THE MANUMISSION OF SLAVES—THE FALLOW YEAR—THE SABBATICAL YEAR—THE JOBEL YEAR

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Introduction

On several occasions during the last few years the royal edicts known from the Old Babylonian period have, with their social tendencies, been associated with the Israelite laws of manumission, the regulation of land transactions etc.[1]). The Israelite laws are for the most part to be found in the legislation relating to the Sabbatical Year, Dtn xv 1-18, and to the Jobel Year, Lv xxv. According to the Old Testament these particular years occurred every seventh or every fiftieth year. In default of any proof, however, that the Babylonian edicts should have been issued at regular intervals, F. R. Kraus and J. J. Finkelstein are rather unwilling to accept right away that the Babylonian institution should be a parallel to the Israelite one. J. Lewy on the other hand goes further and attempts to prove from his material from the cuneiform literature that the Mesopotamian decrees on the remission of debt, manumission etc. and the Israelite Jobel Year legislation had a mutual origin in the Amurrite population, which was spread over a great part of Mesopotamia as well as Palestine and Syria. In pre-monarchical Israel the institution was bound to recur at regular intervals due to the lack of governmental authorities whereas in Mesopotamia the various kings were free to regulate the dates of their own accord.

M. Weinfeld has recently gone further in his comparisons and tries to show that the Israelite Sabbatical and Jobel Year institutions

[1]) Thus J. Lewy, "The Biblical Institution of *Dᵉrôr* in the Light of Akkadian Documents", *EI* 5, 1958, pp. 21*-31*, pp. 29*ff.; J. Bottéro, "Désordre économique et annullation des dettes en Mésopotamie à l'époque paléo-babylonienne", *JESHO* 4, 1961, pp. 113-164, p. 164; cf. also F. R. Kraus, "Ein Edikt des Königs Samsu-Iluna von Babylon", *Assyriological Studies* 16, 1965, pp. 225-231, pp. 230 f.; and J. J. Finkelstein, "Some New *Misharum* Material and its Implications", *Assyriological Studies* 16, 1965, pp. 233-246, p. 245—the last two with several reservations, though.

survived all through the period of the Israelite monarchy in form of royal reform laws issued at regular intervals [2]). The most important evidence to this effect is the description in Jr xxxiv 8 ff. of the repeal of the manumission, which is usually considered an exceptional occurrence. Weinfeld includes additional material to show that the manumission ordinance mentioned in Jr xxxiv 8 ff. was not exceptional at all, but that it was in fact characteristic of ordinary practice during the time of the monarchy even though the technical term דרור, Jr xxxiv 8, is not found anywhere else in the sources for the study of the history of the Israelite and Judaean kings, but only in Lv xxv 10; Jes lxi 1; Hz xlvi 17. Weinfeld tries to prove that שים משפט, Ex xv 25; xxi 1; Jos xxiv 25 and עשה משפט, 2 Sam viii 15 (cf 1 Kings iii 28; vi 12; viii 45.49.59; x 9; xi 33 etc.) were the ordinary words for a royal decree with a social tendency. According to Weinfeld שים משפט should be corresponding to *šipṭam šakānum* in the Mari letters and to *mīšaram šakānum* [3]). *Mīšaram šakānum* was often used in the Old Babylonian period to denominate the issue of a royal decree with a social tendency. This use of *mīšarum* in Akkadian should correspond to the Hebrew מישרים in e.g. the Enthronement Psalms, Ps xcvi 10; xcviii 9; xcix 4.

No doubt Weinfeld is right in emphasizing a connection between מישרים in the Enthronement Psalms and the Akkadian *mīšarum*. On the other hand it does seem peculiar that *mīšarqm šakānum* should be analogous to שים משפט when anallbut literal parallel to *mīšaram šakānum* is found in Ps xcix 4: אתה כוננת מישרים. Also it is noteworthy that מישרים is not found in connection with a mortal king, e.g. Ps lxxii, which might otherwise have been an obvious proof of the continuity of the Old Babylonian reform practice.

Only in connection with the Enthronement Feast for Jahve do we find מישרים in a connection that may be likened to the motives behind the royal reform edicts in Mesopotamia. But there is one exception, Jes xi 4: ושפט בצדק דלים והוכיח במישור לענוי־ארץ; yet, the parallelization between צדק and מישור may lead to the thought that מישור is not applied in a specially technical sense (though it should be noted that the word is in the singular like Akkadian *mīšarum*) [4]) whereas מישור

[2]) M. Weinfeld, *Deuteronomy and the Deuteronomic School*, 1972, pp. 152 ff. To some extent also the same, "זרמים תיאולוגיים בספרות התורה", *Beth Miqra* 44, 1970, pp. 10-22, p. 15 and n. 19.

[3]) Weinfeld, *Deuteronomy*, pp. 152 and 155 n. 9.

[4]) Accordingly I shall not try to distinguish between מישור and מישרים; it is probably the same word.

is neutral in the same way as in Mal ii 6; Ps xlv 7; lxvii 5 [5]). Finally it is significant that the only reference to a royal edict, Jr xxxiv 8 ff. uses דרור corresponding to Akkadian *andurārum* instead of מישרים/מישור [6]).

In other words it may be established that royal edicts, if such existed in Israel, were not called מישרים acts, and also that it is hardly possible to take for granted a direct Mesopotamian impact on the use of Hebrew מישרים in the Old Testament. In fact the use of מישרים in connection with the Enthronement Feast of Jahve shows, partly that the connection is indirect, partly that the special interpretation of the word as relating to social reforms has been forgotten in the same way as in Mesopotamia the use of *mīšarum* in the technical sense of the word apparently fell out of use after the Old Babylonian period.

Though I find it necessary to go against WEINFELD's argumentation, I admit that his theory of an Israelite institution corresponding to the Babylonian decrees of "freedom" and "justice" may be right. It is evident from the sources of the Old Babylonian edicts that these were issued primarily in connection with a new king's accession to the throne, usually in the second year of his reign [7]), (sometimes also on a later occasion during his reign) [8]). Since the intention behind these edicts was a re-establishment of the social balance as apparent from their designations, they cannot be separated from the obligation to protect the poor people's lives and welfare, which rested upon the Oriental rulers. This obligation had been imposed upon the kings by their divine overlord [9]). The possibility that a similar institution was

[5]) The collocation of צדק and מישרים/מישור in Jes xi 4 (cf. xlv 19; Ps ix 9; lviii 2; Prov i 3; ii 9) can best be compared with the collocation of the Akkadian *mīšarum* and *kittum*; cf to this *CAD* 8, *K*, 1971, pp. 470 f., and S. M. PAUL, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical law*, *VTS* 18, 1970, pp. 3 ff. מישרים and צדק are also found collocated as twin gods in Philon of Byblus (Misor and Sydyk); cf. H. G. GÜTERBOCK, *Kumarbi, Istanbuler Schriften*, no. 16, 1946, pp. 114 f., and E. A. SPEISER, "Authority and Law in Mesopotamia", *JAOS Supplement* 17, 1954, pp. 8-15, p. 12 note 24.— Cf. that *kittum* and *mīšarum* also occur as twin gods in Babylonian documents. See *CAD* 8, *K*, p. 471 with references. —Cf. the appendix below to Jes xi 4:

[6]) Cf. section II: a.

