TOWARD UNDERSTANDING THE HEBREW CANON

Hebrew Bible Monographs, 61

Toward Understanding the Hebrew Canon

A Form-Critical Approach

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Sheffield Phoenix Press

2013

Published by Sheffield Phoenix Press
Department of Biblical Studies, University of Sheffield
Sheffield S3 7QB

www.sheffieldphoenix.com

A CIP catalogue record for this book
is available from the British Library

Typeset by CA Typesetting Ltd
Printed on acid-free paper by Lightning Source

ISBN 978-1-909697-16-4
ISSN 1747-9614

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Preface

The present volume reprints substantive analyses of specific biblical forms together with a new one, following upon three works that gave sustained attention to procedure. *Biblical Form Criticism in its Context*, 1999 (*BFC*), showed that form criticism has a long history behind it and that variations in biblical analysis have been connected with social changes. *The Concept of Form in the Twentieth Century*, 2008 (*CFT*), focused on intellectual and sociopolitical developments after 1900 as a useful frame for biblical studies, with special attention to relational conceptions. *The Changing Shape of Form Criticism: A Relational Approach*, 2010a (*CSR*), presented previously published and new essays that were concerned with the theory and history of interpretation after 1965. A major reason for these three volumes was to present the theoretical frame of the largely synchronic, flexible, comparative, and reflective kind of form criticism that had been carried out in earlier substantive analyses, including *The Prophetic Word of Hosea: A Morphological Study*, 1969. Some of the themes of those three volumes are summarized in the first part of the Introduction of the present work for the sake of orientation. In fact, the procedural principles that are outlined do not constitute 'my' method but belong to a larger tradition in scholarship at large.

The reprinted essays have been edited to a limited extent in style and content, primarily for the sake of clarity. A few statements that no longer represent my view have been omitted, and a small number of observations and explanations have been added, primarily in footnotes. However, it has not been possible to engage in more than a rudimentary discussion with recent scholarship. That is true in part because analyses of the various kinds of literature treated in the volume are too extensive to be discussed and in part because the questions asked and the positions taken by other scholars often presuppose a different ontology.

An overall interest of the essays is interaction with secular disciplines in both procedure and content. Some may think that this undercuts theology, but I believe that it highlights literary meaning in a way that both secular and religious persons can find helpful.

Acknowledgments

The essays contained in this volume were in many, including stylistic, ways supported by my loving life-partner Nancy. The process of placing items together was aided in a careful and thoughtful way by Nickie Stipe. Many thanks!

List of Abbreviations

AcOr	*Acta orientalia*
ANET	James B. Pritchard (ed.), *Ancient Near Eastern Texts Relating to the Old Testament* (Princeton, NJ: Princeton University Press, 1950).
ATD	Das Alte Testament Deutsch
ATR	*Anglican Theological Review*
BFC	Martin J. Buss, *Biblical Form Criticism in its Context* (Sheffield: Sheffield Academic Press, 1999).
Bib	*Biblica*
BibInt	*Biblical Interpretation: A Journal of Contemporary Approaches*
BibLeb	*Bibel und Leben*
BWANT	Beiträge zur Wissenschaft vom Alten und Neuen Testament
BZ	*Biblische Zeitschrift*
CBQ	*Catholic Biblical Quarterly*
CFT	Martin J. Buss, *The Concept of Form in the Twentieth Century* (Sheffield: Sheffield Phoenix Press, 2008).
CSR	Martin J. Buss, *The Changing Shape of Form Criticism: A Relational Approach* (Sheffield: Sheffield Phoenix Press, 2010).
EncJud	*Encyclopaedia Judaica*
EvT	*Evangelische Theologie*
HAR	*Hebrew Annual Review*
HBT	*Horizons in Biblical Theology*
HTR	*Harvard Theological Review*
HUCA	*Hebrew Union College Annual*
IDB	George Arthur Buttrick (ed.), *The Interpreter's Dictionary of the Bible* (4 vols.; Nashville: Abingdon Press, 1962).
IDBSup	*IDB*, Supplementary volume
Int	*Interpretation*
JAAR	*Journal of the American Academy of Religion*
JANESCU	*Journal of the Ancient Near Eastern Society of Columbia University*
JAOS	*Journal of the American Oriental Society*
JBL	*Journal of Biblical Literature*
JNES	*Journal of Near Eastern Studies*
JPOS	*Journal of the Palestine Oriental Society*
JQR	*Jewish Quarterly Review*
JR	*Journal of Religion*
JRelS	*Journal of Religious Studies*
JSOT	*Journal for the Study of the Old Testament*
JSS	*Journal of Semitic Studies*
KD	*Kerygma und Dogma*
Or	*Orientalia*
OTS	*Oudtestamentische Studiën*
RevScRel	*Revue des sciences religieuses*

RGG	*Religion in Geschichte und Gegenwart*
TGl	*Theologie und Glaube*
TLZ	*Theologische Literaturzeitung*
TQ	*Theologische Quartalschrift*
TP	*Theologie und Philosophie*
TS	*Theological Studies*
TWNT	Gerhard Kittel and Gerhard Friedrich (eds.), *Theologisches Wörterbuch zum Neuen Testament* (11 vols.; Stuttgart, Kohlhammer, 1932–79).
VT	*Vetus Testamentum*
VTSup	*Vetus Testamentum*, Supplements
ZAW	*Zeitschrift für die alttestamentliche Wissenschaft*
ZDMG	*Zeitschrift der deutschen morgenländischen Gesellschaft*
ZTK	*Zeitschrift für Theologie und Kirche*

Introduction

In ordinary English, to 'understand' means to recognize 'the nature and significance of' something (*The American Heritage Dictionary of the English Language*, 1992). Both 'nature' and 'significance' involve something that is in principle general. According to an old adage, 'what is purely particular cannot be understood'. While we can indeed understand human individuals, and in a certain way also other particular beings, doing this involves general categories, which are combined in various ways.[1] The nature of generality, however, is debated, so that it is useful to review the highlights of the long debate about the status of generality.[2]

1. *The Macrohistorical Context of Biblical Criticism*

A 'realist' view of general forms attributes to them a reality that is independent of human thinking. This point of view was widely held in the so-called West until the latter part of the Middle Ages. Aristotle set forth a down-to-earth version of generic realism that is called 'essentialism'. According to this view, objects share an essence that is 'universal' for their group. A classification is then correct if it places together objects that have a common essence. In classical and medieval exegesis, a realist rhetorical and poetic perspective led biblical interpreters to consider the genre to which a given textual body belongs.

In contrast, 'nominalism' or 'particularism' holds that general categories are only convenient 'names' (that is, verbal labels or—in a conceptualist version—thoughts) which point to particulars and that classifications depend on subjective purposes. This perspective, considered 'modern', began during the Middle Ages and came to be favored widely until the nineteenth century. The units on which particularism focuses can differ in size. Nominalist theory can thus support individualism, classism, and

1. It is thus appropriate that Kenton Sparks has characterized 'genre criticism' (his version of form criticism) as an endeavor to 'understand the nature, meaning, and significance of a text by creatively comparing it with similar texts and/or traditions' (2010: 68).

2. Details of the survey given in the first section of the Introduction appear in *BFC* and *CFT*; page numbers are given for items that are not readily found there.

nationalism, as well as a monistic universalism that treats humanity, the nonhuman world, or the whole universe as a single (uniform or deterministic) block. These versions are sometimes combined, since a smaller unit can stand within a larger one (*CFT*, 7-10, 78, 189).

To be sure, pure particularism is probably not tenable. A widely-held moderate version recognizes generality on a secondary level; specifically, most Christian nominalists believed that God has established 'laws' that are obeyed by nonhumans and are to be obeyed by human beings. In biblical studies, the particularist outlook led to a steadily increasing focus on history, with an interest in particular events and with a sense that current life is and should be different from the past.

An important aspect of this debate is the question of how particular objects are connected with each other. Generic realists—especially, but not only, the essentialists among them—believe that there are 'real' and indeed reasonable connections between phenomena. In contrast, nominalists hold that particulars have been placed into association with others in an arbitrary, so-called 'free', way; relations are thus secondary. This idea came to support an empirically oriented science that is based on observation (including experimentation) instead of on what appears to be logical. Nominalists retained the word 'reason', but they meant by it 'free' (independent) thinking, such as outside of religious tradition.

