5

Birth of a Nation

When the biblical narrative reopens in the book of Exodus, we are in a changed world from that in which the book of Genesis closed. Long since dead, Joseph and his brothers are forgotten by all but their own descendants. New pharaohs reign, and one arises for whom Semitic pastoralists in the east Delta are simply a convenient supply of additional forced labour. The change implies a distinct lapse of time and change of regimes, as notable people were not always so quickly forgotten. Thus, the tradition of four centuries gone by (cf. Exodus 12:40-41) should be taken seriously. These are often dismissed as the four silent centuries, which is only partly true. Negatively, their details evidently did not serve the purposes of the writer of Exodus, and he therefore exercised an author’s right—then as now—to select what he deemed best for his requirements. Positively, from the period between entering Egypt (Jacob) and settling in Canaan (Joshua and the judges), the Hebrews did in fact retain some traditions, from which various genealogies survive, preserved for us in 1 Chronicles 2 of the post-exilic age.

Oppression and Exodus

In Imperial Egypt of the fourteenth and thirteenth centuries BC, the enormous building-projects of the pharaohs throughout Egypt and Nubia required the deployment of a considerable amount of manpower. For houses, offices, storerooms, barracks, and palaces,

myriads of mud bricks were needed. For the temples of the gods and similar enduring monuments, stone had to be cut, hauled from the quarries, shipped to the building-sites, and manoeuvred into position. The Eighteenth-Dynasty kings had expelled the alien Hyksos rulers, reunited Egypt, and established an empire in Syria-Palestine northwards as well as far south up the Nile into Nubia. For most of the Dynasty’s two-and-a-half centuries of rule, the east Delta saw only limited royal works anywhere north of Bubastis and Athribis in the south part of that area. As base for their wars in Western Asia, the pharaohs had used Egypt’s traditional capital, Memphis (not far south of modern Cairo, and across the river). Under Haremhab, this dynasty’s last king, more interest began to be shown in the east Delta and in its principal town, Avaris, a former seat of the Hyksos rulers; this pharaoh refurbished the temple of the local god, Seth.

The land of Goshen, where the Hebrews lived, adjoined Avaris—now known to have been sited at Tell el-Dab’a (not at Tanis, as so many textbooks wrongly aver). Haremhab’s interest in this locality perhaps stemmed from the fact that his second-in-command and official heir,

1 In their tomb-chapels, 13th-century Egyptian officials sometimes honoured great men of two or three centuries earlier, whom they looked back to as ‘ancestors’ (real or moral)—so Userhat, to a vizier and two high-priests (Tomb 51), N. de G. Davies, Two Ramesside Tombs at Thebes, 1927, pp. 20-22, pl. XV.
the general and vizier Pramessu, hailed from this very region and possibly promoted the fortunes of his home district. Certainly, on economic and military grounds, Avaris was well suited to be a focus for communications between Canaan and Egypt proper. The need for labour in this region, therefore, probably began in Haremhab’s time. Previously, there had been no such need beyond Bubastis (worked on by Amenophis III).

At Haremhab’s death, the throne duly passed to his official heir Pramessu, known henceforth as Ramesses I, founder of the Nineteenth Dynasty of later historians. He reigned barely sixteen months leaving the throne to his vigorous son Sethos I. In a reign of ten or fifteen years, this bold ruler fought energetically to restore Egypt’s diminished empire in Syria, and instituted massive building-projects in Egypt, such as the great hall of columns in the Karnak temple of Amun at Thebes. In the east Delta, just north of Avaris, he caused to be built a summer palace, nucleus of a new suburb. Sethos was first assisted, then succeeded, by his son, the irrepressible Ramesses II. One of the most remarkable pharaohs of all time, Ramesses reigned sixty six years, had eighty or ninety children, erected statues weighing up to one thousand tons, built temples the whole length of his empire. He too warred with the Hittites in Syria, eventually making peace with them and marriage-alliances. But one of his first acts was to proclaim the founding of a new capital city—Pi-Ramesse, ‘Domain of Ramesses’—around his father’s summer palace on the north of Avaris. This, the ‘Delta

[p.77]

Residence’ of the Ramesside kings, was the Ra’amse of Exodus 1:11. It was laid out on the grand scale. Great stone temples of the gods arose at each of the four cardinal points: of the sun-god Re on the east, of Theban Amun on the west, of the Memphite gods on the north, and of Seth of Avaris on the south, the royal palace being the central focus. The interconnected Nile branches, ‘Waters of Re’ and ‘Waters of Avaris’ led into a basin that afforded excellent port facilities. The great royal palace was of brick with stone-framed doorways, its staterooms brilliant with glazed tile decoration. The brick houses and villas of royal princes and high officials clustered nearby. Offices, barracks, stores and warehousing—and doubtless streets of lesser houses, shops or bazaars—made up the rest. All, now, is a levelled ruin-field, most of its stonework gone (reused) to other sites, dug only in part. The once-splendid city has now to be reconstructed from mere fragments and descriptions. Like Solomon’s Jerusalem, its golden splendours have entirely disappeared; its voluminous archives are likewise totally lost—a handful of standard wine jar dockets and a series of stamp-seals alone survive. It is little wonder, therefore, that we have no Egyptian record of the Israelites in bondage near Pi-Ramesse; all such information, with near-absolute certainty, is irrevocably lost.