[7]) See FINKELSTEIN, *op. cit.*, pp. 243 ff., and his "Ammiṣaduqa's Edict and the Babylonian 'Law Codes' ", *JCS* 15, 1961, pp. 91-104, p. 102; see also F. R. KRAUS, *Ein Edikt des Königs Ammi-Ṣaduqa von Babylon, Studia et Documenta ad Iure Orientis Antiqui Pertinentia*, 1958, pp. 224 ff.: no. 33 (Ḫammurabi), 36 (Samsuiluna), 38 (Abiešuḫ), 41 (Ammiditana), 43 & 44 (Ammiṣaduqa).

[8]) Cf. to this FINKELSTEIN, *Assyriological Studies* 16, pp. 243 ff.

[9]) Cf. F. CH. FENSHAM, "Widow, Orphan and the Poor in Ancient Near Eastern Legal and Wisdom Literature", *JNES* 21, 1962, pp. 129-139.

the background of the hopes attached to the new king (or his designated successor), which finds expression in several passages from the Old Testament, cannot be done away without further explanation [10]).

The discussion of the Old Testament years of Sabbath and Jobel should, however, not rely too uncritically on the so-called parallels in the cuneiforme literature. The result of a closer investigation of the Babylonian material is that one should be careful not to compare the Akkadian *mīšarum* of the Old Babylonian period right away with the Hebrew מישרים as M. WEINFELD has done it, since *mīšarum* apparently was not used about social edicts after the Old Babylonian period. Consequently מישרים— if we try to follow WEINFELD—must have been borrowed from Akkadian long before the Israelite immigration and survived in this meaning in Palestine alone for about a thousand years. This is an impossibility. On the other hand, *andurārum* in Hebrew דרור, (corresponding to Neo-Assyrian *durārum*) may have been borrowed at any time of its 1000-year-old history in the meaning of social edict or royal favour. So, in order to more precisely arrive at the exact time of the borrowing and to obtain a better understanding of the problem of the origin of the Old Testament Sabbatical and Jobel Years, one must necessarily in the first place analyse the material of the Old Testament [11]).

I. THE LAWS

a) *Ex xxi 2 ff., xxiii 10-11*

In the Book of the Covenant, Ex xxi 2-xxiii 16(19) we have two separate laws, which are repeated twice later-on in the Old Testament in the legislation on the Sabbatical Year and the Jobel Year. Ex xxi 2 ff. in the first place prescribes that a bought Hebrew slave shall, after

[10]) Cf. Ps lxxii 1 ff.; Jes xi 1 ff. See also M. NOTH, "Amt und Berufung im Alten Testament", 1958, in *Gesammelte Studien* I, 2. ed., 1960, pp. 309-333, p. 332, no. 49. NOTH thinks that a royal edict institution may have formed the background of Jes lxi 1 ff.

[11]) I hope to bring forward in the near future a special study devoted to the cuneiform material: "*Andurārum* and *mīšarum*. Comments on the Problem of Social Edicts and their Application in the Ancient Near East".—Here the necessary technical information and the references will be found. The two principal theses are: 1) *Mīšarum* was not used of social edicts after the Old Babylonian period, whereas *andurārum* could be used in this sense from Old Babylonian till Neo-Assyrian times (the last evidence known is perhaps dating to the reign of Assurbanipal); 2) Some references to *mīšarum* (and also to *andurārum*) later than the Old Babylonian period should not uncritically be understood as references to royal edicts with more general consequences, but they are perhaps only referring to acts concerning individuals.

six years' service, pass to a status as a client [12]). Secondly Ex xxiii demands that land under cultivation lie fallow every seventh year. In the context of the Book of the Covenant these paragraphs do not interfere. The law of the Hebrew slave is placed at the beginning of the first part of the Book of the Covenant, Ex xxi 2-xxii 16, which is nowadays in general considered the oldest part, and which—in the opinion of many scholars, including myself—has strong connecting links to Canaanite and Mesopotamian laws. This part is predominantly of a profane character (jus). Opposed to it are the rules based on the cult and the religion (fas), which are to be found in the second part of the Book of the Covenant, Ex xxii 17-xxiii 16(19), and which, among other things, comprise the law of the fallow year. Between those two parts of the Book of the Covenant there was originally no connection, but every section had its own particular position in the society. It seems probable, though, that the two sections were brought together already in the time of the Judges.

Ex xxi 2: כי תקנה עבד עברי שש שנים יעבד ובשבעת יצא לחפשי חנם In this verse there is no fixed date according to which all slaves of Hebrew origin should be set free. On the contrary it is expressly said that every single slave is to be manumitted after having completed his time of service, but in this connection it should be noted that the slave law, Ex xxi 2-6, only relates to male Hebrew slaves, that is *ḫabiru*, who will be admitted to the community again, and thereafter there are, in Ex xxi 7-11, only mentioned regulations relating to the daughters of Hebrews, not to Hebrew women in general [13]).

Ex xxiii 10-11 seems to refer to a seven-year cycle when prescribing that the soil should lie fallow every seventh year. To this order which originates in agrarian conditions so difficult to separate from the religious conditions, has been added, in v. 11, a social justification [14]). Still, it is hardly possible, based on these two verses, to claim that it was a regulation that was valid in the entire Israelite

[12]) As to Ex xxi 2ff. I would like to refer to my "The Hebrew Slave. Comments on the Slave Law in Ex xxi 2-11", VT 25, 1975, pp. 129-144.

[13]) Cf my article mentioned above, n., 12.

[14]) It may be argumented against NOTH, *Das zweite Buch Mose, Exodus*, *ATD* 5, 1958, p. 154, that even though the practical importance of the fallow year for the soil is not explicitely mentioned in Ex xxiii 10-11, this may well be implicitely understood according to the reasoning of the time. The cultivation of the soil and the harvesting of its products have always been subjected to religious conceptions, and it is wrong, based on modern farming and its particular working morale, to draw any conclusions regarding farming conditions of the past.

area. It is far more probable that every farmer let his fields lie fallow at regular intervals (possibly in turns) [15]), and it is also probable that an older agrarian custom has been augmented by v.11b: כן־תעשה לכרמך ליתך, which, syntactically considered, is limping behind [16]).

b) *Dtn xv 1-18*

In Dtn xv 2-18 apparently we find the same two sections from the Book of the Covenant joined together in the law of the Sabbatical Year. Dtn xv 1: מקץ שבע־שנים תעשה שמטה. This does not necessarily imply that Dtn xv 1 refers to a generally valid fallow year every seventh year. The range of this שמטה has not been stated, and besides it is a question whether agrarian conditions are at all included in the Deuteronomium use of שמטה. In the 'commentary' on v.1 in vv.2 f. this word is explained as remission of debt, and nowhere in Dtn xv 1-11 has conditions relating to landed property been allowed for. However, it appears from the 'commentary' in vv.2 f. as also from the added regulations on loans in vv.7 ff. that the Deuteronomists in Dtn xv 1-11 refer to a שמטה regularly recurring, which in a Deuteronomistic connection is analogous to the annulment of liabilities [17]). Dtn xv 12: כי־ימכר לך אחיך העברי או העבריה ועבדך שש שנים ובשנה השביעת תשלחנו חפשי מעמך. This section is probably introduced by v.11 which connects the preceding section with the next. As to form, v.12 is closely related to Ex xxi 2. Stylistically the most essential divergence is this: Ex xxi is commenced with a direct address in

