

*Law and Order in Old Testament Times**

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[p.5]

A restatement of the relevance of the Old Testament is much needed in Biblical studies today. That it is the unique and primary source for any understanding of the history and religion of the ancient Hebrews is obvious, but all too often it is forgotten that in the long and inspired process of selection of the events recorded, some events, narratives and phrases may provide particular examples of teaching which may well have a special message for us today. One of the distinctive characteristics of God's ancient people was the way in which they sought to apply His Law to every aspect of life both communal and individual.

In the light of the continuing and current interest in 'law and order'—that is the body of rules whether formally enacted or customary which a community recognises as binding on its members, and the ordering, management or regulation according to those rules—it would seem profitable to see what Scripture says about this. Since it is in effect the subject of the whole Old Testament, it will be necessary to confine this lecture to some aspects of this wide-ranging subject.

THE PRINCIPLE OF LAW

As a starting point observe the 'theological' evaluation by the 'Deuteronomist' historian of the life of each king of Israel or Judah. 'He did the right (*hayyāšār*) in the eyes of the LORD' or alternatively 'He did the evil (*harrā'ā*) in the eyes of the LORD.' While the root *yāšar* can be used in three ways; literally to be, or go, straight as in its employment in the intensive (Piel) theme 'to make (a way) straight', that is level and obstacle free as when a city prepares to receive a royal visitor. More frequent is the ethical use—usually translated 'upright(ness)'. While the former can be the work of God for man (Prov. 3:6) or of man for God (Isa 40:3) the ethical application as the manner of life characteristic of the blameless (Prov. 11:5) or the man of discernment (Ps. 119:128) is the work of God in the life of man. 'God has made man upright' (Eccles. 7:29) which is probably to be interpreted as God giving man the ability to recognise the Divine law rather than as a description of some inborn characteristic of man as 'honest' or 'straightforward' (as NEB). The Hebrew word is used of a quality of heart and mind (Ps. 7:11) which enabled a man to keep to a legally binding agreement (2 Kgs. 10:15) and to be right both morally and practically. This was a noteworthy characteristic of David's life.¹ The idiomatic expression—'to be right in the eyes (of a person)' means that one has his approval because his commands are obeyed. In this way it comes to mean 'lawful' action.² The full phrase 'to do what is right in the eyes of the LORD' is linked with obedience to his commandments (Exod. 15:26; Deut. 6:17-18) and his covenant (Dent. 12:28; 13:19).

[p.6]

* This article is the substance of the Third Laing Lecture, given at the London Bible College. Professor Wiseman, the visiting Lecturer for 1973, is Professor of Assyriology in the University of London.

¹ 1 Kgs. 3:6, where the use of *y^ošārā* is unique.

² As of a 'pleasing' marriage as used by Samson (Judg. 14:3, 7), and of the relationship between Saul and David (1 Sam. 18:26). Similarly in Ugaritic *yšr* (Van Zyl, *A.O.A.T* 10 (1972) 83).

The historian uses this expression to describe the reigns of such kings as Asa (1 Kgs. 15:11; 2 Chr. 14:2), Jehoshaphat (1 Kgs. 22:43), Azariah (2 Kgs. 15:3) and Hezekiah (2 Kgs. 18:3). In each case it is related to similar action taken by a predecessor. Thus both Asa and Josiah 'did the right in the eyes of the LORD... as did David' (1 Kgs. 15:11; 2 Kgs. 22:2);³ Jehoshaphat as did Asa (2 Chr. 20: 32); Azariah as did Amaziah (2 Kgs. 15:3; cf. 2 Chr. 25:2). So Solomon declared himself as walking in (that is ordering his life and conduct by) the statutes and commandments (1 Kgs. 3:14) even as his father David had specifically charged him to do 'as it is written in the law of Moses' (1 Kgs. 2:3). It is noteworthy that at the dedication of the Temple Solomon reaffirms the primacy of the word of God through the commandments and covenant at Sinai (Horeb, 1 Kgs. 8:9). Similarly in the section where Hezekiah is commended for doing the right in the eyes of the LORD it emphasises that 'he kept the commandments which the LORD had commanded Moses' (2 Kgs. 18:6).

First, then, the 'ideal' king was one who maintained the tradition of the Law of God.

The period from Moses to David and from David to the Exile was marked by a continuity in the tradition of law.⁴ This length of time is comparable with that from Urukagina of Lagash to the later Old Babylonian kings when the same practise is attested.⁵

Further, the act of 'doing the right in the eyes of the LORD' was no mere general comment or statement that the king had the intention of ruling lawfully. In each case it refers to specific legal action taken by the king. Asa, Hezekiah and Josiah took positive steps to destroy the high-places and those who served them or sacrificed there as well as the associated practices which maintained idolatry and sexual licence. Those who failed to take such a public stance and who issued decrees which furthered practices which contravened the Law were said to have done the evil and their specific action is likewise noted.⁶ Even those kings of whom it was said that they 'did the right' failed to keep all that God had commanded. Of the 'ideal' king David it had to be recorded that he had 'done what was right in the eyes of the LORD and did not turn aside from anything God had commanded him all the days of his life except in the matter of Uriah the Hittite' (1 Kgs. 15:5).

In the Old Testament the king is never the fountain or source of law of which man is always the servant. The specific terms for law are few with Torah (*tôrāh*), Divine 'instruction or teaching' commonly translated 'law', used originally of the revelation of law in the form of a covenant unique, among all ancient law, in its demands and directness between God and the individual. Though this was recorded in the typical legal or treaty-covenant style of the ancient Near East in which an overlord imposed stipulations upon a vassal⁷ it goes back in essentials to the Adamic and Abrahamic covenants.⁸ There is no proof that Torah was originally limited to actual cases which for decision required the casting of lots (*yārah*).⁹ Later Torah was extended to cover collections of legal decisions and the divine regulations for

³ 1 Kgs. 3:3 seems to show that Solomon did not follow his father in 'doing the right in the eyes of the LORD'.

⁴ There is no evidence that the knowledge of the Law of God, as opposed to the written copy of it, was lost in the days before Josiah.

⁵ F. R. Kraus in *Studies in Honor of Benno Landsberger* (1965), 225-231.

⁶ The phrase 'and all that he did' may be a reference to public actions and decrees recorded separately and not included in the Annals of the Kings of Israel and Judah.

⁷ K. A. Kitchen, *Ancient Orient and Old Testament* (1966), 90-102, has useful bibliographical references [http://www.biblicalstudies.org.uk/book_ancientorient.html].

⁸ On the latter, see J. J. Mitchell, 'Abram's understanding of the Lord's covenant', *Westminster Theological Journal* XXXII/1 (1969), 24-48.