However, from both the Nineteenth Dynasty and its predecessor, we do have other background information on working conditions in imperial Egypt, data which (as any Egyptologist knows) would be applicable equally in the east Delta, Thebes, Memphis, Abydos or elsewhere. Long before, back in the Eighteenth Dynasty, the famous (and unique) brick-making scene in the Theban tomb-chapel of the vizier Rekhmire (c. 1460 BC) has frequently and justly been used to illustrate brickmaking in Egypt such as the Hebrews would have known it—the more so, as the labourers shown include Semites alongside Egyptians and others. Straw and chaff were included in the clay used for bricks, because experience showed that a better brick resulted. The same concern visible in Exodus 5 over use of straw and over

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3 The geographical and topographical evidence has been ably gathered up (in German) by M. Bietak, Tell el-Dab’a II, 1975; cf. Kitchen, The Egyptian Nineteenth Dynasty, (forthcoming).
maintaining brick production-quotas appears in thirteenth century Egyptian sources. Such are the well-known references in the Anastasi papyri from Memphis, to workmen ‘making their quota of bricks daily’, and another case where ‘there are neither men to make bricks, nor straw in the neighbourhood.’\(^4\) From Year 5 of Ramesses II (c. 1286/1275 BC), brick-accounts are recorded upon a leather scroll now in the Louvre Museum. Among other things, forty ‘stablemasters’ are each assigned a target-quota of 2000 bricks (i.e. 80,000 all told). The successive figures added after their names and ‘target’ show the progress of production, the target being rarely reached!\(^5\) These men by function correspond to the Egyptian taskmasters of Exodus 5:6, 10, 13-14, below whom come the workmen and their ‘foremen’. In the work-rosters from the workmen’s village at Deir el-Medina in Western Thebes, people had days off for all sorts of reasons including ‘offering to one’s god’—just as Moses requested “time off” or his people to go and worship in the wilderness (Ex. 5:1).\(^6\)

Press-ganging of non-Egyptians into forced labour for building projects is also known in Ramesses II’s reign. In the latter’s Year 44 (c. 1247/1236 BC), far south in Nubia, the Viceroy Setau and his officers raided the western oases, rounding-up the luckless south Libyans in order to build at Ramesses II’s temple at Wadi es-Sebua.\(^7\) Back up north at Memphis, Papyrus Leiden 348 offers a long-known reference to ‘the Apiru who drag stone for the great pylon (gateway) of the [building] “Ramesses II-Beloved-of-Truth”...’\(^8\) We need not expect the east-Delta Hebrews to be any less strictly supervised than Egyptians making bricks for the stablemasters, or employed at Deir el-Medina, or to have been any less abruptly press-ganged than the South-Libyan oasis-dwellers.

The age-old answer to oppressive exploitation was flight. When the Hebrews left Egypt (Ex. 12:37), we read that the first stage of their journey went from Raamses to Succoth—in Egyptian terms, from Pi-Ramesse to Tjeku. This was precisely the route and first stage of flight adopted by two slaves some years later.\(^9\) On the ground, they covered some 36 km (22 miles) from present-day Qantir, south then south-east, then east, to Tell el-Maskhuta; the Hebrews would have travelled a little less, if their living-quarters had been outside Pi-Ramesse (as the narratives imply). The next stage, to the Reed Sea, was less. Faced by the lakes and swamps (on the line of the present-day Suez canal), the Hebrews turned at right-angles to go along the edge, almost certainly northwards. Then came the pharaoh’s pursuit, he sending 600 chariots after them (Ex. 14:7). This was a substantial force, but by no means disproportionate. For example, the Hittites had reputedly fielded 2,500 chariots at the Battle of Qadesh, Tuthmosis III captured 924 Canaanite chariots on one campaign, and his son


\(^5\) On this document and bricks in Egypt, see Kitchen, ‘From the Brickfields of Egypt’, *Tyndale Bulletin* 27 (1976), forthcoming.


\(^8\) Translated, Caminos, *Late-Egyptian Miscellanies*, p. 491; omitted in Pritchard, *Anc. N. E. Texts*. Apiru includes, of course, much more than just the biblical Hebrews.

Amenophis II took 730 and 1,032 chariots on other campaigns; even Ahab of Israel was to provide 2,000 chariots against Assyria a few centuries later.  

The phenomenon of the movement of the waters that brought escape is explained in the Hebrew text itself—‘the Lord sent a strong east wind’ (Ex. 14:21). Such phenomena are independently attested, and are no fantasy. For example, the Egyptian engineer Ali Shafei Bey had an analogous (though not fatal!) experience in his car some decades ago, as a result of similar condi-

[p.79]

tions elsewhere in the Delta. Finally, after the overthrow of the Egyptian chariotry in the shifting waters, the Hebrews sang a hymn of deliverance and triumph (Ex. 15)—the counterpart to the triumph-hymns used in Egypt throughout the empire period during the fifteenth to twelfth centuries BC.

**Covenant at Sinai and in Moab**

The central feature of the book of Exodus is the giving of the covenant-commandments, the law and the cult at Sinai. Exodus from chapter 19 onwards, and all of Leviticus, both centre upon Sinai, the founding-point of the Israelite nation in all later biblical tradition. After the time in the wilderness and Israel’s arrival (as a new generation) in Moab before crossing the Jordan, there was a renewal of the covenant and its laws—enshrined in Deuteronomy. The form of covenant found in Exodus-Leviticus and in Deuteronomy (plus Joshua 24) is neither arbitrary nor accidental. It is a form proper to the general period of the exodus, current in the 14th/13th centuries BC, and neither earlier nor later on the total available evidence.