[15]) In opposition to e.g. BEER & GALLING, *Exodus*, *HAT* I 3, 1939, p. 119, who think that Ex xxiii 10-11 prescribes the observance of a generally valid Sabbatical Year and who argument based on 1) the analogy to v. 12, and 2) the parallel to Lv xxv 2-7. Ex xxiii 12, which demands the observance of the weekly sabbath, is irrelevant, in view of the fact that the two parts, vv. 10-11 and v. 12, have evidently been joined together because of the analogy between the seven years in vv. 10-11 and the seven days in v. 12. This does imply, however, that it becomes possible to draw conclusions regarding the actual contents of vv. 10-11 from v. 12. As to Lv xxv 2-7 this is probably a late and secondary interpretation of Ex xxiii 10 f.—Cf also NOTH's less cathegoric treatment of Ex xxiii 10-11, *ATD* 5, pp. 153 f.

[16]) E.g. F. HORST, *Das Privilegrecht Jahwes*, FRLANT 45, 1930, now in *Gottes Recht* 1961, pp. 17-154, see p. 80; cf also G. SEITZ, *Redaktionsgeschichtliche Studien zum Deuteronomium*, BWANT 93, 1971, p. 167.

[17]) Even though there is not complete agreement with regard to the details of Dtn xv 1-11, it seems a fact that several layers of commentaries and warnings have been added to the older law, cited in v. 1, on the basis of the שמטה ordinance of v. 1. Cf. e.g. HORST, *op. cit.*, pp. 79 ff., and G. VON RAD, *Das fünfte Buch Mose. Deuteronomium*, *ATD* 8, 1964, p. 74 and see also R. P. MERENDINO, *Das deuteronomische Gesetz*, *BBB* 31, 1969, pp. 106 ff., and SEITZ, *op. cit.*, pp. 167 ff.

2.person singular, תקנה, in Dtn xv 12 with 3.person singular, ימכר, whereas Ex xxi 2 ff. has 3.person singular and Dtn xv 21 ff. 2.person singular in connection with the slave owner and 3.person singular in connection with the slave. This is an essential indication that תקנה in Ex xxi 2 is secondary, and that the original text had יקנה as JEPSEN thinks [18]) or ימכר as suggested by ALT [19]). Anyway it might reasonably be expected that the Deuteronomists would use 2.person singular תקנה if this was what they found in the Book of the Covenant at the time when they cited it. The use of the word עברי and the passage vv.16 f., which in contents and to some extent also in wording corresponds to Ex xxi 5 f., makes it clear that they must have cited from the Book of the Covenant in Dtn xv 12 [20]). But it is impossible to believe that they should have tried to make an older slave law, cited in Dtn xv 12, conform to the wording of Ex xxi 2 by inserting עברי and עבריה as suggested by R. P. MERENDINO recently [21]).

One thing is certain, though. The word עברי in Ex xxi 2 has been interpreted, not as *ḫabiru* in the originally sociological meaning of the word, but as "countryman", "Israelite". In order to elucidate this re-interpretation the Deuteronomists inserted v.12. And they augmented עברי by the feminine form of עבריה, which is only used here (and in the quotation of this passage in Jr xxxiv 9). The augmentation of עברי by עבריה has not penetrated to the predicative, חפשי, which is still in the singular in accordance with Ex xxi 2 whereas Jr xxxiv 9 has חפשים [22]).

It is not expressly said in Dtn xv 12 ff. that the Israelites sold themselves to their countrymen for debt, but the main reason why people sold themselves undoubtedly was dire poverty. Thus it has been interpreted in Lv xxv 39 ff. It is characteristic that sales of land and mortgage on land play no part in this passage. Not by one word is it indicated whether the free citizens who were thus sold as slaves also lost their property because of their debt, but probably they did, if this legislation was ever put into force in reality. Also it would have been necessary to mention the possibility of a redemption of the

[18]) A. JEPSEN, *Untersuchungen zum Bundesbuch*, *BWANT* III 5, 1927, p. 56.

[19]) ALT, *Kl. Schr.*, I, p. 291. See also my "The Hebrew Slave", p. 135.

[20]) Note the use of מרצע "pricker" which in the Old Testament is only used in these two passages. Though the quotation does not follow Ex xxi word by word, the majority of the words in Dtn xv 16 f. have been taken from the Book of the Covenant.

[21]) *Op. cit.*, p. 113.

[22]) The adaptation of Jr xxxiv apparently has not understood י in חפשי as a gentile ending. Cf. below.

property sold or its possible return in connection with the manumission of the slaves, if this was looked upon as a complete restitutio for slaves of Israelite birth. Otherwise the manumission could only have been formal and impossible for a slave to accept in practice. But it is possible that חפשי in Dtn xv 12 ff. as in Ex xxi 2 ff. signified a special group within the community who was dependent on the free citizens, either private persons or possibly greater units like villages, towns or even the central government [23]). It is more probable, though, that the Deuteronomists use חפשי about "free" in general, which is also indirectly indicated by the fact that they seem to have realized the difficulties likely to arise in connection with the manumission, and that they tried to eliminate these by warning the owner not to send his former slaves away empty-handed. In this connection one might speak of the humanitarian attitude of the Deuteronomists as WEINFELD does [24]); but it should not be overlooked that in case the law of Dtn xv 12-18 had been realized, it would have added to the social problems, for the law would have created a proletariat or at any rate meant an increase of the number of the very poor.

Finally it says something about the origin of this part of the law of the Sabbatical Year that nowhere in Dtn xv 12-18 is there any reference to a fixed seven-year cycle involving a collective manumission at a certain time every seventh year. On the contrary it is quite clear that the slaves had to serve their time without complaints before they could be set free.

The conclusion seems to be that the Sabbatical Year is a Deuteronomistic construction. The legislation relating to the Sabbatical Year dates back to two separate laws taken from separate parts of the Book of the Covenant; Dtn xv 1 from Ex xxiii 10-11 and Dtn xv 12 from Ex xxi 2, and the originals must have had different positions in society. The reason why these two laws from the Book of the Covenant were combined evidently lies in the fact that it was a question of seven years in both cases. Behind Ex xxi 2 ff. there is no seven-year-cycle, and in Ex xxiii the fallow year is probably limited to parts of the cultivated area. The Deuteronomists have understood the fallow year regulations as if they were universal, but they have forgotten that it was originally an agrarian ordinance, and so they have interpreted it as a remission of debt. For the same reason they have demanded that slavery for debt was abolished; but it does seem peculiar that they have not done more to harmonize Dtn xv 1-11 and xv 12-18.