⁹ Contra Z. W. Falk, *Hebrew Law in Biblical Times* (1964), 26.

religious conduct. The teaching element within the concept of Torah is strong. Of some 222 occurrences in the Old Testament it is rarely used of instruction by a human father (Prov. 3:1; 4:2; 7:2), mother (Prov. 1:8; 16:20, 23), wife (Prov. 31:26) or by a wise man (Prov. 13:14, 28, 79; 29:18) or poet (Ps. 78:1). Here it is always of practical application of traditional truths. The

[p.7]

predominant use is of Divine instructions made through words and recorded and taught by Moses and his successors. 'Teach them to your children and your children's children' (Deut.4:9). Only in this way would the law be known, respected and preserved. Another word for law was 'truth' (*emet*) which when implemented produced 'right(eousness)' (*šedeq*) and 'justice' (*mēšarîm*). Though commonly also translated 'law', *mišpaṭ* is case or customary law, the legal decision which became a precedent or law applicable to a given situation as in 'the manner of the king' (1 Sam. 8:9, RSV 'ways').¹⁰ In other words for the Hebrews the principle of law was that of the Divine instruction expressed in decisions made by the LORD'S representative or governor who administered justice by decree or statute (*hūq*) and judgments. There was no concept of state law as such prior to the Exile when under Artaxerxes the 'law of God' was imposed as the 'law of the king' (Ezra 7:26).¹¹

In Babylonia too 'law' was epitomised as 'truth' (*kittum*) and always associated with its object which was to produce justice or order (*kittum u mēšarum*). In the long tradition from at least the days of Urukagina, Ur-Nammu of Ur (c. 2100 BC) claims that 'he established equity in the land and banished malediction, violence and strife' in accordance with these principles of 'equity and truth' revealed to him by his god Nanna.¹² Hammurapi of Babylon (c. 1750) claimed that the Sun-god had granted him, as a righteous ruler 'the eternal truths' i.e. law (*kinātim*). Another ruler of the same dynasty believed that the sun-god himself was not the source but only the guardian of 'truth' since this was eternal. Law was then the gift of god and the human ruler was but a temporary trustee responsible to the gods for maintaining the divine order. Since the king was answerable to powers outside himself his subjects were protected against autocracy and the individual had certain inalienable rights.¹³ The authority of the king was limited to maintaining order by the administration of justice (*mēšarum*) and this made for order and stability under a state that was incompatible with autocracy in practice, not just in theory. From this stemmed the Semitic view of the dignity of man—all one before god. This concept of law means the law—like the truths it embodied—was timeless, impersonal and invariable with time and person. Its interpretation required professional judges who would have access to precedents. These were embodied in written documents and it is no accident that the earliest and most numerous writings (c. 3500-3400 B.C.) are legal texts guaranteeing the rights of the individual in society and of harmony within that society. Such commitments in writing involved a commitment to the gods—as source of the law—through the solemn oaths or other symbolic actions (e.g. the seal).¹⁴

The influence of this Mesopotamian concept of law on the western world can only as yet be traced intermittently. We know that the Greeks (in part through the Hittites) took over and developed many branches of the learning of the ancient Near East and Paul Koschaker has

¹⁰ cf. E. A. Speiser, 'Cuneiform Law and the History of Civilisation' *Proc. Amer. Phil. Soc.* 107 (1963), 537.

¹¹ R. de Vaux, *Ancient Israel* (1965), 151

¹² J. J. Finkelstein, *Journal of Cuneiform Studies* 22 (1969), 22.

¹³ E. A. Speiser, *loc. cit.*, 537; *idem*, *Authority and Law in Mesopotamia* (J.A.O.S. Supp. 17) (1954), 8-15.

¹⁴ E. A. Speiser, *loc. cit.*, 538.

well argued for this oriental influence on Roman law. The Greeks, whose alphabet appears to have reached them through the Phoenicians, may have acquired this concept of law through similar channels. Speiser was certainly justified in adding to the proverbial maxim *ex Oriente Lux* that of *ex Oriente Lex*. In Egypt from whose whole historical period until the Hellenistic period there have so far been found fewer legal documents than have come from a single Mesopotamian country town (Nuzi), the situation was otherwise. Though there were obviously local legal decisions to main order, faith in a

[p.8]

deified pharaoh made him the source and master of all law.¹⁵ This had scant appeal to, or influence over, Egypt's neighbours.

ACCOUNTABILITY UNDER THE LAW

As has been shown the Hebrew ruler was judged according to the way he responded to the revealed law of God and implemented it in his day to day decisions. His responsibility to God stemmed from the moment of his choice by God as shown in the call each received to maintain the law, not to make it. Thus legitimate claim to the leadership involved a public establishment that a Divine call had been received. Such a leader was expected to be both a deliverer of the people from oppression, whether external or internal, and a judge to keep the people obedient to the known law of God. So the divine call came to Moses (Exod. 3:4, 7; 19:3-6) and to Joshua to act in every way according to the law which he must continually check from both its oral and written tradition (Josh. 1:7-8; cf. 23:6). The same tradition was maintained thereafter through the saviour judges from Joshua to Samuel.¹⁶ So the call came to Saul to rule over the people of the LORD and save them from the hand of their enemies (2 Sam. 10:1). Since his kingship would inaugurate a possible change from theocracy to the type of kingship common in surrounding states ('like the nations'), Samuel was careful to ensure that the customary ways (*mišpaṭ*) of such kings in expressing autocratic decisions and curtailing individual rights would be known (1 Sam. 8:9). At the same time Samuel told the people the 'rights and duties of kingship' (1 Sam. 10:25; the *mišpaṭ* of kingship, cf. AV 'manner of the kingdom').¹⁷ To ensure that it would be available as a standard, the prophet-leader wrote them down in a book and laid them up before the LORD. This would seem to mean that they were put in the sanctuary alongside, but not on the same level as, the Decalogue which had been placed within the ark of the Covenant (Exod. 25: 21).¹⁸

When the call came to David to be the deliverer and judge of Israel, it was accompanied by Divine promises assuring him of an unbroken dynastic succession (2 Sam. 7:8). His was to be a great ruling house of high reputation ('great name'). Such dynasties were marked by the use of a dynastic seal as a reminder of the permanency of the royal office as opposed to the mortality of the king.¹⁹ Documents from Alalakh and Ras Shamra in Syria of the fifteenth and fourteenth centuries B.C. were distinguished by a special seal different from that used by the

¹⁵ J. A. Wilson, *The Burden of Egypt* (1951), 49ff.

¹⁶ Judg. 3:9-10,15; 4:4; 6:14; 10:1-3; 12:7. Gideon rejected the role of judge in favour of his son (8:27).

¹⁷ I. Mendelsohn, 'Samuel's denunciation of kingship in the light of Akkadian documents from Ugarit', *Bulletin of the American Schools for Oriental Research* 143 (1956), 17-22.

¹⁸ The only evidence that two of the items 'laid up before the LORD'—Aaron's budding rod w (Num. 17:7) and the pot of man (Exod. 16:3-4)—were kept within the ark itself is Heb. 9:4. This verse may be a generalisation (cf. the golden incense altar stated to be in the Holy of Holies).