Furthermore, nominalists have stressed individual or collective self-seeking by humans, except as the result of special action by God.[3] Such an idea came to underlie capitalist theory in an individualistic way and other political views in a collective way.[4]

Differently, much philosophy and science from the end of the nineteenth century on came to combine particularity and independence with generality and connectivity by focusing on relations, which are thought to be a basic part of reality. Specifically, relations require that objects are connected, but only partially so, for if two items are firmly connected, they are no longer two but rather one entity.[5] Relations can be repeated and are thus inherently 'general'. However, they are not 'universal'; that term belongs more properly to essentialism and monistic nominalism.

3. E.g., John Calvin recognized non-virtuous Christians but explained that God provides 'gifts' of virtue 'for the preservation of society' also to those who are not elected to be redeemed (*Institutes of Christian Religion*, 3.14.3).

4. 'Self-love' became especially important from about 1700 on. (What Adam Smith called 'sympathy' was equivalent to what R. Girard later described as 'mimetic desire'.) See *CFT*, 17-19.

5. *CFT*, 63-66 and *passim*. See also the history of European twentieth-century philosophy by Karen Gloy (2006); her own view, set forth in other studies, is relational, holding together order and unpredictability.

For instance, worship of a deity is a general (repeated) relation, but it is not universal among human beings.

Informally, the relational outlook is old; for instance, it is presupposed in biblical literature as well as in other ancient traditions.[6] However, this way of thinking was sidelined by aristocratic organization, which favored generic realism, and then by a focus on an entrepreneurial middle class, in which particularism is popular. Differently, formal relational thinking from the end of the nineteenth century on has been associated with a relatively egalitarian structure in which lower-class persons take part in the governmental process through voting. Specifically, 'social democracy' has attempted to balance self-determination with connectivity.[7]

In line with this social context, expressly relational thinking in philosophy began within a move toward social equality between men and women and was almost unanimously supported thereafter by women writers, as well as later by postcolonial thinkers (*CFT*, 46, 169-98). However, among Western male thinkers many also followed a relational path. Prominent examples include the semiotic-pragmatic outlook (especially as formulated by C.S. Peirce), the phenomenological movement (to a large extent), and the grammatical-dialogical line.

The relational way was soon pictured graphically in symbolic logic; here, lower-case letters came to be used for particular objects, which occur only once, and upper-case letters for relations, which are general since they recur. Beyond philosophy, the new orientation became widespread in the work of various disciplines (*CFT*, 67-105; *CSR*, 221-77). For instance, in physics the duality of particles and waves makes it likely that particularity (with potential independence) and generality (and continuity) are equally ultimate and implies that partial indeterminism is possible. Furthermore, physical theories have a 'beauty' that implies that they are reasonable in some way, so that one can predict previously unknown features of reality, although the theories need to be checked empirically. In biology, it became clear that the component parts of a living being are constantly being replaced but that the relations between them continue, although not rigidly so, so that evolution can take place.

6. For older relational perspectives (at least in part), see *BFC*, 24-26 (biblical); *CFT*, 43-44 (presocratic), 197 (Indic and Chinese).

7. Such a historical pattern is not necessarily Hegelian but can reflect an oscillating tendency with periodic median positions. The gradual move toward an egalitarian politics may have been influenced by biblical traditions, but the expansion of communicational media (writing, print, electronic means) undoubtedly played a role. The close connection of intellectual movements with social developments is demonstrated by the fact that the philosophy of Aristotle, who favored a combination of upper- and middle-class leadership, became prominent in some countries just as the city-based middle class began to rival the aristocracy.

In this way of thinking, 'form' is not an ultimate reality (with Plato) or an essence (with Aristotle) or an external appearance (as widely in nominalism), but a complex of relations. The various sciences see how elementary relations, which may be few, are joined in different possible combinations. Knowledge is viewed as involving an interaction between the observer and the observed within a world in which partial connectivity is pervasive (*CFT*, 85-92).

Particularist perspectives nevertheless continued during the twentieth century and were sometimes sharpened. In some of the jottings that he did not himself publish, Nietzsche had been radically nominalist. Because of these notes (published in the *Will for Power*), he was claimed as a forebear for strong individualism and skepticism, as well as for 'National Socialism', which was an extreme example of group particularism with a definitely anti-rational bent. Marxism, carried over from the nineteenth century, espoused a group particularism that was based on the idea of class and, in one form, attempted to establish a dictatorship of the proletariat under autocratic leadership. However, Marxist intellectuals, who were usually themselves not lower-class, often exhibited and supported an altruistic motivation, which Marx and Engels had disavowed for themselves and had rejected as undesirable beneficence by others (*CFT*, 23). Marxist tradition has thus been a mixed phenomenon. Other semi-relational perspectives largely set forth by Caucasian males included both structuralism, which leaned toward schematic generality and order, and post-structuralism, which approached nominalism. Furthermore, in the US—and elsewhere?—self-interest is expressly championed by 'libertarians' and is the predominant basis of appeal in advertising and even in much of education.

Since relational and strongly nominalist perspectives have coexisted in recent years, the term 'postmodern' has been confusingly applied to both (*CFT*, 121-22). It is striking, however, that the relational option has repeatedly been overlooked. For instance, some Christian thinkers said that one needs to choose between essentialism and nominalism, without recognizing the interactional outlook as an option, although Christian theology had moved a long way toward doing so (*CSR*, 45-46, 270-71).[8]

In fact, in Christian biblical scholarship after 1900, essentialist and nominalist tendencies continued to be influential. Partially in line with Thomas Aquinas's adaptation of Aristotle, Roman Catholics have repeatedly supported generality (as the word 'catholic' indicates) and

8. Faced with this forced choice, Caputo 2000: 3, 151 chose nominalism, and MacIntyre 1985: 256, 263 chose 'Aristotle'. A similar choice has been made by Sparks 2010: 5, choosing conceptualism, a moderate form of nominalism, but his constructive analyses appear to be at least moderately realist.

may have presupposed soft versions of essentialism, even though that is not clearly stated.[9] In a complementary fashion, many Protestants continued to regard particularity as most important (as the word 'protestant' indeed implies).[10] That was often also true when there was an interest in comparison, for the main interest in comparison can be to show difference.

Yet clearly relational perspectives were also present in biblical scholarship by Christians, Jews, and others. For instance, a number treated non-biblical religions in an appreciative way.[11] In recent years, there has been an interest in 'theory' regarding textuality, gender, and postcolonialism (cf. Moore 2010) and in 'multidimensional exegesis' that treats social and psychological aspects of human life (e.g., Jonker 1996). Recognition of loose connections has been supported by Mikhail Bakhtin's notion of unmerged dialogue and Julia Kristeva's concept of 'intertextuality' without a necessary historical tie.[12]

A historical survey cannot determine which approach is best. However, for both ethical and intellectual reasons, the relational way seems preferable to the more one-sided paths that have been taken in the past.

2. *Form Criticism after 1900* CE

Gunkel participated in the reaction against particularism. He rejected historical criticism, which he said yields an amorphous collection of data and sets forth opinions that, beyond a few major conclusions, are speculative.[13] He favored instead 'history', specifically the large-scale

9. Versions of essentialism have been supported by the notable theorist of interpretation Bernard Lonergan—whose emphasis on 'Insight' (1978) was close to, although not identical with, that of Aristotle—as well as by Catholic academics in philosophy and religion with whom I have spoken. Of two noteworthy surveys of the role of biblical specialists, the one by the Catholic Joseph Blenkinsopp (1995) was more given to providing insight than was the one by the Protestant Lester Grabbe (1995), although Grabbe furnishes useful anthropological parallels. For relative differences in the application of form criticism, see *CSR*, 198 n. 131. John Collins at one time proposed an essentialist definition for 'apocalyptic', but he appears to have moved away from that (see Collins 2010).

10. I have heard many oral emphases on particularity; for printed statements, see, e.g., *CSR*, 197.

11. For explorations of general aspects of the Hebrew Bible and Christian Testament (such as in England and Scandinavia) prior to 1999, see *BFC*, 312-21, 347-57. Since then, comparative studies have been pursued especially by scholars in or associated with India, China, and Africa.

12. At least some 'queer' thinking, too, is relational (Althaus-Reid 2003: 46).

13. Gunkel anticipated that only four positions were likely to become widely accepted: the Pentateuch as such was not written by Moses; most of the Psalms

'history of religion'. The use of the word 'religion' in the singular in this term envisions generality without denying important differences or assuming a sharp demarcation. (Similarly, one can speak of a history of family life or of food production.) In any case, from a history-of-religion standpoint like that of Gunkel, it is neither necessary nor normal to assume that uniqueness is a sign of divine revelation, while shared items are 'merely' human.[14] Gunkel favored Christianity; he has been criticized for doing so, but generality should balance—not overcome—particularity.