[23]) As to the interpretation of חפשי see my above article pp. 139 ff.

c) *Lv xxv*

In its present shape the legislation of the Jobel Year, Lv xxv, forms part of the Holiness Code, Lv xvii-xxvi. The first half of Lv xxv is devoted to the Sabbatical Year, which is taken to mean a fallow year with a religious foundation, vv.1-7. The second part of Lv xxv defines the intension of the special Sabbatical Year which, supposedly every fiftieth year, coincides with the ordinary Sabbatical Year recurring every seventh year. This year is described as יובל־ the precise semantic meaning of this word has probably been forgotten [25]), and the celebration of it follows upon a declaration of "freedom" (דרור). The real intension of the Jobel Year legislation follows in v.10b: ושבתם איש אל־אחזתו ואיש אל־משפחתו תשבו. All details must be considered in view of this. V.10b α refers to the גאלה regulations in the following verses—in particular vv.25 ff. and v.10b β to the slave law in vv.39 ff. Apart from this, the legislation holds rules for the observance of the fallow year in the same way as for the normal Sabbatical Year and also for the loan activity.

Traditio-historically Lv xxv is far from being a unity, but offers all kinds of problems. The most conspicuous difficulty is the date fixed for the Jobel Year in v.11, viz. every fiftieth year. This date was to coincide with the Sabbatical Year that recurred every seventh year, and literally it meant that people would have to observe two Sabbatical Years right on top of each other. This would of course be almost impracticable in reality [26]). Several solutions have been produced, one being that the number 50 mentioned in v.11 quite simply is a rounding off of 49 to 50 [27]). Another suggestion is that the forty-ninth year is identical with the fiftieth, because the former Jobel Year is included when the whole Jobel Year period is determined [28]). If E. Kutsch was right in saying that the tenth day of the

[24]) *Op. cit.*, pp. 282 f.

[25]) Cf. R. North, *Sociology of the Biblical Jubilee*, *AnBi* 4, 1954, pp. 96 ff.

[26]) Cf. R. de Vaux, *Institutions*, I, p. 268.

[27]) E.g. North, *op. cit.*, pp. 129 ff. (who makes a comparison to Pentecost πεντεκοστή originally 'fifty (day)', though Dtn xvi 9 says "seven weeks", and Lv xxiii 16 "Seven weeks from the day after the sabbath until the day after the sabbath = 50 days, but in reality only = 49).

[28]) A. Jirku, "Das israelitische Jobeljahr" (1929) in *Von Jerusalem nach Ugarit*, 1966, p. 320, follows the suggestion made by Kugler: The number 50 has been reached through the Hebrew practice of counting both *terminus a quo* and *terminus ad quem*. In the case of Lv xxv this means that both the old and the new Jobel Years are included in a Jobel Year period of fifty years; cf also K. Elliger, *HAT* I 4, p. 352, and H. Graf Reventlow, *Das Heiligkeitsgesetz formgeschichtlich untersucht*, *WMANT* 6, 1961, p. 125.

seventh month was not to be taken for an ancient New Year date, then the Jobel Year would stretch from the forty-ninth year well into the fiftieth, and this might be a third explanation of the chronological difficulties [29]). It is worth mentioning, though, that if the date of v.9 may reasonably be looked upon as dependent on the introduction of a new calendar shortly before the exile [30]), this means that the fiftieth year in v.11 cannot be explained as Kutsch did, and as to the first suggestion it is in fact a question whether 7 × 7 years was not, to the Israelites, just as round a figure as the fiftieth year.

As to the tradition research of the chapter there is little or no agreement on details within the more recent research. H. Graf Reventlow reckons with three originally independent units. The first section, ending with v.24, helds two older tradition units opposed to each other: A Sabbatical Year legislation, which was originally agrarian ordinances and the legislation on the Jobel Year, which contained the גאלה rules. In the last part of Lv xxv, vv.25 ff., Reventlow demonstrates a so-called complex of מוך rules which were social ordinances to the benefit of the impoverished part of the population. These elements were, according to Reventlow, secondarily joined together in Lv xxv, and a "Prediger" has added his partly parenetic commentaries [31]).

R. Kilian operates with at least four stages of tradition: He mentions one redactor of the archetype, another of the Holiness Code, a third who is identical with the compiler of the P-source and a fourth who created the legislation on the Jobel Year. Originally there was only the legislation on the Sabbatical Year, which he, by way of literary criticism, thinks can be separated from Lv xxv. Not till a much later date, probably after Nehemian, was this legislation on the Sabbatical Year amplified and re-interpreted in accordance with the Jobel Year law. The latter legislation is in itself expressive of a late Utopia [32]).

[29]) Cf. E. Kutsch, *Das Herbstfest in Israel*. Masch. Schr. Diss. Mainz 1955 (not available), and R. Kilian, *Literarkritische und formgeschichtliche Untersuchung des Heiligkeitsgesetzes*; *BBB* 19, 1963, pp. 123 f.

[30]) See Noth, *ATD* 6, p. 162, and Reventlow, *op. cit.*, p. 129, who follows J. Begrich, *Die Chronologie der Könige von Israel und Juda*, *Beiträge z. hist. Theol.* 3, 1929, pp. 156 ff. Cf. also Zimmerli, "Das Gnadenjahr des Herrn", in *Galling Festschrift*, 1970, p. 325.

[31]) Reventlow, *op. cit.*, pp. 139 ff.

[32]) R. Kilian, *op. cit.*, pp. 130 ff.

The scholar who has gone farthest in the direction of splitting Lv xxv up is K. ELLIGER, who traces up to eight stages of tradition in this chapter [33]). ELLIGER assumes the existence of an older written law on land transactions, which was converted into the Jobel Year law not later than the 7th century B.C., partly by the addition of social ordinances to relieve the poverty. A redaction which is even later has amalgamated the Jobel Year legislation with that of the Sabbatical Year and in the end the laws of enslaved debtors have been added.

The following laws in Lv xxv are mentioned in details: 1) vv.1-7: the Sabbatical Year, 2) vv.8-24: the Jobel Year in general, 3) vv.25-55: the Jobel Year in details, that is a) the annulment of sales of land, b) the regulation of loans, c) the manumission. In this chapter the Sabbatical Year is looked upon as a fallow year that comprises both fields and vineyards, but it has been given a religious background. The wording of Lv xxv is undoubtedly literarily dependent on the wording of Ex xxiii 10: of Lv xxv 3: .... שש שנים תזרע שדך ואספת את תבואתה and Ex xxiii 10: שש שנים תזרע את ארצך ואספת את תבואתה. The technical use of the root √שמט, either verbally תשמטנה, Ex xxiii 11, or as a noun שמטה, Dtn xv 1, has been avoided in Lv xxv 2 ff. But the close relationship between Lv xxv 2 ff. and Ex xxiii 10 f. is apparent from two other circumstances. First, in Lv xxv 3 ff., the vineyards are included in the Sabbatical Year law. So they are in the fallow year legislation in Ex xxiii 10 f.; but as mentioned above they have been inserted there secondarily. There is no economic reason to include the vineyards in Lv xxv 3 ff. or in Ex xxiii 10 f., and economic reasons probably were the actual background of the fallow year [34]). The inclusion of vineyards in Lv xxv also breaks the literary connection between Lv xxv 3a and v.3c (cf Ex xxiii 10 !). Secondly it is remarkable that "the wild animals of the country" (Lv xxv 7) are mentioned here as consumers of the products of the soil during the Sabbatical Year. In vv.4-5 it are members of the Israelite households including גרים and the domestic animals who will get their food from the fields, not the poor whom

[33] HAT I 4, pp. 347ff.