¹⁹ Thus the symbolic reference to the royal seal in Jer. 22:24 and Hag. 2:23.

king when he was a personal participant in a case.²⁰ Such seals bore the name of a remote ancestor who might be the founder of the line.²¹ They marked the state as guarantor, and a replica of this seal could be affixed by accredited persons in the name of the king. This was common practice in the Assyrian court throughout the first millennium. Jezebel seems to have taken advantage of this practice to use Ahab's seal to institute court proceedings against Naboth (1 Kgs. 21:8). Not surprisingly there is one case noted at Ugarit of three men who committed 'the grave sin' of making a counterfeit copy of the grand royal seal intending to make capital out of its use.²² The use of dynastic seals continued throughout the Monarchy when in Assyria king Esarhaddon sealed the treaties made in 672 B.C. with his vassals, including Manasseh of Judah, with the seal of his royal father Sennacherib, of Tukulti-Ninurta II his predecessor by some six hundred years, and not least by the central application on the document of the seal of the national god Ashur.²³ A

[p.9]

repeated use of dominant throne-names (e.g. Sargon, Nebuchadrezzar, Darius) may not be related only to the legitimisation of a claim to the throne, but may have been a concern for the return to the 'ideal' conditions and just rule thought to have prevailed at the time of an illustrious forerunner. This may be reflected also in the use of phrases which recall the 'house' or 'throne' of David (e.g. Isa. 9:17).²⁴

The call to rule laid upon a king the obligation to maintain the tradition of god-given law and his call was reinforced by a promise of the necessary wisdom to enable him to carry out this fundamental part of his royal functions. What were the ways in which a king would render account of his stewardship? I suggest that since the Mesopotamian ruler reported on his actions to his god by way of periodical reports, law reports and letters, a similar practice may be attested in the Hebrew monarchy.

(a) Law reports

I use the term 'law reports' advisedly. There has been a growing awareness that the collections of ancient laws from Mesopotamia are not 'codes' of laws, but case-laws or decisions based on the facts of isolated and particular cases.²⁵ In the long tradition of Mesopotamian laws, Lipit-Ishtar, Eshnunna and Hammurapi have left us but loosely organised groups of legal cases couched in the literary form beloved by the ancient scribes.²⁶ It is the one employed for lists, omens and legal documents such as the treaties. Although customarily translated in the manner, 'If a son strikes his father, they shall cut off his hand' (Laws of Hammurapi §195), the *šumma* formula is best explained with Meek as 'namely' or 'it was decided that...'²⁷ The tenses employed show that the first part records the facts as established and the second, in the incomplete tense, reproduces the brief words of the king himself as he passes sentence. Thus, the fact that the son had struck his father was proved by the cross examination of witnesses, but like scientific processes of the time this could be

²⁰ J. Nougayrol, *Le palais d'Ugarit III* (1955), xl-xliii.

²¹ D. J. Wiseman, *The Alalakh Tablets* (1953), 6.

²² J. Nougayrol, *Palais royale d'Ugarit III* (1955), 96-98 (R.S. 16.249).

²³ D. J. Wiseman, *The Vassal-Treaties of Esarhaddon* (1958), 14-22.

²⁴ cf. Jer. 21:13; 22:2,4,30; 24:16; Zech. 12:8, 20 and also, possibly, popular reference to 'son of David' (Matt. 12:35; Luke 20:41; Rev. 22:16).

²⁵ G. R. Driver, *Babylonian Laws* (1952), I, 48.

²⁶ F. R. Kraus, *Genava VIII* (1960), 283-296.

²⁷ *Journal of Near Eastern Studies* V (1946), 64.

recounted on separate documents. Thus we do not now have the details which led the judge to declare the son guilty, or indeed the essentials of the case, since for the purpose of a résumé of the case we are given only the fact of guilt (and sometimes some corroborative details) and the sentence ('They shall cut off his hand'). For this reason it is probably not possible for us to be sure today why the surgeon whose hand slipped causing the loss of the eye during an eye operation should have been sentenced to having his hand cut off.

Finkelstein has shown that the Laws of Hammurapi were compiled late in his reign as a royal apologia or witness to the king's conduct of affairs as a 'just king' (*šar mēšarim*).²⁸ They were inscribed upon a stone stela addressed to the god Marduk who had called that king to reign and make right (or justice) shine out over the land by judging the causes of the fatherless and the widow. Accordingly the laws were set up in the temple before the god in Babylon and in the epilogue the king makes it clear that it was a record of the royal wisdom (*emqum*) and that it was also meant for the benefit of his successors for he made the plea that they, as he had, would continue the same legal practices.²⁹ The statement that the laws were available for general consultation probably implies no more than that copies were made both for later kings and lawyers. Indeed copies of these laws and other earlier collections, were made down to the late Babylonian times.³⁰ In addition

[p.10]

to its value in providing a reference work, the requirement to copy and preserve the law and order was necessary for the preservation of the living and continuing tradition. This need for the king to demonstrate the wisdom with which he had been endowed on taking office led to his final report to the god, including a selection of the most erudite cases. It is not surprising that among a large body of extant legal cases there is scant reference or allusion to any of the laws of Hammurapi. There is a possibility that the concentration of cases he judged concerning a special class of priestess (*naditum*), of which there are some unusual cases included in his laws, may have led to an end to that particular class of dispute.³¹ It is certain that among the whole corpus of legal literature from the ancient near East we have no 'code' of laws in our modern sense.

Moses who, like Hammurapi, held central administrative power found the burden of hearing all the cases necessary for preserving order too much for him. He therefore appointed men of wisdom and discernment who could write (Deut. 1:15), share in the process of hearing arguments (v. 12) and record decisions, referring particularly difficult or important cases to him as the high judge. These same officers had general responsibility for order and were related to military office. They could give orders and appoint sub-leaders (Deut. 20:5,8-9). They ranked after the elders (Deut. 29:10; Num. 11:16) and were associated with scribes (2 Chr. 19:11; 34:11). For this reason special and difficult cases, as that of the daughters of Zelophahad (Num. 27:1-11), may well have been selected as significant evidence of Moses' use of his God-given and inspired 'wisdom' and thus been included in his report to his God.

The maintenance of law always required that the king made a public decision in any case referred to him. Where such decisions affected the nation as a whole and was to act as a

²⁸ J. J. Finkelstein, 'Ammissaduga's Edict and the Babylonian Law Codes', *Journal of Cuneiform Studies* XV (1961), 103.

²⁹ Laws of Hammurapi xxvb 59-74.

³⁰ D. J. Wiseman, 'The Laws of Hammurabi again', *Journal of Semitic Studies* 7 (1962), 161f.

³¹ R. Harris, *Orientalia* 30 (1961), 163-9.

special precedent it would be copied, made the subject of a royal decree and issued as guidance to officials and minor judges who could then act in accord with the royal legal decision (*kima šimdat šarrim*). Numerous court cases which have survived from Babylonia show the care taken to establish the facts and the free and often lengthy statements of witnesses for both sides as well as the royal verdict. They show too that such cases were written up as an agreed version of the proceedings and sealed by the witnesses before being deposited in the archives for further reference. When the historian wishes to show that the same thing was done during the Monarchy and especially to show that 'the wisdom of the LORD was in Solomon to render justice' (i.e. do the right), he selects from the archives the full account of the complicated case of the prostitutes' claim for custody of a sole surviving child (I Kgs. 3:16-28). Here the emphasis is both on the fact that this practical decision shows Solomon's response to his calling to be wise and on his use of the God-given quality so necessary in true kingship. He was a person who could discern between good and evil—a God-like quality (Gen. 3:5)—and thus act for God who was the supreme Judge.