In terms of Near-Eastern background, there are two components: law-collections and treaties. For the first, from c. 2100 to c. 1750 BC, Mesopotamia has yielded four law-collections (‘codes’), two of them complete, one damaged, and one probably in ‘extract’ form. The three originally given in full show a clear scheme with title, prologue, and the laws proper. The two complete documents then have a brief epilogue and, finally, brief blessings on those who respect the laws, and more extensive curses on those as would defy them. All this is as old as the patriarchs and before; Hammurabi’s laws were recopied by scribes in the twelve centuries or so that followed his time. The ‘laws’ scheme may be diagrammed as follows:

1. Title or Preamble
2. Prologue
3. Laws
4. Epilogue
5. a/b: Blessings, Curses

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12 A proceeding repeated at Shechem, Joshua 24.
The second component is the treaties, particularly those between a sovereign and a vassal. Some forty different treaties\(^{16}\) are known to us, covering seventeen centuries from the late third millennium BC well into the first millennium BC, excluding broken fragments, and now additional ones still to be published from Ebla. From this extensive series, an overall history of the changing forms of such treaties becomes plainly visible, and may be summarised as follows.

[p.80]

### Early

1. In the late third millennium (c. 2300 BC), the treaties between Ebla and Tudiya of Assyria, and between Naram-Sin of Akkad and a king of Elam, each begin with witnesses, proceed with the stipulations, and end with other features—curses in the Ebla treaty, with oath, deposit and blessing in the Naram-Sin treaty.\(^{17}\)

### Intermediate

2. In the early second millennium BC, an Old-Babylonian treaty of Ilum-Gamil of Uruk is too damaged to show any features besides stipulations.

3a. In mid-second-millennium Syria, two treaties of kings Niqmeqa and Idrimi of Alalakh with their contemporaries each have title, then stipulations, then curses as sanction against infringement.

3b. In the mid-second-millennium Hittite realm, the treaty of Arnuwandas and Ishmerikka-land has title, witnesses (as in the third millennium), stipulations. Then oath and curses (as in Syria), and perhaps a little more (now lost). Two other Hittite treaties have title and stipulations, but all else is lost. The Syrian and Hittite schemes for this period can be set out thus:

<table>
<thead>
<tr>
<th>3a. Syria</th>
<th>3b. Hatti</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Title/Preamble</td>
<td>(1) Title/Preamble</td>
</tr>
<tr>
<td>(2) Stipulations</td>
<td>(2) Witnesses</td>
</tr>
<tr>
<td>(3) Curses</td>
<td>(3) Stipulations</td>
</tr>
<tr>
<td></td>
<td>(4) Oath</td>
</tr>
<tr>
<td></td>
<td>(5) Curses</td>
</tr>
<tr>
<td></td>
<td>(6) Etc., lost</td>
</tr>
</tbody>
</table>

Features common to both regions are italicised.

### Middle

4. The twenty-one reasonably preserved treaties\(^{18}\) of the late second millennium (fourteenth/thirteenth centuries BC) from the Hittite archives show a remarkable consistency of form which holds for almost the whole corpus, as follows:\(^{19}\)

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\(^{16}\) Six in bilingual versions.

\(^{17}\) Which also prefixes an oath-formula to each of its stipulations.

\(^{18}\) Excluding merest fragments, but including the parity treaty between Ramesses II and Hattusil III.

\(^{19}\) A formal analysis first established clearly by the cuneiform legal scholar, Viktor Korosec, *Hethitische Staatsverträge*, 1931.
(1) Title/Preamble
(2) Historical Prologue
(3) Stipulations (basic; detailed)
(4) Depositing and regular reading of treaty
(5) Witnesses
(6) a/b. Curses, Blessings

To these could be added (7, 8, 9) oath, solemn ceremony, note of sanctions, but these were rarely put into writing within the formal framework. Leaving these minor flourishes aside, the basic scheme was remarkably constant. Item (4) is often missing, largely because it tends to come at the point where tablets have their lower obverse/upper reverse broken away. In just two treaties (with Anatolian population-groups), item (5) the witnesses is placed earlier in the scheme (as in older treaties), the rest conforming to pattern; other variations are minimal. The sheer consistency of such a body of texts cannot be mere coincidence.

Late
5. From the first millennium BC, nine treaties out of a dozen can be used. Here, the basic pattern is entirely distinct from that of the late second millennium, and shows greater variation. Its two main forms on a regional basis can be set out as follows:

<table>
<thead>
<tr>
<th>5a. Syria</th>
<th>5b. Mesopotamia</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Title/Preamble</td>
<td>(1) Title/Preamble</td>
</tr>
<tr>
<td>(2) Witnesses</td>
<td>(2) Witnesses</td>
</tr>
<tr>
<td>(3) Curses</td>
<td>(3) Stipulations</td>
</tr>
<tr>
<td>(4) Stipulations</td>
<td>(4) Curses</td>
</tr>
</tbody>
</table>

The principal difference between the two regions is in the mutually reversed order of stipulations and curses. The Mesopotamian scheme is directly reminiscent of the ‘early’ and ‘intermediate’ date treaties (third and early/mid-second millennium), while the Syrian placement of the curses is unparalleled. Both sets are totally different from the ‘middle’ date series of the later second millennium. Among minor variations in this group overall, one may note the occasional use of sub-titles before the stipulations, and (once) an ‘epilogue’ of blessing and curse for respect or disrespect shown, not to the contents, but to the physical text (monumentally inscribed) of a treaty.20

Such is the sum of the external evidence presented in basic outline. What, then, of the Old Testament covenant as reflected in Exodus-Leviticus, Deuteronomy and Joshua 24? How does it compare with the four successive historical phases, and with the laws series, surveyed above? It is important to remember that ExodusLeviticus, Deuteronomy and Joshua 24 are not themselves actual covenant-documents; they describe the giving of the covenant and its renewals. Thus, our existing books of Exodus-Leviticus, Deuteronomy and Joshua 24 stand at one remove (but only one remove) from the actual covenant-documents, remaining very close to these and incorporating all their main features.