[34]) It is rather useless to a winegrower to let his vineyard lie fallow every seventh year. To-day it is normal that a vine has an uninterrupted production time of thirty years, whereupon it is cleared away, and new vines are planted. These take five years to reach a reasonable standard. This applies to modern vineyards of good quality; in case of an inferior quality the time of producive capacity will be even longer.

Ex xxiii 11 expressly mentions as those favoured. But the wild animals have been included both in Lv xxv 7 חית אשר בארצך and in Ex xxiii 11 חית השדה.

Vv.1-7 emphasize that the Sabbatical Year was to be of general validity insamuch v.2 demands a general observance of the sabbath in the "country", ארץ which expression can only mean the whole Israelite area. Opposite this we have the practical formulation of the Sabbatical Year law v.3 (4b) which has שדה about the fields instead of ארץ. In v.4a, however, ארץ appears again meaning "the national area". In comparison it may be mentioned that in the fallow year regulation in Ex xxiii 10 ארץ is not used about the country, but about the fields. This may be taken as a proof that the older fallow year regulation, Lv xxv 3 (4b) has been interpreted and generalized by the later adaptation. The finishing commentary in v.6 also would be meaningless if not in vv.2 ff. arrangements of a general value were alluded to. The Sabbatical Year legislation is, finally, commented upon and brought to a conclusion in vv.20-22. This commentary may well be younger in a traditio-historical respect, but it firmly establishes the fact that the fallow year here mentioned was of country-wide validity. It is also a fact that this fallow year, at least up to the time of the commentator, had never been practised in reality.

As to contents the first part of the Jobel Year law, vv.11-12, corresponds to the Sabbatical Year. V.13 introduces the גאלה institution underlying the annulment of purchases of land, the redemption of landed property and the manumission. The rules of vv.14-16 and 27-28 which say how the price of the land is to be fixed, correspond to similar rules for the manumission of enslaved debtors, vv.50-52. In both cases the payment is fixed on the basis of the chronological placing of the transactions in relation to the Jobel Year. The main section on גאלה relating to landed property is undoubtedly modelled on older sources as it appears from the way landed property in town and in country (including the unfortified towns) is treated differently. By way of literary criticism alone it cannot be decided whether the גאלה institution has always built on the Jobel Year legislation.

REVENTLOW has suggested that vv.25-54 represent an originally independent social codex, characterized by the use of the formula כי־ימוך אחיך, vv.25.35.39.(47). One part of this codex (vv.35 ff.) does not mention the Jobel Year at all, which is the more remarkable as it was to be supposed that debts would be remitted also in connection

with the introduction of the Jobel Year, particularly if this was analogous to the Old Babylonian *mīšarum* acts. The fact that the Jobel Year is not mentioned in vv.35 ff. might indicate that a re-interpretation of the original intention of the מוך laws has led to the incorporation of the verses 25-54 in the Jobel Year legislation.

On the assumption that the importance attached to the failing reference to the Jobel Year in vv.35 ff. has been exaggerated, it might be worth while considering whether the mentioning of the Jobel Year in the מוך laws does not belong to its principal components even though it is missing in vv.35 ff. Thus the reference to a Jobel Year should not be taken as the reference to a Sabbatical Year of more activity. In vv.39 ff. we have a legislation relating to slaves who were to be set free at the beginning of the Jobel Year. Even though one keeps in mind that an indebted Israelite was not to be exploited as a slave—but only as a paid worker, שכיר—a service period lasting up to 50 years would in many cases mean lifelong slavery, and the offer of manumission would accordingly be illusory [35]). A fifty-year period is not, however, emphasized anywhere in the מוך laws, as a fixed Jobel Year term, and I would therefore suggest that vv.39-54 (in which passage many verses are probably secondary) are interpreted by analogy with the slave laws of Ex xxi 2 ff. and Dtn xv 12 ff. both of which say six years of service for persons who have been forced to sell themselves for debt. If the interpretation of יובל as deriving from the verbal root √*jbl*, as suggested by R. NORTH, is correct [36]), the Jobel Year may be taken to mean the "manumission year", "the year of release" or the like. In accordance with Ex xxi 2 ff. and Dtn xv 12 ff. this was probably identical with the seventh year of the service. And thus it becomes possible to claim that the connection between the celebration of the Sabbatical Year every seventh year and the Jobel Year taken as a seven-year-term, fixed individually for the slaves and for the various cases of purchases of land, has led to secondary amalgamation of the fallow year laws and the social laws of Lv xxv. When, according to Lv xxv, the Jobel Year occurs at intervals of 49 years, this may be due to the fact that it has been interpreted as a country-wide arrangement, and this again means

[35]) This has been acknowledged by e.g. DE VAUX, *Institutions*, I, p. 327, NORTH, *ATD* 6, p. 168, and KILIAN, *op. cit.*, p. 129.

[36]) R. NORTH, *op. cit.*, pp. 102 ff. NORTH also compares with the Akkadian *biltu* (from *wabālu*, "to bring") meaning "tribute". *Biltu* is however, used particularly about duties imposed upon tenants (the so-called *našī bilti*) and about yields of the soil on the whole.

that practical and economic motives inspired the redactor of Lv xxv to place the Jobel Year as the seventh Sabbatical Year.

Whether the law of the Jobel Year was ever used in practice according to Lv xxv cannot be decided here; necessarily it must be investigated if there are references to this or similar arrangements elsewhere in the Old Testament.

II. PRACTICAL EXAMPLES

a) *Jr xxxiv 8-20*

Zidkiah's law relating to the manumission of the Hebrew slaves, Jr xxxiv 8 ff., is the only example we know from the Old Testament of a royal edict issued with an apparently social intention. It is generally considered to be a unique provision aiming at a replenishment of the ranks in the fight against the Babylonian enemy, or, by manumitting the slaves, the authorities hoped that they would not have to feed them during a possible Babylonian siege [37]). No matter what the intention was, the royal edict was repealed the moment there was no longer any danger of a Babylonian siege.