Quite importantly, Gunkel gave attention to genres. Before him, groupings of texts had been treated as convenient for descriptive purposes. In fact, Gunkel took over a classification of psalms that already existed. However, Gunkel treated them as literary genres, in other words, as representing trans-particular patterns. From early essays on, he treated genres not merely as past phenomena but gave readers the sense that they, too, could participate in a given genre, such as a hymn of praise.[15] Together with his student Begrich, he carefully described the features of psalm genres in light of a study of worldwide prayer and examined the 'motivations' for prayer, especially those that seek to motivate Deity to provide help. Consequently, both religious and non-religious readers felt that they 'understood' the psalms. At the same time, Gunkel valued particularity and examined each individual psalm in a major work.

Unfortunately, in reacting against nominalism, Gunkel veered toward what can be called 'historical essentialism'. He believed that there is a correct way to classify texts into genres and that on an oral level in the past genres had rigid 'pure' patterns. A more accurate view is that a differentiation (rather than a mixing) of forms represents the predominant historical process, so that 'pure' forms tend to be late (see, for instance, Chapter 4 on law). In fact, terms for genres in the Hebrew Bible are quite loose. However, many biblical scholars from Gunkel on sought to reconstruct early, simple forms, so that form criticism was treated as a tool to aid the historical-critical enterprise.[16] Essentialism and particularist historical criticism were thus added to each other instead of being transcended.

were not produced by David; Isaiah 40-66 stems from an exilic or later context rather than from the historical Isaiah; and Daniel was composed in Maccabean times rather than earlier (*BFC*, 214).

14. Sigmund Mowinckel presented a balanced view together with a clear statement of relational theory in 1938 (*BFC*, 352).

15. Thus again Endres 2001: 76: 'We have discovered a continuing usefulness of the genres or types of psalms developed by Gunkel'.

16. German scholars especially did so—apparently since their interdisciplinary orientation was weak—although other scholars warned them (*BFC*, 359-67).

It may be useful to point out that neither essentialism nor particularism is typical of the way we currently operate in everyday life, at least as adults.[17] We are usually quite aware of the fact that a general term has fuzzy edges and covers a fair variety of objects, but we use it to point to features that appear frequently in items to which that term is applied. In English, we tend to use the definite article for particular items ('the tree') and the indefinite article ('a tree') for a general pattern. We thus know the difference between 'that' an object exists (we may be able to point to it) and 'what' an object is. We also know that most objects (such as automobiles) are not constructed arbitrarily but that there is usually more than one form that they can reasonably take. A relational approach to form criticism thus does not introduce a new way of thinking but applies one that is current widely to literature.

Applying such a way of thinking to biblical studies, the fact 'that' a text was written at a particular time is the predominant interest for historical criticism. An interest in 'what' a text is (its 'form') appropriately predominates in 'form criticism'.[18] Since form is a possibility that can be shared, the answer to the question 'What is this text?' (its nature) points to its potential relevance also for the present (its significance). A textual form is, of course, especially relevant for the present if its language and (above all) its thought have at least a plausible reason why they have appeared.

Gunkel dealt with the question 'why' in part by observing that a verbal form is characteristically 'seated in life' (in German, has a *Sitz im Leben*). This observation highlights the pragmatic function of speech, so that a form can be understood in dynamic terms. However, Gunkel himself remained fairly vague about precise contexts, and quite wisely so. Differently, Albrecht Alt and others with a more particularist orientation sought to determine the precise circumstances with which genres were connected in an early period (*BFC*, 358-400). In the 1960s, however, it became apparent that proposals for dating texts on the basis of their form were untenable.

Thus there were calls for a type of form criticism that is not devoted to reconstructions of history. In 1969: 1, the present writer related the notion of *Sitz im Leben* to 'a conception of human existence developed in cooperation with other disciplines—such as the social sciences, criticism (as in the humanities), systematic theology, and philosophy', and called

17. Children do usually pass through a 'realistic' stage and often insist that only one classification is legitimate.

18. Thus also Ronald Hals—who spent an extended period with G. von Rad—in an unpublished analysis of form criticism that is in my possession.

for investigating the 'rationale' of the content and language of texts in order to reach 'insight'.[19] Especially from 1970 on, quite a few other biblical scholars published similar synchronic conceptions of form criticism (*CSR*, 191-97). For *Sitz im Leben*, they used such terms as 'function' (thus, Wolfgang Richter, Georg Fohrer, Walter Brueggemann, Hans-Peter Müller, and before 1970 several more informally), 'speech-psychological' (Erhard Güttgemanns), 'mental occupation' (Rolf Knierim), 'role play' (Klaus Berger), and 'context of action' (Erhard Gerstenberger). The extended discussion of the topic in Buss 1978 distinguished between organized settings and basic 'sociopsychological' life situations as similarly Westermann (*CSR*, 33-38, 194-95). Müller, with a strong interest in the history of religion, philosophy, and theology, projected (before his death) a broadly based form criticism.[20]

Since the *Sitz im Leben* of a genre is in principle general, consideration of it opens the door to interdisciplinary process. In fact, Gunkel developed his idea on the basis of his extensive knowledge of other fields. His formulation, in turn, was sufficiently powerful to make a deep impact not only on biblical studies but also on a considerable number of secular disciplines and programs, including that of the Bakhtin circle (*CSR*, 147-211). The term *Sitz im Leben* has thus come to be used widely for the context of a genre rather than of a particular text. Like biblical scholars, specialists in other humanistic fields found it difficult to identify specific organizational settings for genres. The classicist Lutz Käppel thus welcomed in 1992 the more basic human conception of *Sitz im Leben* that had emerged in biblical study.[21] One implication of this history of scholarship is that biblical scholars can both gain from other fields and contribute to them if, like Gunkel, they deal with human issues and have a broad public in mind when they are writing.[22]

One issue that has not yet been raised is this: 'How many objects does it take to constitute a genre?' For an answer, we need to consider that we sometimes use a general term for a kind of object that has appeared only once or never at all. For instance, at one time in our past there was only one spaceship, and before that there were none, except in imagination.

19. See *CSR*, 15-16. For earlier emphasis on 'insight', see *BFC*, 403. I was probably subconsciously influenced by Gunkel in regard to rationale (*CSR*, 16, 194). Walther Zimmerli approvingly recognized in 1963 that Gunkel pointed to an 'inner necessity between life and word' (*BFC*, 372); not being an essentialist, I would not speak of 'necessity', however.

20. Lange and Römheld 2009: viii; Müller envisioned a 'Formgeschichte…auf neue und breife Füße gestellt'.

21. Citing Berger, along with Buss 1978, known through him (*CSR*, 205).

22. Gunkel not only wrote but also gave lectures for a wide public, including teachers of religion (*BFC*, 223; Buss 2010b).

In other words, plural possibility is enough for a general term.[23] Accordingly, there is no need to distinguish between 'form' and 'genre' in principle, although in practice the word 'genre' (like the word 'kind') is useful especially when a number of relevant specimens are available. In such a usage, a genre does not refer to a collection of texts, but to a complex of relations, just as 'tree' is not a collection of all trees, but a certain more-or-less flexible pattern, which is actualized in specific ways. A decision about which observable relations are to be included in a 'complex' of them that is labeled a 'genre' depends both on their relative coherence and on an observer's interest. A similar situation holds true in describing the form of an individual object, as well.

3. *Relations between the Three Aspects of Genres*

Relations operate not merely between parts of an entity, but also between an entity and its context. For humanly constructed entities, such as texts, outside relations are crucial for their pattern. Accordingly, Gunkel emphasized that genres have three aspects: life situation, ideas, and language.[24] An important question, then, is how these three aspects are related to each other and to what extent they have a rationale.

Traditional rhetorical theory and poetics emphasized 'fitness'. This concern was downplayed in nominalist approaches, which favored 'freedom', but fitness has again attracted at least partial attention in general rhetoric and poetics (*CSR*, 252-57, 266-69). In contrast, a merely descriptive kind of form criticism simply takes note of the phenomena that appear. This has become widespread recently in biblical studies, moving in reaction against essentialism into the vicinity of nominalism (*CSR*, 198), so that it loses much of Gunkel's positive contribution. A reflective relational form criticism can probe the appropriateness of forms together with their variability. In that way, one can understand the operations of 'forms of life' (to use Wittgenstein's terminology, which was at least indirectly indebted to biblical form criticism).

