAUL, *op.cit.*, pp. 47 ff.

⁶⁰) One exception: BOTTÉRO, 4e *RAI*, no. 54:3 [*a-na gi*]-*el-lu-ub-lu-ti*. The reading and the content of the word is not yet quite certain. cf VON SODEN, *AHW*, I, p. 284, s.v. *gelduhlu, gelzu(h)lu*.

⁶¹) PAUL, *op.cit.*, p. 50, thinks that **האלהים**, Ex. xxi 6, refers to the household god (elsewhere in the Old Testament **תרפים**). In this case the slave was accepted as a permanent member of the household in the presence of the god (whose protection was thus extended to him). This would also explain Rachel's theft of Laban's **תרפים** as enabling Jacob to break his contract of service to Laban as a person without his having to break away from the protective penates, cf M. GREENBERG, "Another Look at Rachel's Theft of the Teraphim", *JBL* 81, 1962 (the rather fanciful interpretation of Rachel's psychology may be neglected in this connec-

IV. Ex. xxi 7-11

With regard to vv 7-11, which in their present context state the rules a Hebrew must adhere to in the case of his wanting to sell a daughter, it is necessary to obviate some misunderstandings. It is expressly mentioned that the question is of the sale of a daughter, apparently a virgin, not of a Hebrew woman, an **עבריה**. Thus the law, given in vv 7-11, cannot be taken to apply to Hebrew women in general and to mean that these could not be set free on the same conditions as the men-slaves⁶²). Either there are no rules for a Hebrew's selling his wife or his sons for that matter, or these two categories are incorporated in the law of vv 2-6 in the way that it was considered impossible that a man should be able to sell his wife and remain free himself, and further, that a son sold into bondage had the same possibilities of a manumission as his father.

V. Résumé

The traditional point of view that the Book of the Covenant should be of Israelite origin has brought about many absurdities and distortions in the interpretation of the Hebrew slave and his social standing. This article is an attempt to throw new light over a number of obscurities in Ex. xxi 2-11:

- i) The first part of the Book of the Covenant fits in very well with a context that is Canaanite, not Israelite.
- ii) This also applies to the first law in the Book of the Covenant, the law of the Hebrew slave. The placing of this law within the first part of the Book of the Covenant cannot really be challenged, but several objections may be raised against the wording of v. 2. The beginning of v. 2 should be corrected in accordance with ALT's views.

tion). It is, however, more probable that **האלהים** indicate that the ceremony took place in the local sanctuary, cf to this most recently M. WEINFELD, *Deuteronomy and the Deuteronomistic School*, 1972, p. 233.

⁶²) In opposition to BEER & GALLING, *op.cit.*, p. 108; NOTH, *ATD* 5, p. 144, and P. A. H. DE BOER, "Some Remarks on Exodus xxi 7-11", *Orientalia Neerlandica*, 1948, pp. 162-166.—cf JEPSEN, *Bundesbuch*, pp. 27 f., who is probably right when stating partly that it is a question of a daughter, partly that she is not set free because of the status she obtains with her owner. Both JEPSEN, *Bundesbuch*, p. 28 and DE BOER, *op.cit.*, p. 162, are right when interpreting **עם** in v. 8 as "family" thus indicating that the slave girl cannot be sold to another family. I. MENDELSON, *Slavery*, pp. 12 f., takes vv 7-11 as parallels to the "sale-adoption" contracts from Nuzi; but it is doubtful whether this is actually a parallel; cf also PAUL's hesitations *op.cit.*, p. 53.

iii) The interpretation of this law must necessarily include the general debate on *habiru* and *ḥapšū*. I have tried to explain the words עֲבָרִי and חֲפְשֵׁי in close agreement with the modern view on *habiru* and *ḥapšū* as sociological denominations. According to this a *habiru* should be taken to mean an outlaw and *ḥapšū* a dependent on a city state or on a citizen of the same⁶³). The thought that the Hebrew of Ex. xxi 2 was necessarily an Israelite must be ruled out, but this does not exclude the possibility that he might have been. It is quite probable that impoverished Israelites or groups from the now resident Israelite tribes joined the *habiru*, and for the original inhabitants it must sometimes have been difficult to distinguish between Hebrews and Israelites among the roaming gangs of robbers.