20 So, Sfire 1; the treaty of Assur-nirari V of Assyria with the Syrian ruler Matiel has its own peculiar arrangement of curses added to each paragraph of stipulations, and the witnesses added at the end.
Within Ex.-Lev. (I), in Deut. (II), and in Josh. 24 (III), the following elements are clearly visible:\(^{21}\)

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<thead>
<tr>
<th></th>
<th>I</th>
<th>II</th>
<th>III</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Title/Preamble:</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Ex. 20:1</td>
<td>1:1-5</td>
<td>24:1-2</td>
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<tr>
<td></td>
<td>20:2</td>
<td>1:6-3:29</td>
<td>24:2-13</td>
</tr>
<tr>
<td>2</td>
<td>Historical Prologue:</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Ex. 20:3-17, 22-26, Plus</td>
<td>4; 5-11, plus</td>
<td>24:14-15, (&amp; 16-25)</td>
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<tr>
<td></td>
<td>21-23, 25-31 (law), and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lev.1-25 (ritual)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Stipulations, basic &amp; detailed:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) Deposit of Text:</td>
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<td></td>
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<tr>
<td></td>
<td>Ex.25:16, cf. 34:1, 28, 29(^{22})</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>(b) Public Reading:</td>
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<td></td>
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<td></td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Witnesses:</td>
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<tr>
<td></td>
<td>Ex. 24:4(^{23})</td>
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<tr>
<td></td>
<td>(a) Blessing:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lev. 26:3-13</td>
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<td></td>
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<tr>
<td></td>
<td>(b) Curses:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lev. 26:14-33 (many)</td>
<td></td>
<td></td>
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</tbody>
</table>

To which may be added traces of (7, 8, 9), oath, solemn ceremony, and note of sanctions. For (7, 8), compare (I) Ex. 24:1-11 and (II) Deut. 27 (fulfilled, Josh. 8:30-35). Sanction for disobedience (9) finds its equivalent in the rib or ‘controversy’ motif in the Old Testament, which takes its starting-point from Deut. 32, with parallels going back into the second millennium BC.\(^{24}\)

From comparison between the above analysis and those of the laws and treaties on preceding pages, several points stand out with crystal clarity, as follows.

First, the full series of observable elements in the Sinai covenant and its two renewals (either side of the Jordan) corresponds only and solely to the range and general order of elements found in the ‘middle’ series of treaties, those of the later second millennium, and neither to later treaties (first millennium) nor to earlier treaties (third to mid-second millennium). All six major elements in the ‘middle’ series recur in the Old Testament covenant. Significantly, too, item (4) which is least seen in the Old Testament is also the least-attested in that middle series.

Second, the order of blessings then curses, and the proportion of few blessings to distinctly more curses, are both features which correspond directly to those observable in the early second millennium law-collections, just as the stipulations of the covenant are law rather than treaty. Nothing parallel to this is so far known from the copies of later law-collections (e.g., Hittite, MiddleAssyrian, or Neo-Babylonian).

\(^{21}\) See already, my Anc. Orient & OT, 1966, pp. 90-102, which remains valid with only the slightest changes.

\(^{22}\) Cf. retrospect, Deut. 10:1-5.

\(^{23}\) Cf. Josh. 24:27.

\(^{24}\) Cf. references in Anc. Orient & OT, p. 98, nn. 44, 45.
Third, we may now see here the real literary origins of the Sinai covenant’s formulation: it is the happy confluence of law and treaty in their most developed second millennium forms. Both law and treaty begin with title or preamble, continue with a prologue (historical in treaties) and then pass on to laws/stipulations. Likewise does the Sinai covenant. Law-collections have blessing then curse, while treaties have curse then blessing. Here, covenant goes with law, including with the disproportion of few blessings and many curses. Law has an epilogue, with which one may compare the recapitulation in covenant (Deut. 29-30). On deposit and reading of the terms, covenant goes with treaty; also in having witnesses.

Fourth, the Sinai covenant and its renewals preserve not only the full number of elements found also in second millennium laws and treaties, but substantially also their order of elements. Thus, in Exodus-Leviticus, elements (1), (2), (3), (6a/b) all follow in sequence. (5) comes neatly between the civil and religious commands, with (4) included in the latter. In Deuteronomy, the entire sequence is present and in order, except that the group epilogue plus (4), (5), are placed at the end instead of before (6a/b). In Joshua 24, again, all follows in order except that (4) and (5) are mentioned in reverse order. These minor departures from treaties-order are no greater than those observable in some treaties of the ‘middle’ group, and stem from factors which have to be borne in mind. Such factors include: (i) Elements (4) deposit/reading and (5) witnesses are only present in one source of covenant-formulation—the treaty; not in the law-collections. Hence, in covenant, a confluence of law and treaty, their place is not bound to be that of the treaties. (ii) One must remember the nature of Exodus-Leviticus, Deuteronomy, and Joshua 24: a record of the acts of giving and of renewing the covenant, but (as noted above) not the actual, formal covenant-documents (and indeed, occasionally mentioning the writing-down of such documents, cf. Ex. 24:4, 7; Deut. 31:24; Josh. 24:25, 26).

Fifth, we have, therefore, no warrant factually to date the basic Sinai covenant and its two renewals any later than the time of the data to which they are most closely related, i.e. to the thirteenth century down to c. 1200 BC at the very latest. The present books of Exodus, Leviticus, Deuteronomy and the data of Joshua 24 would necessarily stem from about 1200 BC or not long afterwards, on the same basic criterion.