Most importantly, there are definite *connections between the thought of a text and its life situation*, especially if the situation is viewed as a human process rather than as a set of external arrangements. For instance, both

23. Indeed, possibility emerged during the twentieth century as a major category, while particularism has room only for past, present, or future actuality (*CFT*, 77-85). It is thus not necessary to distinguish in theory between the 'form' exhibited by only one text and a form that is shared (*pace* Mayfield 2010: 37, following Wolfgang Richter); no matter how one identifies the form of a text, another text can at least potentially share it.

24. Such an observation may seem obvious, but I have never seen it stated except by persons in various disciplines who were indebted to Gunkel.

biological and social pain readily lead to a cry for help and perhaps to a complaint. The characteristic motifs of psalms are thus 'appropriate', although they are not 'necessary' in an essentialist sense. Similarly, one can envision at least partial reasonableness for ethics and law. Incongruity, too, has a rationale if it represents life (see Chapter 11, with reference to irony).

In dealing with the Hebrew Bible, we usually have to reconstruct the life situation of a text largely on the basis of the text itself, so that we already assume a reasonable connection. The text logically implies a certain kind of speaker (or writer), who may not be identical with the person who has produced it. More importantly, the text implies an audience, for a speaker or writer has recipients in mind and the text would not have been transmitted without hearers or readers. Fortunately, we can usually identify the problem with which a text deals and the response that can be expected—sometimes on the basis of narrative reports that describe the setting for utterances of a certain kind, more often on the basis of other knowledge that we have about present and past life. For instance, we can imagine the likely reaction of a person who receives a word in which Deity presents a promise, demand, or criticism. This is not a distancing process; rather, current readers are personally involved both through their anticipation and in their reaction.[25]

Furthermore, one can consider *the relation between language and objects of thought*. Nominalist views have traditionally rejected a connection between language and reality. Individual words are indeed highly unpredictable, but all languages have at least three grammatical 'persons'. Word classes (nouns, verbs, etc.) cohere to a considerable extent with different types of phenomena (static, dynamic, etc.) and tend to distinguish between objects and relations ('to', 'with', etc.). These correspondences can vary in different languages, but they are not simply haphazard (*CSR*, 244-45; van Wolde 2009: 105-106).

Finally, there are *direct connections between language and life situation*. For instance, writers can express their own point of view by using a first-person pronoun, while both angry and friendly expressions often use the second person. In third-person speech, the cadence of an academic treatment is almost always different from that of an informal letter.[26]

The fact that linguistic forms are regularly standardized in relation to thought and context has led recent form critics to speak of

25. Since early in my career, I have spent many hours trying to imagine what it would feel like to accept what the text says.

26. The importance of the language has also been stressed, it seems even more strongly for itself, by Utzschneider (2007, arguing for an 'aesthetic theology of the Old Testament') and Leithart (2009: 34).

'conventions'.[27] Such a terminology (which often, although not necessarily, reflects a nominalist outlook [Hempfer 1963: 49]) is not altogether wrong, but it forecloses a discussion of its meaning. For example, 'once upon a time' is an appropriate phrase with which to begin imaginary stories that are not set in a definite timeframe.[28] A better term than 'convention' is 'standard [or, frequently used] form'.

The associations between the three aspects of speech are not rigid, however. That is so because (1) there can be different considerations to be taken into account, (2) more than one form can be reasonable, and (3) there is room for variety and contingency. It is thus important to make use of the notion of probability, which is emphasized in relational theory.[29] In ordinary English, one can use adverbs that indicate various degrees of correlation, such as—from high to low—'usually', 'frequently', 'sometimes', 'occasionally', and 'rarely'. One can also use such verbs as 'tends', 'prefers', or 'favors'.

In part since correlations are contingent, it is possible to classify texts in different ways by giving organizational priority to one aspect or another. For instance, with a focus on language form, one may treat all narratives or, with a focus on content, all prophecies or, with a focus on life situation, all texts that involve interaction with a non-Israelite overlord. Contra an essentialist view, such a choice for the sake of categorization is neither 'right' nor 'wrong' but more or less conducive to insight. Accordingly, linguistic address form constitutes the basis for organization in Chapters 1 and 13, while content—history, law, or prophecy—does so in Chapters 3–11. Attempting to group texts together in such a way that all of them exhibit the three aspects of a genre in roughly the same way is problematic, as has proved to be true for 'apocalyptic'. Indeed, rhetorical and literary theorists have pointed out that the

27. Such an outlook has indeed been current (although not universal) among non-biblical literary critics, who have considered conventions for both writing and reading. Mitchell 2007: 31 reports that this orientation has been transcended by more interactive views.

28. Greeting forms, too, usually have a meaning. The question 'how are you?' is indeed usually not to be answered in detail, but it expresses a basic concern; in fact, some ancient letters consist solely of the following words: 'Are you well? I am well' (cf. *CSR*, 93 n. 36). Appropriateness for biblical formulas was observed by Irene Lande in 1949 (*BFC*, 404). Associations between special stylistic forms and Old Babylonian literary genres have been reported by Wasserman (1993, 2003); reasons for some of these associations are readily seen, although Wasserman does not highlight them.

29. *CFT*, 69. Probability—which combines a degree of predictability with a degree of unpredictability—rules everywhere in existence, most obviously perhaps in psychology (*CSR*, 240).

purpose of genre theory is not to classify but to show relations between textual features (*CSR*, 255-57, 266-69). To state the matter briefly, genres are best viewed as partially overlapping clusters of correlation.[30]

In reflecting on the rationale of texts, it is helpful to engage in a comparison with texts that have appeared in other geographical locations and to interact with relevant disciplines. In drawing on another discipline, however, some caution is in order. There is no orthodox view in any behavioral field, and one needs to be especially reserved about a theory that is connected with a particular person's name, for a well-established theory is no longer firmly linked to the one who first introduced it and may have been modified.[31] In fact, any theory or model ought to be taken in a tentative way. That is how disciplines normally work. They do not 'apply' a preexisting theory, but seek to confirm—or usually to modify—it in the light of fresh data. The essays presented here accordingly learn from various (usually well established) theories and at the same time present analyses that can to some extent move beyond them.

Interaction can indeed go both *from* other texts and *toward* other texts. For instance, biblical provisions for persons who are in economic difficulty appear to reflect a genuine concern for them if one does not eliminate this possibility a priori, such as on the basis of so-called 'Critical Legal Theory'.[32] Similarly, some Mesopotamian and Chinese policies (see Chapter 6) and certain Egyptian motifs[33] seem to reflect empathy.

In order to recognize the significance of this observation, it is necessary to consider a larger issue. Historical data, as well as observations and research regarding care in current times, contradict the cynical view that human beings are only self-centered, although most people are probably predominantly motivated in that way.[34] In fact, I have observed that, for any group to function well, it needs at least one member who transcends self-interest to a significant degree. However,

30. Frechette 2012: 115 similarly describes 'literary form' as a 'cluster of features'.

31. This is a problem, for instance, with speaking of 'Darwin's theory of evolution', which—unlike the current theory of evolution as such—includes at least one major flaw, which set the stage for 'social Darwinism' (see elsewhere in the present volume for this point).

32. On the use of 'Critical Legal Theory', see Knight 2011: 60 (Knight reports that its most extreme principles are being phased out).

33. Especially a frequently reported claim, from at least the sixth dynasty on, to have helped persons who are weak, poor, naked, wandering, thirsty, hungry, boatless, robbed, or son-less. Its presence in the Book of the Dead (125) indicates an orientation toward the divine realm.

34. See, e.g., Batson 1998, 2011; *CFT*, 26, 30, 39-41. There is some evidence that emphasizing the role of self-interest becomes self-fulfilling (e.g., R. Frank 2004: 155-78); highlighting care may similarly strengthen that.

in line with continuing nominalism, one stream in biblical scholarship has ignored the possibility of genuine concern for others except as a result of a special divine action, implying either that such concern has been limited to the biblical sphere or that it has also not taken place there.[35] To be sure, suspicion toward motives has a legitimate role, especially if one applies it also to oneself.

Finally, recognizing reasons for a verbal expression and thus understanding a text does not imply approval. For instance, the attitude that impels a text may be viewed as unduly hostile or as oppressive, that is, with an excessive application of power of whatever kind. Indeed, if one applies a high standard, all texts will fall short. However, an evaluation should take the past historical situation into account and consider what alternatives were available at that time, not assuming that ancient people were morally worse than we are now. Similarly, an application of the idea of a text for the present needs to consider what is possible at the present time. In other words, a macrohistorical perspective that recognizes the distance between past and present is important for evaluation and application. New conditions do allow for social change. There needs then to be careful ethical reflection, which leads from basic principles (biblical or otherwise) to concrete decisions in regard to economics, sex, formal education, entertainment, and politics of various kinds.[36]

'Form' can then be thought of as a member of a triad alongside historical 'fact' and 'faith', including ethics. The three aspects are interwoven in practice, although one of them can be the primary focus at a given time.[37] On the one hand, form analysis presupposes some factual data

35. Jon Levenson (1976: 92) objected to 'continuously analyzing the Scriptures as the product of self-centered people bent on self-legitimation'; the important word here is 'continuously', for a partial analysis of this kind is appropriate.