Traditio-historically seen the basic elements of Jr xxxiv 8 ff. have been incorporated in the so-called "Baruk Book", but it is in general acknowledged that the passage has been mutilated in the process [38]). The most conspicuous difficulty is that the quotation from the law referred to in v.14, does not correspond to the contents of the royal

[37]) B. DUHM, *Das Buch Jeremia*, *KHAT* XI, 1901, pp. 279 ff., and P. VOLZ, *Der Prophet Jeremia*, *KAT* 10, 1922, pp. 317 f., both suggest the last possibility, whereas W. RUDOLPH, *Jeremia*, *HAT* I 12, 2. ed., 1958, pp. 203 ff., and M. DAVID, "The Manumission of Slaves under Zedekiah", *OTS*, 5, 1948, pp. 63-79, p. 63, think that military considerations were behind. A. WEISER, *Das Buch Jeremia*, *ATD* 20/21, 5. Aufl., 1966, pp. 311 f., finally, thinks that the king wanted to do penance to Jahve. It is probable that military considerations were the underlying reason for the proposal. However, I have found no parallels to this manumission in the Ancient Near East; but in classical antiquity it was not an unknown phenomenon: Cf. e.g. the fact that in the Peloponesian war the Spartans released a contingent of Helots who had been at war in Thrace under Brasidas; no doubt this was the consequence of a previous promise of manumission (Thucidides, V:34), similar to what happened when the Thebans and their allies threatened to invade Laconia in 371/70 B.C. (Xenophon, Hellenica, VI:5:28). After the battle of Chaironeia 338 B.C. Hyperides proposed that the slaves should be set free and armed against the Macedonians (*Hyperidis Orationes sex cum ceterarum fragmentis edidit* Christianus JENSEN, TB, 1917, pp. 118 f.). After the defeat at Cannae, 216 B.C., the Roman state bought 8000 slaves from private persons and armed them; but it is not said whether they were manumitted (Livius, XXII: 57:11). I owe these references to mr Sten EBBESEN, lecturer in classical philology at the University of Copenhagen.

[38]) Thus DUHM, *loc. cit.*, WEISER, *loc. cit.*, and of RUDOLPH, *loc. cit.*, the C-source.

edict. Zidkiah's law concerned all enslaved debtors of Judaean birth, v.9., but in v. 14 the question is of an individual manumission after six years' service. M. David is probably right in maintaining that the additions to Jr xxxiv 8 ff. and the subsequent adaptation cannot traditio-historically be separated from Dtn xv [39]). The discrepancies of v.14 between מקץ שבע שנים and ועבדך שש שנים can most conveniently be explained on the basis of Dtn xv since מקץ שבע שנים is literally identical to the Sabbatical Year legislation Dtn xv 1, while the sentence following immediately after has been taken from the slave law, Dtn xv 12, and repeated word for word. This also applies to the dating. Therefore there can be no doubt that Jr xxxiv 8 ff. has been subjected to a Deuteronomic adaptation. It becomes clear already in v.9 where עבריה and maybe עברי are glosses that have been used because this event was linked to the Deuteronomic slave legislation. Whether חפשים also derives from the glossator of v.9 is doubtful, but the further development from Dtn xv 12 to Jr xxxiv 9 ff. is interesting. As mentioned above Dtn xv 12 uses the singular חפשי whereas Jr xxxiv 9.10.11.16 has the plural (in v.16 the suffix to שלחתם is also in the plural contrary to Dtn xv 12 תשלחנו) [40]). In vv.10.11.16.17 עבריה and עברי are mentioned no longer. Originally the law simply aimed at enslaved debtors of Judaean birth.

The technical term for the decree in Jr xxxiv 8 ff. is דרור "freedom", which as mentioned is a loan word from the Akkadian *andurārum*. Another technical expression was דרור (קרא) which was used about the Jobel Year, Lv xxv 10: וקראתם דרור בארץ but while דרור in Lv xxv is usually used about the regulations of the Jobel Year in general, the expression has, in Jr xxxiv 8 ff. been limited to only one aspect of the Jobel Year, namely the manumission. In the Old Testament we find this expression also in Jes lxi 1 and Hz xlvi 17 [41]). In Trito-Isaiah דרור is used only about "freedom" for prisoners including enslaved persons. In Hz xlvi 17 שנת הדרור signifies the date fixed for the annulment of gifts of land from a sovereign (נשיא) to his subjects. By שנת הדרור plots thus given away should return to the donator. It is a question whether by שנת הדרור in Hz xlvi 17 the introduction of a Jobel Year corresponding to the one described

[39]) *Op. cit.*, pp. 74 f.

[40]) LXX has a shorter text for vv. 10-11, at any rate in the original Septuagint version; but even though חפשים is left out twice in LXX, this is of no consequence for the transmission of חפשים in v. 9 and 16 where LXX also has this word (ἐλευθέρους).

[41]) Cf. to this ZIMMERLI, *Galling Festschrift*, pp. 321 ff.

in Lv xxv, was intended, that is, a regularly recurring time limit of 50 years; but it is probable that the "year of freedom" in this case has been understood as a general annulment of transactions with landed property [42]).

The conclusion with regard to Jr xxxiv 8 ff. will be that the Deuteronomists at any rate interpreted Zidkiah's law as something unique which, in their opinion, was motivated by the slave law, Ex xxi 2 ff. (Dtn xv 12 ff.). But in their adaptation of Jr xxxiv 8 ff. the Deuteronomists were unable to refer to any precedents, not to speak of a regular practice that might have resulted in the issue of royal laws of this intention at regular intervals.

b) *Neh v 1-13*

In the Old Testament there is one more example of a social reform of a more general character, Neh v 1-13 (from about 445 B.C.) [43]). Due to complaints from the poorest that in order to buy corn or pay their duties they were forced to sell their children and their property, Nehemiah carried a general amnesty for enslaved debtors and an annulment of every mortgage on land.

Nowhere in Neh v 1-13 is referred to older laws as normative for this social measure, and nowhere is mentioned that what we find here is a description of a recurrent phenomenon. Yet, there are some affinities with the Jobel Year legislation. In Lv xxv 39 ff. it was emphasized that it was not allowed to sell compatriots who had been enslaved because of debt, and furthermore, that Jews who had pledged themselves to people of other nationalities should be redeemed as far as it was possible [44]). In Neh v 1-13 transactions with landed property are also cancelled in those cases where debt has been incurred.

[42]) Against ZIMMERLI, *op. cit.*, pp. 327 f.; cf. his *Hezechiel*, *BKAT* XIII/2, 1969, p. 1179.—Against DAVID, *op. cit.*, p. 75 n. 38, may be said that דרור is not always connected with slavery; the manumission is only one aspect of דרור as shown in Lv xxv.

[43]) In this connection it is of no consequence whether this "reform" should be dated to the time when Nehemiah rebuilt the walls of Jerusalem as the majority of modern commentators think, or to the time after the building of the walls as suggested by L. W. BATTEN, *The Books of Ezra and Nehemiah*, *ICC*, 1913, p. 237, and by F. MICHAELI, *Les livres des Chroniques, d'Esdras et de Néhémie*, *CAT* XVI, 1967, p. 327.

[44]) Apparently is referred to conditions in Palestine after the time of the exile: thus the majority of commentators. K. GALLING, however, thinks that the reference is to conditions in the Babylonian diaspora, *Die Bücher der Chronik, Ezra, Nehemia*, *ATD* 12, 1954, p. 227.

I would like to add the following comments. In Lv xxv it was evident that the last part of the chapter consisted of an originally independent codex of so-called מוך rules which may never, before their incorporation in the legislation on the Sabbatical Year, have been looked upon as general amnesties, but as rules relating to individual transactions. The links between Neh v 1-13 and Lv xxv all concern these מוך rules, and since Neh v 1-13 does not refer to regular dates for the annulment of all obligations, it has been suggested that the Jobel Year legislation as expressed in Lv xxv was not normative in the eyes of Nehemiah's contemporaries. But this does not necessarily mean that it never existed; it should rather be taken as a confirmation of the hypothesis that Lv xxv merely expresses pious theory [45]).