(b) Historical reports

Another method of reporting by an ancient king to his god was in historical reports. Early historiography grew out of the need to recall all factual observations and their relation to other celestial revelations. Thus the historical exploits of the early kings of Agade (c. 2300 B.C.) are listed individually, quite apart from any so-called sagas about their doings. These form an early type of historical

[p.11]

chronicle and are valid historical data.³² By the first millennium B.C. longer annalistic accounts were made after every year and especially after every campaign. These formed the historical source material from which subsequent historians selected facts for their particular purpose. Thus, for example, the detailed account of the eighth campaign by Sargon of Assyria in his seventh year (714 B.C.) survives in its fullest form as a dated report to the national god Ashur and may well have been read out before the god and people at a public victory celebration at the capital.³³

(c) Letter reports

Letters were a popular form of giving information to a god and are found placed in temples near to the divine statutes, some in envelopes simply addressed 'to the god X'.³⁴ The majority of such missives were probably read out to him by a priest-scribe and contain the usual polite greetings formulae, the main body of the letter being the report, complaint or petition. While most concern the need for relief from sickness or requests for long life it is known from a Mari letter of the god Dagan of Tirqa's concern that the king had failed to report to him the progress of a battle. It can be suggested that Hezekiah's action in taking Sennacherib's letter and 'spreading it out before the LORD'³⁵—was no mere request for oracular guidance as has been suggested. It could well reflect the good habit of letting God have an account of the daily

³² J. J. Finkelstein, 'Historiography' in *Proc. Amer. Phil. Soc.* 107 (1963), 461ff.

³³ F. Thureau-Dangin, *Une relation de la huitième campagne de Sargon* (1912). A. L. Oppenheim argues that it was read out to the people as part of royal propaganda (*J.N.E.S.* 19 (1960), 143).

³⁴ W. W. Hallo, 'Individual prayer in Sumerian: The Continuity of a Tradition', *Journal of the American Oriental Society* 88 (1968), 75, n. 74.

³⁵ Isa. 37:14 (*pāraš*) cf. Ezek. 2:10 of a scroll.

happenings in the king's life, problems and all. This type of literature (*Gottesbrief*) is a more extensively used literary form than has hitherto been recognised,³⁶ and though sometimes related to texts which furnish us with the written replies given to royal questions, attests this aspect of royal reportage. There have been found also in Mesopotamia some letters from a god to a king.³⁷

RESPONSIBILITY TO THE PEOPLE

It was not only at the end of his reign that a king associated himself with the traditional law in a public manner. Kraus in his publication of an edict of king Ammisaduqa of Babylon (c. 1645 B.C.) shows that it was customary for Old Babylonian kings to make a proclamation of the law by which they would rule, and any proposed changes in the status quo, in their first full regnal year.³⁸ Such *mēšarum*-edicts (*Rechtsprüche* or *Richtersprüche*)³⁹ were, like all Mesopotamian law announced orally, agreed and then the agreed result recorded in writing.⁴⁰ Reference to these *mēšarum*-acts are found in the formulae by which the years were dated. These show that the practice represented an initial step by the king to extend his control over every part of the nation's affairs. While the general aim of such a decree was 'to establish justice in the land', it did this by an ordering of the economy. The measure aimed to prevent the collapse of the economy under too great a weight of private debt. Interest at the time was 33 per cent on barley and 20 per cent on silver. It also prevented the excessive accumulation of private wealth in too few hands. Such edicts can be traced back at least to the time of Urukagina of Lagash when he faced a difficult situation 4,500 years ago. Bureaucracy was rife, taxes were high and confiscation of a man's means of livelihood was common whether it was his cattle or his fishing-boat. Enormous dues were payable on sheep-shearing, divorce, foods and medicines. Even death brought

[p.12]

no relief for there were burial taxes. 'From one end of the state to the other there were tax-collectors.' So Urukagina by a public statement set in motion a return to law and order so 'no one would steal a poor man's fish or trespass on a poor man's mother's garden... he established freedom, there was no tax collector.' Injustice and exploitation were curtailed.⁴¹

Urukagina was followed in this by the majority of rulers. Many successors, using the *mēšarum*-procedure and its associated regulations (*šimdat šarrim*) on a variety of subjects aimed at the remission of private debt originating in actual loans (not sums owed in business). These decrees, like that of the Hebrew jubilee year, sought the redemption of members of families held as pledges and the remission of taxes. This act of fiscal and personal release (*andurārum šakānum*) is the same as in the Hebrew procedure (*d^eror*).⁴² While the people had a right to expect such royal decrees and economic measures as would reflect the traditional

³⁶ See now A. Falkenstein, *Zeitschrift für Assyriologie* 44, 1; A letter from Zimri-Lim to the river-god (*Syria* 29, 126); A. Sjöberg, *Nanna Suen*, 104f.; *Bibliotheca Orientalis* 7, 57, n. 6.

³⁷ *Archiv für Orientforschung* IX, 102.

³⁸ F. R. Kraus, *Ein Edikt der Königs Ammi-saduga von Babylon* (1958); with the opening lines now restored (*Revue d'Assyriologie* 60 (1969)).

³⁹ F. R. Kraus, *Geneva* VIII (1960), 288.

⁴⁰ For the oral response to the covenant, see *Iraq* 20 (1958), 57f. (lines 494-512). In marriage contracts see *Journal of Cuneiform Studies* 20 (1966), 55-72.

⁴¹ S. N. Kramer, *From the Tablets of Sumer* (1956), 32-46.

⁴² J. Lewy, *Eretz Israel* 5 (1961), 28.

state of law, as might be expected some ruthless authorities inserted a clause in contracts stating that debts could not be remitted even if there was a royal *mēšarum*-edict.⁴³

Finkelstein has shown that in addition to the first full regnal year further *mēšarum*-acts might be enacted every seventh year or at other special times during a reign.⁴⁴ The act was, however, primarily an essential element in the procedure whereby a king established his authority over the land on accession and demonstrated his position in relation to the existing, and therefore earlier, traditional law.

It has already been shown that the kings of Israel and Judah who did the right in the eyes of the LORD are recorded as following in the tradition of their law-abiding predecessors. 'Doing the right' is associated with the Law of Moses and the covenant of God.⁴⁵ Such action was a hall-mark maintaining an ideal kingship and, at least in Judah, of the continuity of law over a long period.