36. The concept of selfhood discussed in Chapter 3 received a practical application in Buss 1967. Showing that much opposition to abortion has had militaristic grounds and (more importantly) referring to socially interacting self-awareness with its associated culture as a mark of human beings, the article argues in favor of a legalization of abortion. The article was part of the material available to a legal team in a suit prior to Roe vs. Wade and was reprinted in Jersild and Johnson 1976 as a representation of the pro-choice position; it has been placed on the web by someone else. Other discussions appear in mjbuss.blogspot.com, before they are more formally published.

37. For general hermeneutics, see Oeming 2009 (German, 2006) for a sharply edged survey of different hermeneutical approaches (which are for the most part complementary to each other) and Porter and Robinson 2011 for more details. Neither of these two overviews, however, deals extensively with what can be contributed by the disciplines of psychology, sociology, and general anthropology (including comparative studies), probably because these have not yet thoroughly entered into hermeneutical theory.

and a basic orientation. On the other hand, form analysis contributes the human dimension to history and provides an understanding that prepares the way for a move from the historical surface phenomena of texts to their possible relevance in the present.

The form-critical program that has been outlined is, of course, too large to be carried out by one person for the whole Hebrew Bible. A comprehensive theoretical formulation in this direction has been made by the Jewish legal scholar Bernard S. Jackson in *Making Sense in Law: Linguistic, Psychological, and Semiotic Perspectives* (1995); before and after this, he made valuable contributions to an understanding of biblical law. It is impossible to mention here the many others who have contributed to an understanding of the relations between language, thought, and life.

4. *Relations Discussed in the Essays*

The essays will not each deal with all three relations—between language and thought, between language and life, and between thought and life—but they will highlight at least one of these relations. For instance, Chapter 4 on civil and criminal law shows that the linguistic forms of laws are appropriate in relation to the contents with which they are associated. Chapters 1 and 13 on the divine 'I' and on dialogue and, to a lesser extent, Chapters 8–11 on prophecy point out that the dynamic thrust (both contents and function) of biblical texts is in good part conveyed by their dialogical form, including first-person speech. None of the associations are treated as rigid.

The relation between thought and life is important enough so that it is emphasized in all of the discussions. In fact, Gunkel always listed thought before language among the three aspects of a genre. Accordingly, Chapter 2 on self-theory argues in a systematic way that biblical thought is not arbitrarily related to human life, although mystery is present as well. A full form-critical analysis of biblical literature would examine as many biblical ideas and directives as possible in a worldwide perspective with attention to their function. This would need to be done not only genre by genre (as by Gunkel and his students) but also in relation to different levels of social organization.

The sociopsychological view of life situation that is taken in the essays is itself relational, in part since individual life and society are not treated independently of each other. Two topics that have been prominent in academic social psychology are role and selfhood. 'Role' is the operation of individuals in society; 'selfhood', the operation of sociocultural factors in the individual. Role is discussed in Chapters 8, 10, and 12 for prophets, priests, and Levites/singers; the topic is not in itself new to

biblical scholarship, but the discussion of it here is more theoretical, so that it can supplement previous analyses that discuss specific phenomena more fully.

Selfhood involves self-awareness, which means looking at oneself from a point of view that is centered imaginatively outside oneself; this is especially important for ethics and religion. In regard to ethics, the concern with selfhood in Chapters 2, 7, and 10 is to a large extent driven by the question: 'Why do individuals speak, write, and act altruistically?' For instance, in recent decades one could ask, 'Why do persons who are well situated in the social order pursue "liberation" for those who are less well situated?' There may well be egoistic reasons for this pursuit; however—to give just one possible example—Bertrand Russell reports that a mystical apprehension of another person's deep pain changed him radically from a royalist to a populist (*CFT*, 15). Moderate forms of social cooperation, too, are supported by an element of self-transcendence in human life.[38]

As an operation of consciousness, self-transcendence is based on receptivity toward divine, human, or other realities, 'hearing' them as 'subjects' (Chapters 1, 7; Buss, forthcoming b). This stands in partial contrast with assertiveness or effort, but both mental and physical effort can then be directed toward an altruistic goal. Toward the past, receptivity involves acknowledgment of various kinds; toward the future, hopeful expectation (Chapters 1, 3, and 10). In some sense, all beings are both acted upon and act themselves. However, the duality of receptivity and activity has so far received only limited psychological attention apart from its association with different brainwaves.[39] In most religions, receptivity—or at least 'non-action', that is, non-assertiveness—is important. In the Hebrew Bible, receptivity is reflected in the linguistic form of divine speech, which is directed toward oneself (discussed especially in Chapter 1 and touched on in others).[40] More humanly active orientations, including honor, are expressed in the Hebrew Bible in non-divine speech (see Chapters 12–14).

A special form of receptivity is the process of 'attributing' a given event or situation to one or more causes (Chapters 9 and 10 on prophecy). Indeed, as has been discussed in social psychology, a considerable

38. Nonhuman animals, too, do not always operate to their own individual advantage, but their cooperation proceeds without reflection, as far as we know. The advantage of conscious pro-social behavior is that it permits more varied and more complex patterns of behavior. The discussions of selfhood in Chapters 3, 7, and 9 partly overlap each other, but each provides some considerations that are relevant for the discussion at hand.

39. See Chapter 9, 'Call Narratives'.

40. See also reflections reprinted in *CSR*, 134-41.

part of human life revolves around assigning credit or blame for an event so that one can then be active in a way that seems appropriate, such as to fix a problem. In the religious sphere, the notion of 'Origin' identifies the cause of the world, of institutions, and of oneself. Divination and narrative have as one of their roles to point out evils that are the cause of present misfortunes. A prominent feature of biblical religion specifically is a strong tendency to see evil as arising from human beings themselves; they are thus asked and encouraged to accept a high degree of responsibility, in other words, 'guilt' (Chapters 1, 3, and 6).

Besides basically positive interaction, there is conflict. This can lead to a settlement within the group or to at least temporary exclusion from the group (Chapter 4). Processes of this kind involve certain logical relations (Chapter 5). Not treated in the essays is the sociopsychological category of social identity, which often leads to conflict.

In regard to philosophical language, a word needs to be said about the terms 'emotive' and 'value' (used especially in Chapters 1, 5, and 10). Like some others, I believe that value statements respond to reality in a way that is more fundamental and more inclusive than empirical/technological judgments, which represent only the aspect that can be controlled (*CFT*, 106). That does not mean that value is irrational. We know, for instance, that aesthetic value arises from a combination of connectivity with free play, although the optimal balance between these two varies for societies, for individuals, and for the areas of life of a given person (*CFT*, 208-10). Religious value in the Hebrew Bible includes aesthetic good but goes on more specifically to a challenging claim, which at the same time conveys a privilege (Chapters 5 and 7).

5. *The Hebrew Canon Viewed Structurally and Macrohistorically*

The essays mentioned so far present the dynamic structure of several genres—especially prophecy, law, and psalms. Together with other genres, they form a canon that exhibits the structure of Israelite society insofar as it is oriented toward the chief deity (Chapters 13 and 14). Indeed, the variety that exists within the biblical canon can be viewed socially in terms of the roles of various specialists, who address in both complementary and tensive ways the different aspects of life in the genres that they cover.

A similar generic variety continues to the present day, although the themes and linguistic forms of genres are subject to at least some change. Furthermore, all of the genres have worldwide parallels; even their specifics are fairly strongly shared among societies that have a comparable economic organization (Chapter 3). Important, then, is a history of

religion that takes large-scale synchronic and diachronic considerations into account (Chapter 14).[41]

Can one say how long the canonical pattern that is now found in the Hebrew Bible has been in place in Israel? Some recent microhistorical positions seem not to take adequate account of a relevant macrohistorical view. For instance, major features of prophetic literature, such as the theme of a 'call' (Chapter 9), tie in with worldwide pre-empire patterns and are thus hardly fresh postexilic creations. The styles of Hebrew law are similar in their function to corresponding forms in the Roman Twelve Tables and in Plato's *Laws* (Chapter 4) and are thus probably quite old. Ethical pentads in India parallel the Hebrew Decalogue (Chapter 7). (Parallels in Israel's next-to-immediate neighborhood that may reflect a common tradition but are not discussed in the essays include aniconism for a chief deity, food rules, and at least the image of a hereditary priestly 'tribe' or caste, shared with Medes, Zoroastrians, and Brahmans.)[42]

The essays avoid discussions of microhistorical issues even to the point of eliminating one such analysis from Chapter 12, on the psalms of Asaph and Korah, since that analysis has already been widely noted and distracts from understanding their role. I believe that the book of Hosea largely emanates from the eighth century and thus that true eschatology appears in one of the earliest extant Hebrew writings, but I have no opinion about the specific location of civil and criminal laws (Chapter 4). For the most part, the essays concentrate on a wide view, which aids understanding even when historical issues are unsettled. My having grown up in China undoubtedly contributes to my doing so, but other members of the history-of-religion tradition, including Gunkel, have proceeded similarly.