Anyhow the reform mentioned in Neh v 1-13 should be ranged on the same line as Zidkiah's law, viz. a once-only measure, which was not repeated to such an extent as the Old Testament evidences seem to indicate.

c) *2 Kg iv 1; Jr xxxii 6-15; Num xxxvi*

Still a few passages from the Old Testament may be included in this connection to show how some of the regulations linked together in the legislation on the Jobel Year and the Sabbatical Year were put to use in practice.

2 Kg iv 1: A widow has been forced to pledge her two sons for debt, and the creditor is on the point of demanding his pledges handed over. Very little can be deduced from this passage apart from its implying that it was looked upon as something natural that an Israelite should be forced into enslavement for debt. This is also implicitely presupposed in Jes l 1: או מי מנושי אשר־מכרתו אתכם לו [46]).

Jr xxxii 6-15: Jeremiah buys a family estate at Anatot. The reason for Jeremiah's purchase at a time when such an investment was unfavourable [47]) was his obligation as a member of his family to redeem

[45]) W. Rudolph, *Ezra und Nehemia*, *HAT* I 20, 1949, p. 129, thinks that Nehemiah deliberately does not refer to Dtn xv since to him the important thing was to have an immediate reform carried through. There was not time to wait for the next Sabbatical Year. Accordingly it cannot be deduced from Neh v 1-13 that the laws of the Sabbatical Year were out of force. On the other hand it cannot be maintained, *e silentio*, that these laws were in force at the time of Nehemiah.

[46]) נושי, this also 2 Kg iv 1: נושה.

[47]) The field was in an area which was more exposed to being plundered if Jerusalem was besieged, cf. Rudolph, *HAT* I 12, p. 191.

the family estate which was in danger of being lost—probably as a consequence of debt. The term used in Jr xxxii 6 ff. is משפט הגאלה. The transaction described in Jr xxxii 6-15 corresponds to the ordinance of Lv xxv; but in Jr xxxii 6 ff. there is nothing to indicate that the Jobel Year legislation was valid to the extent that a field once sold was automatically given back after a certain period. In the first place, of course, this is due to the fact that the sale of land to members of a family has not been accounted for in the גאלה rules of the Jobel Year, but on the other hand it is impossible, based on Jr xxxii 6 ff., to maintain that the Jobel Year rules have been legally binding in the form they have in Lv xxv.

Num xxxvi: Appendix to the regulations relating to hereditary daughters (Num xxvii 1-11). In v.4 there is a reference to the Jobel Year; but it is quite incomprehendable in the present connection since Num xxxvi 4 demands the implementation of conditions that seem opposed to the Jobel Year laws in Lv xxv in the way that an inheritance consisting in land bestowed on another tribe through a woman, does not return to her native tribe, but is finally settled on the new one [48]). This means that v.4 in all probability is a gloss secondarily inserted, and also that nothing in Num xxxvi can be cited in support of the theory that the Jobel Year was at a certain time carried into effect.

Conclusion

An examination of the Old Testament descriptions of interventions against debt incurred by the poorest people and its consequences: slavery and the enforced sale of family property, shows very clearly that it is possible to distinguish between two kinds of regulations. First Ex xxiii 10-11 indicates the existence of some very old rules relating to the fallow year, and it seems probable that a social importance was attached to this fallow year. Secondly there was the ancient law of the *ḫabiru* slaves, Ex xxi 2-6. None of these passages from the Book of the Covenant can, however, be compared direct with the Deuteronomic legislation on the Sabbatical Year or the Jobel Year in the Holiness Code. Partly because the originally strictly limited slave law, Ex xxi 2-6, was secondarily expanded to all endebted slaves of Israelite birth, partly because Lv xxv—at any rate every seventh

[48]) Cf. Noth, *Das vierte Buch Mose. Numeri*, *ATD* 7, 1966, p. 222.

fallow year—involved a cancellation of any sale of land that had been enforced because of debt.

Finally the whole complex of problems around the contraction of debts, as expressed in both Dtn xv and Lv xxv, represents a completely new element in relation to the regulations of the Book of the Covenant. This does not mean that rules of the remission of debt in all its aspects may not be older than the Deuteronomic and the priesterly legislation. The rules of the remission of debt may well be related to regulations like the מוך rules in Lv xxv 25 ff. These may have had a validity of their own before they were joined together with the legislation on the Sabbatical Year and the Jobel Year, which the author of Lv xxv has taken over, partly from the Book of the Covenant, partly from the Deuteronomic Sabbatical Year.

The fact that the two parts of Dtn xv are so evidently linked together secondarily as the contradictory contents of Dtn xv 1-11 and vv.12-18 clearly show, is of decisive importance when one tries to estimate when the idea arose that the Sabbatical and the Jobel Years represented dates according to which the ownership of the land was regulated. But if, to the Deuteronomists, the Sabbatical Year was a secondary construction, this must also apply to the Jobel Year legislation in Lv xxv. This is based on the generally acknowledged Sabbatical Year every seventh year as invented by the Deuteronomists. If the historical foundation of the seven-year cycle is allowed to lapse, the fifty-year cycle of Lv xxv also collapses inasmuch as it is only an amplified seven-year cycle.

Finally it appears from the two wellknown general amnesties mentioned in the Old Testament, Jr xxxiv 8-20 and Neh v 1-13, that these were put into effect without any reference or allusion to a Sabbatical Year or a Jobel Year. Zidkiah's and Nehemiah's laws should be judged as unique phenomena, a standpoint which also is shared by the majority of Old Testament scholars.

One thing may, however, contribute to trace the origin of the Sabbatical and Jobel Year idea. The technical name of Zidkiah's reform is דרור corresponding to the Akkadian *andurārum*. As it appeared from the chapter on the Mesopotamian practice when issuing social edicts, *andurārum* was in the Neo-Assyrian period the period the word usually applied for a royal edict. In several places, even in the Neo-Assyrian period, we find *andurārum* without the prefix, *durārum*, which is quite analogous to דרור. The correspondence between Zidkiah's law and the Neo-Assyrian edicts mean, I think

that Zidkiah simply was dependent on the Neo-Assyrian edict practice. This is not surprising in view of the fact that at the time of Zidkiah Judah had for more than a century been a vassal first to the Assyrians, and later to the Chaldeans. It is to be supposed that various Assyrian edicts, which may have been meant as favours to the Judeans, were called (*an*)*durārum* decrees or, that social reform laws were, in accordance with Mesopotamian traditions, called so in the former Northern kingdom.