The timing of these acts is noteworthy. As with the Babylonian *mēšarum*-act the decrees involved in 'doing the right' (both the statement of the principle of law to be followed and the statutes to enact it) were made in the first full regnal year of Hezekiah and, for Josiah, his first full year of sole reign.⁴⁶ Taking over the kingship, at least for Josiah, required that the king himself read or had read 'all the words of the book of the covenant' to make clear what was the law he was to maintain' (2 Kgs. 23:1-3). On this basis the king made a personal covenant 'to walk after the LORD and loyally keep his commands and covenant stipulations and statutes'. He had to make a practical demonstration of his (re)newed position by 'doing the words of this covenant' (2 Kgs. 23:3). All this implies a public recognition of the principle of law. All the people associated themselves with ('stood to') the covenant. The precise manner and form of wording in which this was done is not stated, but would perhaps have followed the time-honoured formula, 'As for me and my house (dynasty), we will serve the LORD.' The people may have replied as at Shechem, 'We will certainly serve the LORD' (Josh. 24:21ff).⁴⁷ It will be noted that when Joshua took over control and made a covenant with the people, 'on that day' he made immediate pronouncement of the decrees and law (*mišpaṭ*) to be enforced. Josiah did the same, making immediate decrees to bring contemporary practice in line with the Law of God. An essential element in the ceremony of accession was that whereby the people shared responsibility with their ruler. The first hint of such agreement between king and people occurs at the inauguration or change of dynasty. Abner promised

[p.13]

to bring all Israel to David if he made a covenant with him (2 Sam. 3:12) and acted as intermediary to urge the elders to do this (verse 17). Moreover Abner promised 'to gather all

⁴³ As in Alalakh tablets (*ūl ittarār*). Cf. Kraus, *Edikt*, 226, 'a slave girl or a slave from Numina, Emutbal, Idamaraz, Uruk, Isin, Kisura or Malgum... bought for silver or taken as a pledge or taken over in payment may not be granted a release (*andurārum*).

⁴⁴ Listed in J. J. Finkelstein, 'Some new *mēšarum* material and its implications', *Studies in Honor of Benno Landsberger* (1965), 233-246.

⁴⁵ On 'doing good' as also relating to the covenant see also Dan. 11:6 'to make *myšrm*' which is 'to make an alliance' (so N.E.B.) or covenant. Akkad. *išariš dabābu* has the same meaning, *Lešonenu* 36 (1971-2), 11f.; M. Weinfeld, 'Covenant Terminology in the Ancient Near East and its influence on the West', *Journal of the American Oriental Society* 93 (1973), 191, n. 13.

⁴⁶ Also Jehoida in the first effective regnal year of Jehoash (2 Kgs. 11:4, 1).

⁴⁷ Note that Jehoiada made a covenant between 'the LORD and the king and the people' and also between the King also and the people (2 Kgs. 11:17ff.).

Israel to my Lord the king and they will make a covenant with you so that you can reign over all you want' (verse 26). So all the elders of Israel came to the king in Hebron and then King David made a covenant with them in Hebron before the LORD and they anointed David king over Israel' (2 Sam. 5:3). Similar arrangements were made in the case of Rehoboam after the division of the monarchy since this was a case of change when Judah took over the northern tribe. 'So all Israel (i.e. the Israelites) came to Shechem to make him king' (1 Kgs. 12).

This act of solemn covenant in which the people associated themselves with the king, who was the representative, trustee or 'image' of his god,⁴⁸ was preceded by negotiations with a representative body of the people. In David's case it was the elders, in Rehoboam's with Jeroboam and the assembly (1 Kgs. 12:3). This assembly had the power to elect kings (as it did Jeroboam) or reject aspirants to the throne (as Rehoboam). In a similar early tradition Abimelech had been elected king by the leading citizens.⁴⁹ When Rehoboam failed to gain the support of the elders, it seems that popular acclaim was essential to his cause so he turned to 'the young men' who 'stood before the king', that is were advisors and officials. Malamat has shown that these 'young men' (*y^elādīm*) were in fact the influential party of middle-aged princes who formed a body or institution which participated in policy making.⁵⁰ Ahab faced by an Aramean ultimatum (1 Kgs. 20:1f.) and Amaziah concerned about a decision over war or peace (2 Chr. 25:17; cf. 2 Kgs. 14:8) consulted these advisory bodies. Josiah, like his predecessors seeking to 'do the right', took specific steps to ensure that not only the elders and all the people but also the priests and prophets were with him when the law was read and reaffirmed.

Similar assemblies are known from Mesopotamia, though the extent of their sovereignty and their precise rôle as judicial bodies is still the subject of debate, as is their place in the early development of democracy.⁵¹ It is clear that they did not always reach a final decision and could sometimes be the focal point of discord. Gilgamesh of Uruk, the hero of the Babylonian Flood story, whose historicity has been put beyond doubt by epigraphical and archaeological finds, was faced with an ultimatum by Agga of Kish. He called an assembly of the 'city fathers' who recommended that he avoid war at all costs. When, like Rehoboam much later, he turned to the council of the 'young warriors', he received contrary advice to reject the Kish terms. Accepting this he waged a successful war. The 'bicameral nature' of these institutions and their relation to matters of war and peace agree in showing a certain lack of freedom in the independent exercise of the ruler's prerogative of decision, at least in matters requiring popular support.⁵²

To 'do the right' always included cooperation between the king and his people and implied that the former would take practical steps to enable the individual to keep the law in every sphere of life. It is not without significance that the ancient Near eastern collections of laws developed out of the necessity to attempt to control prices and of the consequent legislation.⁵³ In the Old Testament it included deliverance from oppressive legislation and dues. The

⁴⁸ D. J. A. Klines, 'The Image of God in Man', *Tyndale Bulletin* 19 (1968), 85.

⁴⁹ Judg. 9:6; cf. Deut. 33:3.

⁵⁰ A. Malamat, 'Organs of Statecraft in the Israelite Monarchy' (*Biblical Archaeologist Reader* III (1970), 171f.).

⁵¹ T. Jacobsen, 'Primitive Democracy in Ancient Mesopotamia', *Journal of Near Eastern Studies* 2 (1953), 150-172; *Zeitschrift für Assyriologie* 18 (1957), 101; G. Evans, 'Ancient Mesopotamian Assemblies', *Journal of the American Oriental Society* 78 (1958), 1f.

⁵² E. A. Speiser, *The Idea of History in the Ancient Near East* (1955), 53.

⁵³ C. J. Gadd in *Cambridge Ancient History* 3 II/1 (1973), 190.

Gibeonites' plea that Joshua should 'do as seems good and right in your eyes' implies that he would act justly (Josh. 9:25). They were saved from death. The phrase 'to do good'

[p.14]

has been shown to imply acting within the Covenant.⁵⁴ When Rehoboam wished to ascend the throne the Israelites ('all Israel') made a plea to him to lighten the dues in taxes and corvee service which Solomon had exacted as had been predicted in Samuel's description of the way kingship would be less just than a theocracy (1 Sam. 8:15-17). They demanded this as the basis for renewed loyalty to the throne and perhaps for a new covenant (1 Kgs. 12:2-5).