As has been emphasized, the contents of the various genres and their linguistic forms have reasonable connections with their life situations. Yet contents and linguistic forms can vary, in part since more than one set of actions and expressions can be reasonable (not necessarily

41. Such an approach merges canonical and broad history of religion approaches (C. Bultmann 2009: 79 lists both approaches as two of several that are possible but may have only a local or regional history of religion in mind).

42. Aniconism for ultimate reality is a feature of Hinduism as well as of much of African religion (to be sure, the age of such African traditions is uncertain). Akhenaton's monotheism was also in a sense aniconic, with the central altar directly open to the sun's rays. Aniconism in relation to the chief deity has a certain logic, so that it may have arisen independently in different places, but the existence of an old version cannot be ruled out. Brahmanic and biblical food rules both prohibit the consumption of carnivorous birds, expressly so in the Brahmanic tradition and in the Letter of Aristeas concerning the Septuagintal translation.

admirable) and in part because of sheer contingency. Consequently, there can be different religions, although they may differ primarily in the emphasis they place on specific topics. Indeed, while most biblical themes are paralleled in some tradition or other (they are, in that sense, general), they are not paralleled, at least not strongly, in all traditions (in that sense, they are not universal).[43] The essays thus refer at different points to tribal tradition and to traditions of India, China, Greece, and Rome.

According to the Hebrew Bible, God is *Elohim* for the world, *Shaddai* for a group of nations, and *Yhwh* for Israel (e.g. Deut. 4.19; 32.8-9). In other words, the Hebrew Bible values particularity but is not particularist in denying generality. A person who agrees with that can say that the reality of God includes rationality together with mystery and an appreciation for variety, as a relational conception indeed holds. A non-theological version of such an outlook simply holds that generality and particularity are both equally ultimate. (I suspect that any world that can be talked about needs to contain both, for the very act of speaking implies both a commonality on the basis of which one can share and a distance to be bridged.) The theological and the non-theological formulations are, of course, directed to two different audiences; as did Gunkel, I wish to address both.

43. For instance, the theme of world creation is absent from Siberian and closely related North American traditions and is subordinate to cycles in religions of India.

Chapter 1

The Language of the Divine 'I'*

Analysis of language is one of the hallmarks of twentieth-century thought and scholarship. Certainly such is the case in theology and biblical studies. The following discussion is an attempt to relate some elements of Hebrew Bible form-criticism and literary analysis to relevant perspectives in contemporary anthropology, philosophy, and theology. I must confine myself largely to formulating some major possible conclusions, with the aim of understanding the structure of Israelite faith.

The Hebrew Bible reflects at least three basic kinds of speech, which are provided, roughly speaking, by prophets, priests, and wise persons. The first two kinds contain a form in which God speaks to the people of Israel in the first person. I shall call this form the divine 'I'. In a sense, this divine 'I' lies at the very center of both priestly and prophetic speech. Other expressions within these two kinds of speech are subsidiary to, and explanatory of, the basic address that is implied in the sacred religious language. The origin of the address-form lies quite concretely in the actual confrontation of hearers by a divine word brought by a priest or a prophet who speaks on behalf of Yhwh.

It is not my concern here to delineate precisely the sociological structure of the various types of religious leadership in Israel. I want to emphasize, instead, the content of such divine speech as it is referred to above.

We immediately recognize two fundamental language structures. One deals with the past, the other with the future. Or better yet, one reveals an Origin, the other an End. In order to relate these two sets of terminologies to each other we may say that Origin and End represent, respectively, a divine past and a divine future. The terms 'Origin' and 'End' are useful, since they point to the fact that an ultimate dimension of life is involved.

* Originally published in *The Journal of Bible and Religion* 29/2 (1961): 102-107. Used with permission of Oxford University Press. This essay joins form-critical observations with considerations of comparative religious data, philosophical language analysis, and theology.

Without going into form-critical details, I shall include some concrete examples as they have been developed by a long list of scholars.[1] Second Isaiah presents God as saying, 'I am Yhwh, the first and with the last; I am the One' (Isa. 41.4). Hosea brings God's word, 'I am Yhwh your God from the land of Egypt; you know no god but me…' (Hos. 13.4). The phrase 'I am Yhwh', or variations thereof, occurs frequently in stories of Israel's origin. Central laws, upon which Israel is based, are cast in the form of divine speech, as mediated by Moses; in fact, the Ten Commandments are known as 'words', *dᵉbarîm*. Prophecy, of course, not merely employs the style of divine speech but even considers itself centrally as the word of God, *dᵉbar Yhwh*.[2]

These Israelite phenomena are paralleled in Babylonian literature. Ever since Norden's study, *Agnostos Theos* (1913), the form of the divine 'I' in the speech of the goddess Ishtar of Arbela has been well-known. In fact, Norden has shown the widespread use of the first person in revelatory and soteriological pronouncements. When we consider the oracular expressions of Ishtar, we find that their content includes primarily two kinds of expressions: on the one hand, references to the past setting of the addressed king within Ishtar's acts and, on the other, assurances of future support.[3] In other words, foundation and prospect are two exceedingly important aspects of revelatory speech. In fact, it is best not to list revelatory myths as a third group alongside myths of origin and eschatology—as Johannes Hempel and Martin Buber have done (Hempel 1953; Buber 1948: 25-27)—but to view what is revealed as a new Origin or as the anticipation of an End.

We must now proceed beyond a phenomenological approach to an analytical one. Why it is that Origin and End belong under the rubric of revelation?

Gunkel once remarked that the prophets, in their ecstasy, bring a word about the unknown and that this unknown largely concerns the future; after all, while the present is open for everyone to see, the future needs to be revealed (Gunkel 1923: xxviii). In other words, the content of prophetic speech is such that, from the point of view of the ancient Israelite, it can logically be given only in revelation, expressed in the form of divine speech. One must be careful at this point. The ancient prophet is not primarily concerned with objective time or the prediction of literal

1. For pertinent details, see especially Zimmerli 1953; also Zimmerli 1954. In English, Bentzen 1952: 185-212, 213-32 is very useful.

2. For the fullest discussion, see Grether 1934; for one in English, see McKenzie 1960.

3. *ANET*, 450. Ishtar is the main, although not the only, deity for which such words are reported.

events, but rather with questions of future welfare. Similarly, when we speak of Origin and End, we do not refer to questions of a mathematical nature, but rather to those belonging to what Berdyaev calls 'existential time'.[4]

Anthropology and the history of religions have disclosed that myths of origin play an important role in tribal religions and that ordinarily they express the structure which embodies the religious norms and social values of a particular culture.[5] Philosophical language analysis has, of course, often stressed the point of view that religious statements in general are either emotive or incitative in character.[6] Much of modern theology has similarly described revelation as a reality toward which one must relate oneself in decision and obedience, that is, moral receptivity. As has been stated somewhat schematically by the anthropologist A.L. Kroeber, religion belongs to 'value culture' rather than to 'reality [that is, empirical/technological] culture' (1952: 152-66). The emotive theory of religion has dismissed the importance of myth as something too intellectualistic. However, no human emotion lacks a certain kind of intellectual content, even though it may be of a convictional nature.[7]

Origin and End play two slightly different roles within the overall province of Value. They correspond roughly to what the philosophy of language knows as the two related categories of prescription and evaluation.[8] The concept of foundation or Origin is connected with the idea of norm or ideal. The category of End is bound up with the problem of the evaluation of present existence and the realization of the Good. Evaluation is partly empirical in nature, in a way which corresponds to the human element in prophecy; this is a matter for discussion elsewhere.[9]

In this connection a distinction between Being and existence is crucially necessary. We may define (full) Being as the Right or the Good.[10]

4. Berdyaev said that science can deal only with the middle, while the Beginning and the End can be known only through God (1952: 197-213). However, contra Berdyaev's terminology, I use 'Origin' for a nonhuman process and reserve the word 'Beginning' for the start of human processes, including their 'first' figures.