Sixth, the content of the covenant. The fundamental heart of the Sinai covenant (its stipulations) are the basic norms (the ten commandments) and the specific laws and customs for the Israelites,

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reafirmed in the renewals. In this, the covenant—regulating the life of a people—is closely related in nature to the law-collections of the ancient biblical world. For the last seventy or eighty years, analogies between laws in (e.g.) the ‘code’ of Hammurabi of Babylon and in Exodus-Deuteronomy in various matters of everyday life have been common knowledge. As Hammurabi reigned four or five centuries before Moses was at Sinai, those correspondences illustrate forcibly the antiquity and continuity of legal and social usage in the ancient Semitic world of the second millennium BC.25 The terms of reference of the Sinai covenant—a Sovereign enters into a formal relationship with his subjects the people—are close to those of a treaty between suzerain and vassal. But here, in the covenant at Sinai, distinctive use is

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25 Naturally, distinctions in emphasis, etc., also exist; cf. Anc. Orient & OT, p. 148 f.
made of this framework. The Sovereign concerned is not simply a human ‘great king’, but Deity. Hence, in turn, the covenant possesses both moral and religious aspects not to be found in purely political state treaties. No service or tribute is requested here for the palace of a ‘great king’. Instead, we have the Tabernacle instituted (Deity’s audience room on earth with the people’s representatives), and the rituals of the cult as service due to the divine Sovereign. Hence, the arrangements planned and executed in the latter part of the book of Exodus, and the rituals of Leviticus.

All this makes excellent sense. But the reaction of some Old Testament scholars, imprisoned within 19th-century theory, makes a fascinating study. In 1954, the close analogy between the late second-millennium treaties and elements in Exodus and Joshua 24 was first pointed out by Mendenhall, but omitting Deuteronomy, studied in this regard by others, e.g. M. G. Kline. The result of Mendenhall’s study was a flood of papers and studies upon the theme of ‘covenant’ touching upon all sides of Old Testament study, and sometimes going to fanciful and therefore unjustified lengths.

Mendenhall’s original point gained some initial acceptance from Old Testament scholars, but of course this result directly contradicted established theory—e.g., the late origin and use of ‘covenant’, both in word (berit, etc.) and in concept, the dogma that Deuteronomy could not be divorced from the reforms in Judah of 621 BC, and so on. So in 1963, D. J. McCarthy endeavoured to gloss over the clear distinctions visible between late second and first millennium treaties, despite being forced to admit the existence of what he called ‘sub-groups’. Far from being ‘sub’, these groups actually exhibit major distinctions as the data used above clearly show. In 1964, J. A. Thompson in turn sought to avoid recognition of the second/first millennium distinction, claiming that perhaps the historical prologues had been lost in the first millennium examples. This idea is sufficiently invalidated by the existence of a title/preamble to some of the less-damaged first millennium examples, first item in any text. Even if it were not, it would be astonishing indeed, if all of that group of texts had lost only the prologues every time by an incredible freak of preservation and destruction.

In 1965, E. Gerstenberger attempted to reduce the covenant to just three elements, but to do so he evaded all consideration of the full written form of covenant, laws and treaties alike. R. Frankenena and M. Weinfeld compared the curses in

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27 In 1955, the present writer first made a complete analysis of all available treaties, applying the results to Deuteronomy; publication has not been possible.


31 Only one tiny fragment from a 1st-millennium treaty could (so far) possibly be construed as part of a historical prologue (so, A. F. Campbell, Biblica 50 (1969), pp. 534-5). Unfortunately for this much-heralded and miniscule exception, there is every probability that the section concerned is the end of the witness-paragraph followed by a brief introduction to the stipulations. It bears little resemblance to the often extensive historical prologues of the late 2nd millennium.


Deuteronomy with those in first millennium treaties,33 drawing the conclusion that Deuteronomy was dependent on the Assyrian treaties, hence was itself of the seventh or sixth century BC. But the Assyrian treaties and Deuteronomy alike draw their repertoire of curses from a long pre-existent range of curses (even, groups of curses) going right back into the second millennium BC, centuries before either Deuteronomy or the first millennium treaties!34 And their erroneous view in any case failed to account for the clear late second millennium features present in Deuteronomy. And so, until in 1972 Weinfeld averred that no distinction of the kind existed, all treaties were in effect alike.35

Yet the facts themselves will not go away. The very words used for the covenant in Hebrew are old, not ‘late’. *Berit* occurs in West-Semitic in Ugaritic (fourteenth/thirteenth century BC) and as a loanword in Egyptian (early and late thirteenth century BC), likewise the term ‘*edut*’ in c. 1160 BC in a secondary meaning indicating that it goes back earlier.36 Neither the words nor the concept of ‘covenant’ can therefore possibly be treated as ‘late’ (i.e. first millennium BC only). The clear distinctions in form between treaties of different periods—and especially between late second and the first millennium BC—as outlined above remain fully and immovably valid, established as they are by the texts of forty treaties in fifty-four ‘editions’,37 not counting merest fragments. This evidence is here to stay. The correlations between the Sinai covenant and renewals and the second millennium treaties and law-collections also stand out with crystal clarity, are also here to stay.