The results reached do not, however, solve all problems. Thus it is still a question how the transformation of the Hebrew from an antisocial straggler to an Israelite citizen took place, and how the traditional synthesis of the laws of the manumission of slaves with the law of the fallow year into first a "sabbath year" and later into a "yobel year" was effected⁶⁴).

⁶³) It is not improbable that *ḥapšū*/חֲפְשֵׁי is the West Semitic word for Accadian *muškenum*, who were also a client-class. Cf. W. VON SODEN, "Muškenum und die Mawali des frühen Islam", *ZA* 56, 1964, pp. 133-141, who finds similarities between the Arabic *mawali* and the *muškenum* class in the Old Babylonian period; cf. too B. KIENAST, "Zu Muškenum = Maula", *XVIII Rencontre assyriologique Internationale*, 1970, *Bayerische Akad. d. Wiss. Phil. Hist. Kl. Abb. N.F.* 75, 1972, pp. 99-103.

⁶⁴) I shall revert to these problems (including Jer. xxxiv 8 ff.) in a later study: "The Manumission of Slaves—the Fallow year—the Sabbath year—the Yobel year".

GEBA/GIBEAH OF BENJAMIN

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The question of the location of Benjaminite Gibeah and its relation to Benjaminite Geba received considerable discussion between 1841, when ROBINSON published the first edition of his *Biblical Researches*, and 1924 when W. F. ALBRIGHT published the results of his first season of excavations at Tell el-Fûl.¹) On the one hand, "Geba" (*giba'*) is but an abbreviated form of the appellative, "Gibeah (*haggibh'ab*, 'the hill');²) both appear with the qualifier "... of Benjamin";³) and both appear in contexts which point unquestionably to the site of present-day Jeba'.⁴) On the other hand, the biblical texts are not always consistent in their usage of the two forms,⁵) and Judg. xix 10-15 seems to place Gibeah in the more immediate vicinity of Jerusalem than Jeba'. The solution finally reached was to treat "Geba" and "Gibeah" as separate villages and to associate them with Jeba' and Tell el-Fûl respectively.

Since Tell el-Fûl is a rather prominent "hill" located just north of Jerusalem, its identification as ancient Gibeah was already widely accepted when ALBRIGHT began his excavations there in 1923. The major objections to this identification came from those who doubted whether Tell el-Fûl was actually occupied during the periods required for Gibeah by the biblical texts. The issue seemed settled, therefore, when ALBRIGHT assured the scholarly world in his excavation report that:

... Tell el-Fûl was occupied at precisely the periods indicated by the external literary evidence, that it was a most important place, and that there

¹) "Excavations and Results at Tell el-Fûl (Gibeah of Saul)", *ASOR* IV 1924. Cf. pp. 28-31 for a brief review of this discussion.

²) Cf. Y. AHARONI's chapter entitled "The Study of Toponymy" in his *The Land of the Bible*, trans. A. Rainey, Philadelphia 1967, pp. 94-117, esp. p. 109. AHARONI's discussion is based largely on G. KAMPPMEYER's study which appeared in *ZDPV* XV 1892, pp. 1-33, and XVI 1893, pp. 1-71.

³) Cf., e.g., Judg. xix 14 with xx 10 and 1 Sam. xiii 2, 15; xiv 16 with xiii 16.

⁴) Cf., e.g., 1 Sam. xiv 2 with Isa. x 27b-32.

⁵) Cf. esp. the abrupt shifts from Gibeah to Geba (and *vice versa*) in 1 Sam. xiii 1-xiv 46.