5. This is classically stated by Malinowski 1926. For a summary of this 'phenomenological' view of myth, see Childs 1960: 16-29.

6. This is admirably stated by M. Black 1949.

7. See Tillich 1930, col. 365. 'Modern ethics' is concerned in good part with the meaning of value statements. Human emotion differs from animal feeling by being conscious and thus having a semantic content.

8. The two are identified in Hare 1952; they are distinguished in Morris 1946.

9. See the essays on prophecy in the present volume.

10. For justification of such a definition, cf. W. Otto 1951; Oakes 1955; Barth 1960: 132-202, on humanity; Maslow 1959: 124, pointing to 'Being cognition' as a respectful recognition of another being, without regard to future usefulness; and McKenzie 1959: 273-74.

Existence represents the actual, which is a mixture of Being and non-Being. It is with Being that the categories of Origin and End are concerned. When humans celebrate the story of their origin, they, so to say, conjure up the realm of Being and attempt to base their life upon it. They attempt to relate that-which-is to that-which-ought-to-be.

Probably no group or individual has ever wholly denied that the existing world contains evil. Differences arise in the way non-Being or evil is found within existence. It is at this point that we meet an important characteristic of Jewish and Christian tradition. In the Hebrew Bible and Christian Testament, non-Being resides especially within human beings—even within their deepest, innermost existence. In other words, humans are sinful, guilty of a departure from Being. The believer does not locate the tension primarily in the outer world. For biblical humans, it is they who stand at the center of the problem of good and evil.

The acceptance of responsibility in Israelite faith was expressed in the concept of a historical origin, namely in the Exodus out of Egypt. Small societies almost universally distinguish between a mythical period in which sacred, normative events are located and a historical period which can be genealogically connected with the present and for which ordinary human action is reported.[11] The mixture of these two kinds of time in Israelite faith, for instance in the Exodus story,[12] is of profound importance; it means that divine creation takes place against a human background. For the Israelite community saw itself created and constituted in an act of divine creation, which was to overcome the human, not material, recalcitrance that was present from the first humans on. The drama of the establishment of the community plays itself out against human antagonists represented by Egypt and even by the incipient nation itself. The mixed behavior of the forebears; the unbelieving, murmuring, and unfaithful character of the nation; the anti-social deeds of David—elements of this kind are always found in telling the story of Israel's formation.[13]

Further, Israelite eschatology presupposes the prevalence of human evil, for Israelite prophecy deals with an imminent (including imminently threatening), not a distant, End. The closest existing parallels to this conception of an imminent End can be found, on the one hand, in the heavily anthropological preaching of Zoroaster and (later) Mohammed,

11. See Malinowski 1926 and Boas 1940: 455.

12. See, e.g., Pedersen 1940. One can speak either of a mythicization of history or of a historization of myth.

13. Even if the wilderness themes were originally independent of the other traditions—as Martin Noth (1948) maintains—they were nevertheless incorporated early on into the Pentateuchal traditions. On the inclusion of the story of David, see G.E. Wright 1952: 69.

and, on the other, in a number of so-called messianic movements. Modern study of these movements has shown that messianic expectations arise only under conditions of serious social dislocation. Mere physical suffering or external evil does not produce the expectation of a speedy, divinely wrought intervention and the re-establishment of primordial glory; only a radical breakdown and dissolution of human social values will do so.[14] It is clear, accordingly, that Israel's hope for an imminent divine victory is inherently connected with an acknowledgment of the corruption of the nation and the human world.

Thus, in Israel the revelatory language structures of Origin and End deal not merely with Being or the Good in general, but with the Being or the True life of humanity. Wherein, then, does the true Being of humanity consist, according to the Hebrew Bible? It consists in standing before the divine 'I', in reception of the divine Word. Revelation is not merely the form, it is also the content, of humanity's positive relationship to God. The authority of the divine Person is expressed in the simple statement: 'I am Yhwh your God; you shall have no other gods before me'. Most of the cultic laws of Israel are commentaries or expansions upon this central claim.[15] To hear the divine claim and to acknowledge the divine Word is the very thing that is commanded. This is exemplified in the 'P' account of Creation, where every part of Being rests in the divine Word, which has granted to all existence whatever good character it has. Further along in the 'P' story, the divine address plays an important role in the creation of the sacred people, who, as it were, become self-conscious forms of Being, standing within the divine Word.

The meaning of divine 'I' expressions can be elucidated by adopting the term 'seeing' to express technically a relationship wherein one is assertive and may exercise control, and the term 'hearing' to express a relationship wherein one is receptive and may stand under control.[16] On the basis of these definitions, we may then say that, according to the Hebrew Bible, Being or Life in the community of faith consists in 'hearing' the divine Word, open to the divine Subject. The law is not something to 'see' in the sense that one can thereby execute it, or as though the problem of righteousness lies outside of one in the world. Rather, the issue of a relationship to God is fundamentally one of acknowledging divine action and authority.

14. See especially the important study by Barber (1941).

15. Both the 'moral' and the 'ritual' decalogues begin with this claim, and a great deal of the ritual legislation, including the centralization championed in Deuteronomy, is based on it.

16. This distinction corresponds to a tendency in the actual terminology of the Hebrew Bible (Buss, forthcoming a).

That the concept of authority is inherent in the form of the divine 'I' can be easily seen when we observe that on the many occasions when God is represented as speaking in the first person, the content of such speech revolves around universal power and exclusive claim. Both of the Hebrew Bible quotations included above illustrate this perspective, just as a goodly percentage of Babylonian and Egyptian instances of divine speech claim great authority for the deity in question.[17] Exclusive claim is the highest form of authority imaginable. The strong role of divine speech within Hebrew Bible religion and the uncompromising direct-address form of the Law are thus tied up with the monolatry of Israel.

Such an uncompromising claim cannot be externalized, for humans cannot draw upon outside resources as a way of meeting the imperative. The common philosophical doctrine that 'one ought, therefore one can' does not apply. That doctrine presupposes the goodness of the will, but this is precisely the issue with which biblical faith concerns itself.

Many language analysts have come to realize that biblically based morality is largely embodied in the form of an imperative that is received.[18] (More precisely, it has the form of a 'commandment', since in Hebrew the linguistic imperative addresses particular situations.) This linguistic form is far from arbitrary. Rather, the fact that preceptive injunctions are phrased as an address of the divine 'I' to the human 'you' reflects an outlook according to which ethics is conceived of in response to another, rather than as a way of being an ethically noble person—a conception that is self-centered.[19] Accordingly, with a strong sense of confrontation, Emmanuel Levinas, Jewish, has referred to being confronted by the 'face' of 'the other' who 'speaks' to 'me'.[20] Ethics in relation to the human 'other' is in this way a part of responding to the divine 'Other', whose voice supports the calls of finite beings.

17. E.g., Norden 1913: 207-208, 217-19. Cf. Zimmermann 1961: 64.

18. This view has been puzzling to philosophers who think that ethics should be self-based. For a discussion, cf. Ewing 1959.

19. To be sure, the linguistic form is not strictly necessary; in fact, Schopenhauer was stimulated toward responsive ethics by Indic religion, in which such a form is less prominent.

20. The original version of this essay was written without a knowledge of Levinas. On Levinas, see *CFT*, 148, including a critique of what seems to be an excessive emphasis on the authority or claim of the human other. On the relation between the divine and the human voice, see *CSR*, 136-38. Differently (largely ignoring C.S. Peirce's line of thinking, while otherwise wide-ranging), Jaco Gericke (2012: 92-93) has rejected Wittgenstein's thought (standing close to Peirce [*CSR*, 166]), which, as Gericke mentions, valued the Hebrew Bible's emphasis on the 'word'.

The Israelite concept of revelation mitigates against conjuration, since this deals with anxiety[21] rather than with guilt. Anxiety is concerned with external value rather than with, fundamentally, a call upon the self.[22] For practical life, the Hebrew Bible calls for more human-centered 'wisdom'.

In short, the divine 'I' is the symbol wherein biblical faith lives, wherein it expresses its foundation and hope. It is irrelevant to ask whether such faith is 'true' in the sense of imparting external information that one can verify in a controlled way, for that is not the type of concern with which faith deals. It is also inaccurate to say that the use of a symbol corresponds to an inner reality different from the symbol, for cultural life consists in, and is identical with, its symbolic expressions. The structure of these expressions can be clarified.[23] Their significance for faith lies in the fact that words cast in the form of the divine 'I' carry a value-laden—including challenging—meaning, toward which one needs to be—better: can be—receptive.