**Ancient Hebrew Worship**

Far from being some elaborate priestly pipe-dream of the Babylonian exile or later, the Tabernacle was essentially a modest structure (about 60 by 20 feet) compared with the larger shrines enjoyed by Canaanite gods (as at Ugarit or Hazor), not to mention the enormous temples of Egypt, Mesopotamia or the Hittites. The techniques used for the Tabernacle—gilded frames and beams, with coverings—were those used for ‘ prefab’ structures (religious and otherwise) in Egypt for up to fifteen centuries before Moses.38 Its permanent staff of five (Ex. 28:1) is primitively minute compared with (e.g.) some 150 priests on regular duty in each of the personal temples of Ramesses II or III in Western Thebes. The Tabernacle’s daily offering of two lambs with a few pints of oil, flour and wine is as nothing compared with (e.g.) the daily offering of 5,500 loaves, 54 cakes, 204 jugs of beer, up to 50 geese, an ox, and a variety of other items all

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34 Weinfeld himself had noted Old-Babylonian evidence that illustrates this fact (*op. cit.* pp. 422, 423), but learned nothing from it.
35 Weinfeld, *Deuteronomy and the Deuteronomy School*, 1972, pp. 59-61: ‘this traditional formulation remained substantially unchanged from the time of the Hittite Empire down through the neo-Assyrian period. There is no justification, then, for regarding the formulation of the Hittite treaties as being unique, nor ... any basis for (the) supposition that only Hittite treaties served as the model ... of the Biblical covenant.’ Except for the laws-element, nothing could be further from the truth than the statement just quoted.
37 The 14 ‘additional’ versions being 6 bilingual Hittite treaties and 8 additional duplicates of the Esarhaddon/Medes treaty, one per prince.
regularly presented at either of the two Ramesside temples just mentioned. The dozen feasts of the Hebrew calendar are pitifully few when compared with the fifty or sixty religious festivals of ancient Thebes, for example.

In short, viewed against the proper background and perspective, the provisions of Exodus-Leviticus are neither ‘advanced’ for the thirteenth century BC, nor over-elaborate, nor inherently ‘late’. Quite the contrary—they are extremely modest, and that to a primitive degree! Nor in concept (in the rituals, for example) is there anything very ‘late’. Already in the fourteenth/thirteenth centuries BC, acts of consecration for a new shrine (cf. Lev. 8-9) were more elaborate elsewhere—witness the Hittite ritual of Ulippi. The principle of symbolical substitution by enacting transfer of sins (laying hands on a scapegoat) is also clearly attested in the fourteenth/thirteenth centuries BC, in the Hittite rituals of Uhhamuwa and Ashkhella (cf. Lev. 16:20-27)\(^\text{39}\)—it was a gesture clearly understood in those times, not an invention of eight centuries later. And many other incidental details, such as the physical geography of Sinai, the Arabah and Transjordan, subjects like the itineraries, use of silver trumpets, of ox-wagons, etc., can be correlated with knowledge available to us from outside sources, particularly in the second millennium BC.\(^\text{40}\)

**Conquest and Settlement**

1. **The Negeb and Transjordan**

About to leave Kadesh in north-east Sinai with his people, Moses vainly sought permission from the king of Edom to lead them through Edom or Seir. Recently, the whole tradition about the exodus and journey of the Hebrews by Seir has been doubted merely because the Edomite centre of Bozrah (now Buseirah) was seemingly not occupied until the eighth century BC onwards, to judge from four seasons of assiduous excavation.\(^\text{41}\) However, these doubts rest upon entirely false reasoning. No biblical text makes Bozrah the capital of Edom until the eighth century BC (period of Amos and Isaiah),\(^\text{42}\) and Bozrah never appears in Numbers 20:14-21 or Judges 11:17! Edom possessed various centres, in

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eluding Sela, Teman, Bozrah and others. As Seir, it is frequently mentioned in the inscriptions of Ramesses II in the thirteenth century BC, a clear indication that Seir/Edom then had some form of stable population and organization, whatever its economic basis—perhaps pastoral, mining and some limited cultivation.\(^\text{43}\) The discovery of definite traces of Late Bronze/Early Iron I sites can only be a matter of time.

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\(^\text{42}\) Gen. 36:33 alone mentions Bozra any earlier, not explicitly as a city (contrast verses 32, 35, of other places); it may then have been simply a district like Teman in verse 34.

Similarly, the current confusion over the relation of archaeological sites in the Negeb (or ‘southland’ of Palestine) to biblical place-names in Genesis, Numbers and Joshua-Judges rests, ultimately, upon the still-inadequate scope of discovery to date. In Genesis, the patriarchs pause at Beer-Sheba merely for the wells, undoubtedly along the main wadi (Gen. 21:25 ff.; 26:23). Only once here is Beer-Sheba actually called ‘city’, i.e. a full settlement, in Gen. 26:33—which in fact is an ‘editorial note’ (‘to this day’), and has nothing to do with the patriarchs. In Joshua 15:28 and 19:2, Beer-Sheba is merely one very minor place-name among many others. Therefore, we have no reason to suppose any major settlement there until c. 1200 BC at the earliest. The place’s main fame is as a traditional limit (‘from Dan to Beer-Sheba’), not as a great centre in itself. Therefore, we must dismiss as mistaken, the late Prof Aharoni’s interpretation of an Iron Age well up near the later Israelite citadel as ‘proof’ that the Genesis narratives date to c. 1100 BC. This well, he admits, was cut in the 12th century BC by the new Israelite settlers—how, then, could they possibly be so stupid as to imagine that the work of their own hands (for their own settlement) was that of Abraham? As pastoralists living in tents, the patriarchs could not be expected to leave any trace to be found of their encampment at Beer-Sheba; nor of soon-obiterated temporary altars (earth and rough stones?) and a tamarisk long dead.