Supposing Zidkiah's edict, Jr xxxiv 8 ff., was in fact dependent on a tradition taken over from the Assyrians in the seventh century B.C., this implies that certain conclusions may be drawn regarding the Deuteronomic Sabbatical Year laws of Dtn xv 1-18. The Deuteronomists simply transformed the royal privilege of issuing *durārum*/דרור edicts into a settled practice blessed by God. The period of seven years they took from the Book of the Covenant, and there they also found a good deal of the substance of the Sabbatical Year. Quite apart from its being dependent on the Deuteronomic constructions the Jobel Year of Lv xxv can be traced right back to the royal reform as evident from the name of it דרור.

At the time of the Old Testament probably no attempts were made to impose the demands of the Sabbatical and Jobel Years by force. However, 1 Makk vi 49, 53 [49]) shows that sometime during early Judaism it was tried to revive the Sabbatical Year; apparently it led to an almost catastrophic food shortage.

Appendix

Wildberger, in his commentary on Jes xi 1 ff., compares the Hebrew צדק with the Akkadian *mīšarum* (in this connection is referred to the Egyptian mꜣʿt, "truth", "rightdoing", righteousness") [50]) Wildberger refers to the Mesopotamian so-called "prophecies", which are really *vaticinia ex eventu* and to oracles. He talks of a "Parallelität in den Motiven", but it seems as if he misses what actually lay behind the older Near Oriental motives for the expectations from the new king such as it is expressed in Jes xi 1 ff. In view of what has been said here there can be no doubt that the interpretation of מישור

[49]) In v. 49: σάββατον, in v. 53: ἔβδομος ἔτος.

[50]) H. Wildberger, *Jesaja*, *BKAT* X/1, 1972, pp. 451 ff. To *mꜣʿt*, *WÄS* II, pp. 18 ff.; R. O. Faulkner, *A Concise Dictionary of Middle Egyptian*, 1962, pp. 101 f.; cf. also W. Helck & E. Otto, *Kleines Wörterbuch der Aegyptologie*, 1956, p. 210.

in Jes xi 4 cannot be separated from the interpretation of the Akkadian *mīšarum* in the Old Babylonian technical sense of the word, which had been taken from Sumerian (níg.si.sá). On the other hand it has also become quite clear that WEINFELD's theory of an institution corresponding to the Old Babylonian practice which was in use during the time of the Israelite monarchy, does not work here. It is therefore natural to compare the parallelization of מישור and צדק in Jes xi 4 with the collocation often used in the cuneiform literature of the Akkadian *mīšarum* and *kittum* (níg.gi.na). *Mīšarum* and *kittum* are not identical conceptions. *Kittum* signified the cosmic, unalterable justice [51]) while *mīšarum* rather means social justice practised over human beings at court, or through the so-called *mīšarum* acts. When treating the source material from Mesopotamia it is therefore necessary to consider that here it is a question of a development of the *mīšarum* conception. On one hand we have the secondary use referred to by WILDBERGER [52]) where the reference to *mīšarum* only suggests that the king tries to rule "justly" in general. On the other hand we have the *mīšarum* acts from the end of the 3rd millennium B.C. and down through the first five or six hundred years of the second millennium, which really did try to soften abuses. That the origin of the more general use of *mīšarum* (placed side by side with *kittum* as an elliptic expression that comprises "justice" in its totality) is to be looked for in these edicts, is clear both from the lipit-Ištar hymn quoted by WILDBERGER [53]), and even more clearly, from the documents treated by KRAUS, UM 5, no. 74: V 11 ff.[54]). "In Nippur stellte ich Gerechtigkeit (níg.si.sá) her, liess Ehrlichkeit (níg.gi) sich zeigen. Wie Schäfe .... liess ich sie .... Grass fressen. Das Schwere Joch nahm ich von ihren Nacken. Dauernde Wohnung liess ich sie beziehen. Nachdem habe ich in Nippur Ehrlichkeit (und) Gerechtigkeit hergestellt das Land zufriedengestellt" [55]). Neither this text not the lipit-Ištar hymn are expressions of *vaticinia ex eventu*. Nor are they oracles aimed at the succeeding king; they refer to the actual introduction of social

[51]) *Kittum* corresponds to a certain degree to the Egyptian *mꜣʿt*.

[52]) *Loc. cit.*

[53]) *Loc. cit.* Text: H. DE GENOUILLAC, *Textes religieux Sumériens*, no. 48, 65, 67, 91, translated in A. FALKENSTEIN & W. VON SODEN, *Sumerische und akkadische Hymnen und Gebete*, 1953, pp. 126 ff.

[54]) KRAUS, *JCS* 3, pp. 30 f. The translation is owing to KRAUS.

[55]) Níg.gi níg.si.sá mu.ni.in.gar corresponds to Akkadian *kittam u mīšaram aškun*.

reforms in the reign of the said king [56]). In this connection the prologue of CH:V 14 ff. might be included: "When Marduk ordered me to guide the people and instruct high principles, I decided that order and justice be proclaimed throughout the country. I brought the people happiness." [57]) and likewise the epilogue of CL: "According to Enlil's orders I established "social justice" in Sumer and Akkad." [58]) The expectations from the Davidic descendant in Jes xi 1 ff. should be interpreted on the basis of the reform practice not as a complete parallel, but as a late literary reminiscence of it. In this way Jes xi 1 ff. reflects a stage of development inside the frames of the Israelite royal ideology which was on a line with the Neo-Babylonian application of the conception "social justice" (*mīšarum*).

ADDITIONAL NOTE

Not till I had finished this article did I get the opportunity to read N. SARNA, "Zedekiah's Emancipation of Slaves and the Sabbatical Year" in *Orient and Occident, Essays Presented to Cyrus H. Gordon*, *AOAT* 22, 1973, pp. 143-149. However, our conclusions are so divergent that I shall not dwell on it in details. SARNA thinks that Zidkiah's manumission took place in connection with the celebration of a Sabbatical Year in 588-87 B.C. He realizes the connection between Jr xxxiv 8 ff. and Dtn xv 12 ff.; but he thinks that Jr xxxiv 8 ff. represents an ancient interpretation of Dtn xv 12 ff. evidently owing to Jeremiah. SARNA may be reckoned among the scholars who ignore or at any rate only superficially touch upon the literary critical and traditio-historical difficulties related to the interpretation of the Old Testament laws of manumission etc. Thus he takes it for granted that the Sabbatical Year cycle was an ancient institution in Israel and bases this on the Babylonian material on *mīšarum* (and *andurārum*), the meaning of which he has not investigated.

[56]) UM 5:74 is an ancient copy of an inscription of an unknown king of Isin from the period preceding the Lipit-Ištar, of KRAUS, *loc. cit.*

[57]) *I-nu-ma*/ ᵈAMAR.UTU / *a-na šu-te-su-ur ni-ši* / KAL.AM *ú-si-im* / *šu-ḫu-zi-im* / *ú-wa/e-e-ra-an-ni* / *ki-it-tam* / *ù mi-ša-ra-am* / *i-na QA ma-tim* / *aš-ku-un* / *ši-ir ni-ši ú-ṭi-ib*. (As to the translation of *ina pī mātim*: see *CAD* 8, *K*, 1971, p. 470).

[58]) III: 52 ff.: Inim ᵈen.líl.lá.ta / [níg.]si.sá / ki.en.gi ki.uri / [i.ni.i]n.gar.ra.aš.