It can be argued then that the characteristic of law-keeping was held to be the ideal in Israel. I would suggest that the poetic name for the people, Yeshuron (Dent. 32:15; 33:5, 26; Isa. 44:2), should best be interpreted as 'People of the Law' (*Rechtsvolk*) rather than as the questionable diminutive of *yāšur*, 'good little people'! Similarly it may not be too far fetched to think of that Book of Jasher as containing a collection of legal edicts and the historical situations in which they were delivered rather than as a 'collection of ancient national poetry', a genre nowhere else attested in such a form. Certainly the details extracted from this otherwise unknown source by the Deuteronomist historian about the vengeance taken on the Amorites (Josh. 10:13) could have been an edict based on the earlier law and practice (e.g. Exod. 34:11). The Book of Jasher would have the concomitant phenomenon of the sun standing still recorded as part of the historical note. Similarly the quotation of David's lament over the death of Saul and Jonathan (1 Sam. 1:18) may not mean that the poem alone was recorded in that book so much as the legal justification for David's action against the previous dynasty for breaking the Covenant.⁵⁵ Indeed the elimination of all potential claimants to the throne as well as of any citizens charged with transgressing the law and covenant made by predecessors was common practice among all kings of Old Testament times. It was an essential part of the process whereby a king established his position. So Solomon's purges end with the comment — 'so the kingdom was established in Solomon's hand' (1 Kgs. 2:46).

THE MAINTENANCE OF ORDER

If order is taken to be the law in action within a community with its primary aim of the establishment of equity or justice, then the world of the Old Testament furnishes examples. As has been shown the primary purpose of, and consequence of, the law rightly applied is justice—that element of right and peace without which no nation can flourish. 'Order' in the sense of 'right' (*yāšār*) is not distinguished from 'integrity, righteousness and peace' (the latter concepts relate the whole of man to all—God, his fellows and his environment). These three words are used as synonyms in Hebrew and there is no specific term for 'order' as opposed to chaos other than these which are attributes of God and His word when acted upon. 'Great peace have they who love thy word and nothing can make them stumble' (Ps. 119:165). Such words as may be translated 'order' according to the context include that which is the common word of law—'to command'. This is used in 'set the house in order' (2 Sam.

⁵⁴ W. Moran, *Journal of Near Eastern Studies* 22 (1963), 174f.; M. Weinfeld, *loc. cit.* 191, n. 24.

⁵⁵ The study of the derivatives of *yāšār* could be extended. Note that Jerusalem was called the 'city of truth' (Zech. 8:3) just as Babylon/Borsippa is called the 'city of truth and justice' (W. G. Lambert, *Journal of the American Oriental Society* 88, 126) i.e. the city of law and order.

The expression *ere mišor* in the Pss (26:12; 27:11; 43:10) may describe the land as a place controlled by law rather than be figurative of a place of safety, comfort and prosperity, though these are the result of law. It can hardly mean 'a level place (free from obstacles)' (as *B.D.B.*).

17:23; 2 Kgs. 20:1; Isa. 38:1). The prayer 'Order my steps in thy word' (Ps. 119:133) similarly implies the practice and presence of God's law as the firm basis of action.

God is a God of order and his desire is righteousness and peace in everything. 'Thus says the Lord who gives the sun for light by day and the fixed order of the moon and the stars for light by night, who stirs up the sea so that the waves roar—

[p.15]

the LORD of Hosts is his name: If the fixed order departs from before me, says the LORD, then shall the descendants of Israel cease from being a nation before me for ever' (Jer. 31:35-36). The order depicted here is one of the Divine rules which govern the various controlled movements of the planets, stars and tides, all as unlike normal human thought as the heavens are higher than the earth. This order is unceasing (Gen. 8:22), hence the emphasis on the people *ceasing* to be a nation—a distinctive unity within a given territory—if ever they ceased to keep God's law and covenant (Isa. 30:9-13). The exile and the diaspora illustrate this.⁵⁶

The very title of God as the LORD of Hosts may reflect this same concept of order. It is commonly supposed that the ordered hosts of heaven were thought to reflect the armies of men and that the explanation given of this divine epithet as 'God of the battle array of Israel' is the primary use instituted in the days of warlike David (1 Sam. 17:45). However the root *šb'* is used of any group working together in harmony or joined together for service, as the tribes at the time of the Exodus (Exod. 6:26; 38:8; Num. 4:3ff.) and as the priests at their work. The word is also employed when items are written down in a prescribed order (2 Kgs. 25:19; Jer. 52:25).⁵⁷ Although the title 'God of Hosts' is invoked in military contexts it is not always so and by the time of its frequent use by Jeremiah, Amos, Haggai, Zechariah and Malachi this connotation is certainly lost. It is noted that the 'host of heaven' frequently occurs but never the 'host of earth' and it is suggested that its primary use is of Divine order whether this is in military, religious or other affairs.

Man too is created to reflect the divine order. The fact that God has made man 'upright' (*yāšār* Eccles. 7:29), denotes the ability to appreciate God's law and interpret it in right action (Job 33:23).⁵⁸ Man is to display 'uprightness' (*mīšōr*, *mēšār*) which stands for the quality of straightness (in government) and justice. Similar words occur in the texts from Syria.⁵⁹ This is how people should be judged (Ps. 67:4, AV 'righteously'; NEB 'with justice').

ORDER THROUGH EDUCATION

One of the prime functions of education was to ensure that the people were fully aware of their responsibility under law. Using methods which have a long tradition in the ancient Near East, it was the responsibility of parents, not primarily of the community, to 'teach them (the laws) to the children and children's children' (Deut. 31:19; 4:10; 5:31). In this fathers played a leading rôle (Prov. 3:1; 4:2; 7:2) though a mother was expected to take an equal share (Prov.

⁵⁶ D. J. Wiseman (ed.), *Peoples of Old Testament Times* (1973), xv.

⁵⁷ This interpretation also for 'the host of them' in Gen. 2:1 was made by P. J. Wiseman, *Creation Revealed in Six Days* (1948), 50.

⁵⁸ D. J. Wiseman in R. Laird Harris (ed.), *Theological Word Book of the Old Testament* (forthcoming), sub. *yāšār*.

⁵⁹ From Ugarit, *Anat* III 3 and the god-name Mišarum (*Ugaritica* V (1968), R.S. 17.325 and bn *mšrm* (C. H. Gordon, *Ugaritic Textbook*, Glossary 1966). Cf. the personal name Jasher, son of Caleb (1 Chr. 2:18).

7:6, 20, 23), especially if she was a wise wife (Prov. 31:26). Children's questions as, for example, 'What do these instructions and laws mean?' (Deut. 6:30), provided a natural opportunity for this kind of teaching.

Community responsibility was met by the annual Covenant renewal ceremony when all stood before the LORD, repeated the words of the Law and pledged themselves anew to keep it (e.g. Josh. 24:1, 21). The dramatic periodic festivals with their emphasis on the LORD God who had delivered them, kept them and made them a nation with his revealed Law, tended to the same end. Though royal children may have had tutors (2 Kgs. 10:1), the priests had a part to play in instructing both them (2 Kgs. 12:2; Deut. 24:8) and the community (2 Chr. 15:3).