The excavations at Tell Arad, Tell Milh (Malhata) and Tell Masos have similarly been used as basis for a theory putting the Israelite conquests of c. 1230/1180 BC back to patriarchal times, hence to produce the artificial image of a ‘conquest’ that took centuries. However, this particular mirage depends simply on the lack of discovery (so far) of Late Bronze Age settlements on or near the Middle Bronze/Early Iron Age sites dug with such success. Such a negative basis, however, is wholly unsatisfactory as can be seen from the situation in Transjordan (chapter 1, and below). Furthermore, site-shift was particularly prevalent in the Negeb—Tell Masos has three distinct sub-sites, and Tell Ira is a fourth. BeerSheba itself has two main sites (Bir es-Saba, Tell Beersheba), besides its Chalcolithic sites.

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We now turn to the Hebrews in Transjordan. Skirting round Edom and Moab, the Israelites were finally compelled to fight against, and to defeat, Sihon, an Amorite ruler who had taken Heshbon from the Moabites and now lost it to Israel with the rest of his realm (Numbers 21:21-31). As we saw in chapter 1, it had been customary to identify ancient Heshbon with Tell Hesban, but excavations there failed to produce many buildings before Roman age, or anything much but pottery-fill before the seventh century BC at all. Thus, unless the earlier levels had been missed or totally obliterated, it is altogether more likely that Bronze-Age Heshbon was at either Tell el-Umeiri or Tell Jalul nearby, both of which show abundant occupation in the Bronze Age, Late and earlier, as well as later. Site-shift is the obvious answer, just as it was at Jericho, Lachish and elsewhere.

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45 Aharoni, *op. cit.*, pp. 71 ff.
46 Particularly as the precise identifications of Tell Milh, Tell Masos, Tell Ira and their sub-sites with Zephath, one or more Hormahs, and Arad of Yeroham remain disputed and cannot be settled finally at present.
47 Aharoni, p. 70.
In Moab proper Dibon offers an equally instructive example, again noted in chapter 1. Here, the excavations found virtually nothing of Late Bronze Age date,\textsuperscript{50} even though Dibon is mentioned in Numbers (21:30; 32:3, 34, 45-46, etc.), precisely like the ‘gap’ at the Negeb sites. However, in this case, we have independent written evidence at first hand to prove the existence of Dibon in the thirteenth century BC: the war-reliefs of Ramesses II depicting his conquest of Batora and of Dibon ‘in the land of Moab’,\textsuperscript{51} these being shown as fortresses. Moab was then a state with fortified strongpoints during the first half of the thirteenth century BC; the archaeological data from Dibon (Dhiban) are clearly inadequate, as is so often the case with mute, uninscribed, timeworn, incompletely-dug, archaeological sites. Such evidence is a very unsatisfactory basis from which to pass judgement upon the biblical or any other literary source.

From Tell Deir Alla in the Jordan valley, however, has come an archaeological and inscriptive curiosity of a very different stamp. A Dutch expedition found the fragmentary remains of an Aramaic inscription upon plaster, perhaps originally applied to a stone monument (stela).\textsuperscript{52} Datable to roughly 700 BC (eighth/seventh centuries overall) this text (or texts) exhibit(s) several remarkable features. In the text, the title and beginnings of important paragraphs or sections are written in red ink—‘rubrics’—precisely as in good literary papyri in Egypt, where this usage was invented. The language is Aramaic with features that are in some cases old, in other cases analogous with its sister-language Hebrew. But most remarkable of all is the content. When the Israelites were in Moab, about to cross the Jordan, the king of Moab hired a foreign prophet from north Syria, Balaam son of Beor, to curse the Hebrews (cf. Numbers 22-24)—but Balaam was constrained to bless them.

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2. Into Canaan
As noted repeatedly by past observers, the sudden stoppage of the Jordan (Joshua 3:13-17) is a phenomenon well-known at intervals in the river’s history, because of the nature of its clay banks.\textsuperscript{53} Once across the Jordan, Israel’s first challenge and first victory was at Jericho. The site of Old Testament Jericho is generally accepted to be the mound of Tell es-Sultan, just west of the modern settlement of Er-Riha that still preserves the name. Jericho has had a chequered career archaeologically as well as anciently. The more recent excavations by Dame Kathleen Kenyon (1952-58) showed clearly that the walls formerly attributed to the Late Bronze Age by Professor Garstang (1930-36) really belonged to a much earlier day (late third millennium BC). In the Middle Bronze Age (patriarchal period), Jericho had been a


\textsuperscript{51} Kitchen, Journal of Egyptian Archaeology 50 (1964), pp. 50-70.

\textsuperscript{52} See J. Hoftijzer, Biblical Archaeologist 39 (1976), pp. 11-17 (and 87); full publication, J. Hoftijzer and G. van der Kooij, Aramaic Texts from Deir Alla, 1976.

\textsuperscript{53} Cf. (e.g.) J. M. Houston in J. D. Douglas et al., eds., New Bible Dictionary, 1962, p. 656.
flourishing town, as the rich burials in abundant tombs have shown. However, once that town was destroyed, the Middle-Bronze remains lay fallow for some two hundred years, during which time severe erosion weathered away nearly all traces of the Middle Bronze township except low down on the east side. As already remarked in chapter 1, the very walls were largely swept away together with some twenty feet of scarp below them. Thus, it is scarcely surprising to find that the Late Bronze Age settlement at Jericho hardly survives at all (house-wall, hearth, a few tombs, c. 1380 BC onwards)—eroded not in two hundred, but for a whole four hundred, years (double the span) between the Hebrew conquest and the time of Ahab. Jericho is a classic example of incompleteness in the archaeological record caused by the depredations of man and nature combined, where—as at Dibon—the literary record (here, the Old Testament) retains phases of history lost to the excavator.