[p.16]

At the same time prophets had their own students (1 Sam. 10:11-13) and Temple schools go back at least to the first temple (1 Chr. 25:8).⁶⁰

The ruler had to lead in this field of legal education and copy out the law for himself (Deut. 17:18; Josh. 8:32; 24:26). From David to Josiah there is an unbroken line of scribes or state recorders, a few persons in hereditary office spanning this period (2 Sam. 8:16; 1 Kgs. 4:3). This is important both for the transmission of the tradition and the history of the canon.

It is significant that all the words used for teaching and learning in the Old Testament have a connection with the law. The word Torah, as has already been shown, was a major term for directive counselling.⁶¹ 'To cause to know' (*yd'*) is directly linked with the covenant.⁶² 'Hear, O Israel, the statutes and judgments which I speak in your hearing this day and you shall learn them and keep them and do them' (Deut. 5:1). 'To cause to hear' the word of the LORD (Jer. 23:22; cf. Deut. 6:3-4) has the semantic range of making known in an intelligible way so that there can be a response in practical obedience. 'To cause (someone) to learn' (*lāmad*) is the commonest word for teaching and its denominative (*limmud*) 'student, disciple' implies someone who is 'yoked to the Law'.⁶³ Similarly 'to cause (a person) to grasp (something)' is used in other Semitic languages especially in relation to law.⁶⁴ Yet another word is 'to teach by warning' (*zāhar*) as in 'You shall teach them the statutes and the law (Torah), and make them to know the way in which they must walk and what they must do' (Exod. 18:20).⁶⁵ Thus education from an early period played an important part in the general appreciation of the law and the consequences of keeping or breaking it. 'Whom will he (priest and prophet) teach knowledge?, and to whom will he explain the message? Those who are weaned from the milk,

⁶⁰ Elementary education for all Jewish boys goes back at least to Judah ben Shetah in 75 B.C.

⁶¹ The commonly given etymology as *yārāh*, 'to throw, cast' (as pearls before swine!) or 'to shoot arrows' is unlikely. There may well be some connection with **wārāh* (cf. Akkad. *wārū*, 'to give, send (instructions)').

⁶² Note Deut. 8:3; to 'know the LORD' is to know and recognise his Law, will and way (Josh. 4:22; Isa. 40:13; 1 Kgs. 1:27). To know includes the art of true criticism (Ezek. 22:36). H. B. Huffmon, 'The Treaty background of Hebrew *Yāda'* *Bulletin of the American Schools of Oriental Research* (=B.A.S.O.R.) 18 (1966), 31-37; and further note on *yd'* 'to recognise' (as king) *B.A.S.O.R.* 184 (1966), 36-38.

⁶³ Deut. 4:4; 6:1. The proposed etymology 'to goad' and by implication 'to teach' (the rod being the oriental incentive) is probably wrong. It is based on *malmēd* 'a goad' (Judg. 3:21) which is an instrument for training and guiding animals (cf. Akkad. *lamādu*, 'to teach, train').

⁶⁴ As O. Babylonian *dinam šuhuzum* (see W. Osborne, 'Aspects of Court Procedure in Ancient Israel and Mesopotamia', M. Phil. Thesis (unpublished), University of London, 1973).

⁶⁵ There may well be an allusion to this verb in Dan. 12:3 with its reference to wisdom and turning many to righteousness.

those taken from the breast? For it is שׁ (šadê) after שׁ (šadê), קׁ (qôp) after קׁ (qôp), a lad here and a lad there' (Isa. 28:9-10).⁶⁶

ORDER THROUGH FEAR

Fear of the consequences of breaking God's Law was a strong force in maintaining order. The Decalogue prescribes for each of the ten requirements the results of failure and non-compliance. Thus the punishment for those who ignored the law would extend to subsequent generations (Exod. 20:5). To transgress was to be guilty (verse 7) and suffer expulsion from the land (verse 12; cf. Deut. 5:33). The sanction against rejection of the first and second commandments was 'that he will destroy you from off the face of the earth', a powerful curse known from contemporary covenant-treaties in which the god threatened to 'blot out the (transgressor's) name and seed from the land'.⁶⁷ In this sense also 'the fear of the LORD is the beginning of wisdom', for wisdom is knowledge of the truth i.e. the law. So the people must 'learn to fear me all the days that they live upon the earth and that they may teach their children so' (Deut. 4:10).

In Assyria also the demand to keep the law was built in to the legal system. Esarhaddon announcing his regulations or treaty-stipulations laid upon his subjects, including Manasseh of Judah, in May 672 B.C., demands loyalty and public assent to his law that 'You shall not rebel ... (line 68) ... you shall not make insurrection... (106)... you will not listen to sedition (73), nor incite others to assassinate the king or spread evil rumours about him (501). Anything against the law was to be reported (108-122). Since the king's responsibility and

[p.17]

authority was 'to put to death him who is worthy of death and pardon him who deserves pardon' (192-3), they were to hand over rebels to the king and only to put them to death themselves if unable to do this (123-146). They must not make any covenant-treaty with anyone hostile to the regime and were required to fight on his behalf in all circumstances (162) and to escape if captured (173). They were obliged to preserve order in the city and in the countryside as well as on the open road (198), to report secret meetings and, if foreign vassals, to extradite any rebels entering their country. Thus all six hundred and seventy-four lines are directed at the stability of the dynasty and country. Two hundred and sixty of the lines are devoted to curses in order to make it clear that any infringement of any of these legally entered into obligations would result in dire punishment. For the dependant state, like Judah, this would mean invasion, loss of goods, destruction of cities and captivity for the people. Such curses provided the overlord with both the obligation and justification for any action taken against an evil doer.⁶⁸

The Assyrian king had officials at the vassal's court who would report any disloyal or hostile action. These informers were called the 'eyes and ears of the king'. Zechariah may well have had knowledge of the secret service of the Achaemenid court (4:2). When Asa, who initially did what was right in the eyes of the LORD' (1 Kgs. 15:11), turned from relying on the LORD his God to trust in others, his action was made known to God by Hanani the seer.

⁶⁶ So G. R. Driver, *Semitic Writing* (1944), 89, taking the last verse as a class of young boys learning their Hebrew alphabet.

⁶⁷ D. J. Wiseman, *The Vassal-Treaties of Esarhaddon* (1958), 62 (lines 435-6, 667-8).

⁶⁸ *Loc. cit.*, lines 291-5. 'Keep this treaty-covenant. Do not transgress your treaty or you will lose your lives. You will turn over your land to be ruined and your people to be carried off (into exile)'.

When the king's wrong-doing was discovered we are told that 'the eyes of the LORD run to and fro throughout the whole earth to show his might on behalf of those whose heart is blameless toward him' (2 Chr. 16:9). Already it would seem that the phrase 'eyes of the lord' represented a transfer of a political institution to a theological level.⁶⁹

'The eyes of the LORD are in every place keeping watch on the evil and the good' (Prov. 15:3). The specific act of a person choosing 'to do evil' (Isa. 65:12; 66:4) is always known to God for 'the eyes of the LORD are always upon it (the land) from the beginning of the year to the end of the year' (Dent. 11:12) and 'His eyes are on the ways of man' (Job 34:31).

The constant condemnation of the people of Israel after they had entered the land was that they 'did evil in the eyes of the LORD' (cf. Judg. 3:7; 13:1). This was a public and purposeful action expressed, as was 'doing the right in the eyes of the LORD', by a proclamation which stated the particular law to be followed. However, in this instance it involved serving other gods, the erection and service of cult-places dedicated to them, as well as the institution of rules and regulations to maintain them. All this was said to be the deliberate act of Solomon (1 Kgs. 11:6). It was a natural concomitant of his alliances with the gods of other states sealed by marriages to foreign princesses. Of him it was not said that he 'did the right' in God's sight. In this he was imitated by Rehoboam of Judah and Jeroboam. The latter became the classic example of positive and influential evil-doing. Every ruler who followed him is described as 'walking in the ways of Jeroboam, son of Nebat' and it is said that 'they did the evil in the eyes of the LORD'.⁷⁰ In the case of Ahab the historian makes the point that the expected punishment of the termination of his dynasty did not follow. At the end of the independence of Israel under Hoshea a full description of 'doing evil' is recapitulated (2 Kgs. 17:7-18). This included the worship of other gods and the customs of other nations, the building and use of high-places with their associated use of

[p.18]

divination and sorcery. For this breaking of the Law 'the LORD removed them out of his sight' (verse 18) as foretold in Deut. 4:25. Manasseh's adherence to the treaty-covenant of Esarhaddon required the worship of the Assyrian national god Ashur. This was classed as 'doing evil in the eyes of the LORD' since it involved the public installation of an alien altar in the Temple for its enforcement (2 Kgs. 16:10).

The economic disadvantages of such evil-doing must have been an obvious argument against it. The annual payment of tribute and taxes was sometimes augmented by the demand for the payment by every Israel male of a poll-tax amounting to the individual's current value as a slave to safeguard him against deportation.⁷¹ An equal deterrent to lawlessness must sometimes have been the memories of the time when everyone 'did what was right in his own eyes' (Judg. 17:6; 21:25). This was a time when there was no king in Israel and no authority.

Man set himself up as his own law and authority and acted outside the law. In a community this is anarchy and it then led to the demand for an external control or law administered by a king like those in the neighbouring states. The immediate result was a curtailment of civil liberty. It is a common characteristic of man to want to do what is right in his own eyes (Prov. 21:2). This is a mark of the way of the godless man (Prov. 12:15).

⁶⁹ A. L. Oppenheim in *Essays in memory of E. A. Speiser* (American Oriental Series 53 (1968)), 175.

⁷⁰ 1 Kgs. 15:26, 34; 16:7, 16, 19, 25, 30; 22:52; 2 Kgs. 3:2; 8:18, 27; 13:2, 11; 11:14, 24; 15:9, 18, 24, 28; 17:2.

⁷¹ 2 Kgs. 15:20; D. J. Wiseman, *Iraq* XV (1953), 135 n. 1.

ORDER THROUGH LOCAL GOVERNMENT

Following the establishment of the Monarchy in Israel there quickly arose the need for local administration of justice and courts to act on behalf of the central government. The king remained the final court of appeal with special interest in external affairs and matters of land tenure. Individuals could always appeal by 'crying out' to him for justice and help (2 Kgs. 6:26), but it was normally the court in the town gate with its knowledge of the local situation which interpreted the law and enforced it. Here the judges and chief citizens (the elders) had the responsibility of keeping the peace in matrimonial and family disputes (Deut. 22:15-16; 25:7). They had the authority to punish by fines, flogging (Deut. 22:18) or arrest (Deut. 19:12). There were officials to help in this but in Israel there seems to have been no semi-military gendamerie as in Babylonia.⁷² In cases of murder within their locality the elders had either to declare on oath the innocence of their community and their inability to trace the criminal or, if apprehended they had to enforce the death sentence 'to purge evil from among you, and that every Israelite should hear and fear' (Deut. 21:21). Similarly in texts from Alalakh in Syria in the fourteenth century B.C. locally elected leaders were responsible for the maintenance of law and order. If a deserter or fugitive was thought to be hiding in any city-area a messenger would announce this and summon the mayor and five just men (elders) who would either swear a solemn oath that the wanted persons were not in their area, or would arrest them and hold them in prison until they could be returned to their own city for trial.⁷³

As in all ages the public could protest against an obvious injustice. King Zimri-Lim of Mari was told by Kibri-Dagan, governor of Terqa, that public opinion (*pî ālim*—'the mouth/voice of the city') will not let him execute a citizen and there is no opportunity for carrying out the order in secret. Again officials refuse to obey orders to evacuate notables from a town menaced by famine since

[p.19]

the humble folk will protest. Another letter counsels the king not to ride on horseback for fear of offending certain people and causing protests.⁷⁴ Certainly public opinion was a force to be reckoned with and to be watched, reported and won over by anyone seeking to assert authority.

It is remarkable that in all the long history of the Old Testament world, those kingdoms with a strong sense of the tradition of law (e.g. Judah) suffered few usurpations of power and rebellions. This continuity of law and order was essential to life in a region which needed always to keep the law developed as a regulator between individual and communal needs as, for example, in agriculture and irrigation. It is probably also not without significance that the few records of murder which have come down to us are, in the last analysis, usually protests against the confiscation of the murdered person's property by the crown.⁷⁵

⁷² The *kallû* (*The Chicago Assyrian Dictionary* 8, 84, takes these as royal 'messengers', but D. J. Wiseman, *Chronicles of Chaldaean Kings* (1956), 74, 6 shows their use in a military context. Cf. also the *redum*.

⁷³ D. J. Wiseman, *The Alalakh Tablets* (1953), Nos. 2 (lines 55-68; line 24 for the prison), 3.

⁷⁴ J-R. Kupper, 'L'Opinion publique à Mari', *Iraq* XXV (1963), 190-1.

⁷⁵ As the incident of Naboth's vineyard (1 Kgs. 21) and the Alalakh Tablet No. 17 which deals with a similar confiscation and death sentence.

Yet we cannot dismiss these glimpses of the means of law and order in the Old Testament without remembering that this God-given tradition is emphasised and not abrogated by the Christian gospel. Only in Christ can the individual and community have the spiritual power to do the right and the good persistently. Though under grace we are under the Law of God and are still accountable to him and responsible to our fellow men that justice and peace shall prevail. Let our ordered lives proclaim the beauty of His peace. Let us 'Depart from evil and do good'.

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Prepared for the Web in March 2007 by Robert I. Bradshaw. The footnote calls for notes 56 & 66 are missing in the original, so their positions in this version are 'best guesses'.

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