The other famous ‘problem-site’ is Ai. For many decades, Et-Tell has been the most popular candidate for identification as ancient Ai. However, excavations at Et-Tell, as at nearby Khirbet Hairan and Khirbet Khudriya, have totally failed to yield anything of the Late Bronze Age, or in fact anything at all between the end of the Early Bronze Age (late third millennium) and the Early Iron Age (c. 1200 BC). The same moral may still apply to Et-Tell as to Dibon or Jericho—or in fact, Et-Tell may never have been Ai in the first place. The verdict must be left to future discovery.

Quite different is the position at other sites. Perhaps Hazor (now Tell el-Qedah) offers the greatest contrast, where an extensive Late Bronze city and citadel was totally destroyed in the late thirteenth century BC, seemingly in good agreement with Joshua 11:10-11. Again, Tell Beit Mirsim (probably Old Testament Debir, despite carping by some) and Bethel (Beitin) were also destroyed in the later thirteenth century BC. So also Lachish (Tell ed-Duweir) where an Egyptian ostracon dated to a ‘Year 4’ in Ramesside hieratic script may suggest that this town fell in that year of the pharaoh Merenptah or of a later king. It should, of course, be said that some sites show multiple destructions, and identification of particular destruction-levels as being those caused by the marauding Israelites remains a matter of inference, even if the inference seems highly probable. Once more, the severe limitations of ‘dirt-archaeology’ bereft of inscriptions or related written evidence show themselves all too clearly. Without such evidence in adequate form, sites cannot so certainly be identified by former ancient name, nor destructions be assigned without cavil to either Israelites or Philistines from without, or to accident or revolt from within. Thus, the series of destructions

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57 Long ago, it was pointed out that Et-Tell’s ‘history’ better suited that of Beth-Aven than Ai, by J. M. Grintz, Biblica 42 (1961), pp. 201-16.
60 See Kelso, in Avi-Yonah, op. cit., pp. 190-3.
62 Cf. Kelso, op. cit., p. 192, on Bethel.
visible in Late-Bronze-Age Canaan in the later thirteenth century BC may probably be assigned to the Israelite invasion in good measure, but other factors must also be allowed for.

In any case, a modicum of common sense needs to be applied, as well as more careful study of the biblical text itself. The southern campaign of Joshua 10 was indeed a dramatic sweep through southern Canaan, cutting off kings and their principal forces, besides any caught without having fled from the seven or eight cities attacked. But beyond inflicting immediate loss, this campaign achieved little else by itself—it was a sweep, not an occupation: ‘Joshua returned, and all Israel with him, to the camp, to Gilgal’ (Joshua 10:15, 43). Occupation of the land, to live in it, keep livestock and cultivate crops in it, etc., was a far slower process, visible in part later in Joshua and in Judges. The error of contrasting Joshua’s rapid campaigns (misread as permanent conquest) with the slower occupation in Judges 1 misses the point entirely. And how often the proponents of this theory omit even to read Joshua 13! Thirty-one dead kinglets (Joshua 12) were not a conquest in depth, merely a cropping of the leadership. At the end of Joshua’s career, there still remained ‘very much land to be possessed’ (13:1)—both the areas listed (13:2-6) largely unreached by Joshua’s vigour, as well as the in-depth settlement of most of the districts already raided. That process was more painfully slow, even in Joshua’s lifetime; cf. the remarks in Joshua 18:2-3 (Joshua’s rebuke), besides the frustrated efforts recorded here and there (Josh. 15:63; 16:10; 17:12, 16). Moreover, careful comparison between Joshua and Judges 1 shows that not everything noted in Judges 1 is to be classed within 1:1-9, 16-19, as ‘after the death of Joshua’. Some verses contain ‘flashbacks’ (1:10-15, 20) to Joshua’s time (Jos. 14:13-15 and 15:13-19). Other sections are, strictly, undated (Judg. 1:21, 22-26, 27 ff.). Therefore, shallow contrasts between Joshua and Judges remain unjustified on the basis of the biblical narratives themselves. The absolute bottom date for Israel’s presence in Western Palestine is clearly indicated by the mention of Israel as a people on the so-called ‘Israel Stela’ of the 5th year (c. 1220/1209 BC) of the pharaoh Merenptah, in the closing verses of his victory-hymn over the defeated Libyans mentioning also his supremacy in Canaan.

3. Judges and Philistines
The two centuries (twelfth and eleventh) from the end of the Late Bronze Age to the emergence of kings in Israel were a period of change and confusion in the ancient Near East. From the northwest (Aegean and Western Anatolia), the ‘sea peoples’ shared in the fall of the Hittite Empire and largely destroyed the old citystates of Syria and Canaan, being halted only on the borders of Egypt by Ramesses III (c. 1180/1170 BC). From the north-east, central Syria and Canaan were subjected also to a growing influx of Arameans. From the south-east, as we have seen, the Israelites passed through Transjordan, across the Jordan, and so into Canaan too. Both Egypt and the Mesopotamian powers (Assyria and Babylon) had lost their political and military power, leaving Syria and Palestine to be a cockpit for the struggles between these competing groups and the Canaanites and Amorites already there. Cultural standards nosedived; settlements, pottery, etc., of Early Iron Age I period (twelfth-eleventh centuries BC) are often poor compared with earlier times, regardless of whether settled by Israelites or others. War and literacy can be found combined in this age, in a series of

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63 Long ago refuted by G. E. Wright, *Journal of Near Eastern Studies* 5 (1946), pp. 105-114; even with the growth of archaeological knowledge in the interim, his main points hold.
inscribed arrowheads, ‘arrow of so-and-so’. Art is best represented by the exotic pottery of the Philistines, whose growing pressure on Israel forced her into a new age—the age of kings.

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