21. Mowrer 1939: 560, following Willoughby 1935; Cassirer 1944: 92.

22. Guilt involves a negative feeling toward the self; see, e.g., Hallowell 1955: 106. Resemblance with Bultmann's concept of 'self-understanding' is obvious.

23. For a brief summary of this important point, see the discussion in Bidney 1953: 3-4, 26, 152-53. Bidney himself seems to think somewhat differently, however, as Tillich evidently does, too, although for different reasons (cf. Tillich 1959: 54-67).

Chapter 2

Self-Theory and Theology*

One of the outstanding phenomena of the modern scene is the development of self-theory in psychology and sociology. So far little attention has been paid to self-theory by biblical or systematic theology; however, it has made deep inroads into practical theology, including religious education. A goodly number of dissertations applying self-theoretical concepts to religious phenomena have been written.[1] Yet the discipline and outlook involved in these research efforts have not made a significant impact on most standard theology.

The prominence of self-theory can be observed in the fact that almost every current textbook of psychology or sociology contains at least one chapter or section on the self. The concept of the self is particularly important in the area in which the two disciplines overlap, known as social psychology. That is not surprising, for this area is precisely that which studies humans *qua* humans. Physiological aspects of psychology, including most learning theory, are applicable to animals in general, so that, for instance, rats can serve as experimental subjects. Distinctively human reality finds its expression in culture (in a broad sense), falling into the domain of the disciplines of sociology and anthropology. When culture is considered in its relation to the individual, the category of the self appears. Thus social psychology is the proper locus for the study of the human person as an operating unit.[2]

The question arises: How does one investigate the human person as such? Two complementary answers have been given. One is that the human being can be approached phenomenologically; that is, one observes the phenomena which compose human reality as they are in themselves, without immediately seeking to reduce the data to a lower

* Originally published in *The Journal of Religion* 45 (1965): 46-53. Used with permission. This discussion deals with how it is possible to deal in an empirical way with religious and ethical issues that are not (or at least not entirely) empirical.

1. Abstracts of them have appeared in the pages of *Religious Education, Harvard Theological Review*, or *Dissertation Abstracts*.

2. A fine integration is by Hallowell (1955).

level. Self-theory is thus pursued with particular vigor in what is known as phenomenological psychology, which admittedly often operates rather intuitively.[3] The other answer is that, while the human mind as such is not directly accessible to observation, the expression of human reality in language can be observed. Thus one can codify and analyze verbal responses; these can be distributed into a form—such as Q-sort—that is amenable to simplified statistical procedure.[4] Fortunately, language, self, and culture are apparently intimately related, so that verbal data do indeed form the proper object of human phenomenology.

Though theories about the self still show considerable immaturity, a definite body of empirically meaningful categories has been developed. It must be carefully noted that the concept of the self is a reflexive concept. A self exists where there is self-reference.[5] Thus a study of selfhood does not focus simply on the agents, but on the image which the agents have of themselves. This image is known as the 'phenomenal self' (James), the 'looking-glass self' (Cooley), or, more precisely, the self-image or self-concept. Related to, but different from, the self-image is the self-ideal, which incorporates what one would like to be. Under normal circumstances, the self-ideal is at least somewhat different from one's self-concept, the difference between them constituting the 'level of aspiration' or 'goal-tension'.[6] The self-ideal is most naturally associated with the future, as a goal or hope. The self-concept, on the other hand, is most directly connected with the past, as contained within one's memory, for when one refers to oneself as a datum, one necessarily refers to one's past.[7] Bothersome memories are 'repressed', in Freudian terminology, when they are difficult to include in one's self-concept (Rogers 1951: 503-505; L. Frank 1951: 351-53). Related neither to the past nor to the future, there may be another category which can be called self-definition. This is a frame of reference, such as one's conception of oneself as a doctor, teacher, mother, etc.; this self-definition strongly influences one's general behavior.[8]

3. Cf. Snygg and Combs 1949; sharply revised and fuller: Snygg and Combs 1959; Maslow 1962: 206-14; David and von Bracken 1957: 34, 55, 95, 105; Lersch and Thomae 1960, IV, e.g., p. 444. Freud and his followers often employ fairly similar approaches. See, further, essays below.

4. Described in Hall and Lindzey 1957: 491-93. The experimental tradition is summarized by Wylie 1961.

5. This extremely important point is stated clearly, e.g., in Rothacker 1948: 121.

6. On the level of aspiration, see especially Symonds 1951: 91-92.

7. The relation of memory to selfhood has often been emphasized. Ryle 1949: 155, 161, 196-98, in fact, overemphasizes this aspect, since, for him, self-awareness is equated with factual knowledge of one's life.

8. Snygg and Combs 1949: 78, 86. The influence of self-perception on action

The way one feels (emotively) about oneself is known as one's self-regard. This is negatively related to the level of aspiration and represents a discrepancy between self-image and self-ideal. A low discrepancy means thinking highly of oneself.[9] A high self-regard is not the same as self-acceptance, such as on the basis of forgiveness, which assumes that a misstep has taken place; in fact, the correlation of thinking highly of oneself with an ability to think well of others is low, and its correlation with anti-social behavior is strong (e.g., Wylie 1961: 235-40). A negative self-regard can interfere with a happy, adjusted life, but lack of self-criticism would be the end of human culture with its norms and ideals. Freud already recognized the psychological cost of the human superstructure in 1939. Ethical religion finds a way to manage this cost; forgiveness is one such way.

Negative self-regard can take two forms: shame and guilt. The two categories are probably related to a distinction which can be made between the concept of an 'adequate' self and a 'good' self. An 'adequate', or able, self is one which is successful in achievement, for instance in making a good impression on others or in fulfilling one's appetites for enjoyment. Its tendency is self-enhancement. A 'good' self, on the other hand, is one that fulfils a norm to which one believes oneself subject. Its ideal regularly includes ego-transcendence, especially looking beyond one's own interest to those of others. Conceptions of adequacy and goodness and their relations to each other are elements of culture and thus will vary from one society to another or from one group to another. For instance, members of a religious group recently studied were heavily oriented toward goodness rather than ability as compared with the average person in the US (Hand 1960: 132). Tribal religions tend not to distinguish sharply between goodness and ability and appear to have little room for guilt as distinguished from shame.[10]

As a scientific endeavor, self-theory is young. It has, however, important philosophical forebears, most pronouncedly in nineteenth-century idealism. William James and G.H. Mead, who are in a sense the founders of modern social psychology, were themselves working philosophers.

underlies a long-popular theory on self-influence; e.g., Overstreet and Overstreet 1956: 242.

9. Technically, that is known as 'self-esteem', but this term is popularly used also for self-confidence or for self-acceptance.

10. On the whole problem, see Piers and Singer 1953, with a discussion of the literature. Singer argues that members of tribal societies suffer as much from *unconscious* guilt as do modern Westerners (78). Piers correlates the guilt-shame dichotomy with the Freudian distinction between super-ego and ego-ideal, an attempt which may very well be partially successful. A non-moral ego-ideal appears in the conceptualization of Weiner 1960.

Though they reacted against philosophical idealism, they could hardly have erected their own systems except as a response to some of the earlier theories. If one now goes back to some of the older theorists, one finds in their work important anticipations of later developments. That is as it should be. The difference between older and newer approaches lies largely in unsystematic and intuitive approaches that have given way to a more cautious gathering of warranted information. In fact, modern theory still has much to learn from past speculations, for these can serve as a source of valuable hypotheses.[11]

Precisely because of such possible theoretical significance, it might be useful to examine in detail the various analyses that have been put forth in the past, but such a survey would go far beyond the limits of the present paper. A list of those who contributed significantly to an analysis of the self would include virtually every major thinker in the West. In Eastern thought, too, discussions of the self have played a central role in the works of philosopher-theologians. In any case, Hegel is neither the first nor the last to realize that self-consciousness is the distinguishing mark of humanity or to be concerned with the relation of human consciousness to a world spirit.

Perhaps, however, one major shift in recent philosophical thought may be mentioned. Existentialism and analytic philosophy have brought the self down to earth after its residence in an idealistic stratosphere.[12] The concept of a transcendental self, founded in part upon Descartes' distinction between mind and matter and developed into a mystical God-human unity in some currents of nineteenth-century thought, has given way to an understanding of the self in terms of structure and operation.[13] In fact, it seems no longer appropriate to speak about the self as a substance or entity. Rather, one can simply observe that the human being is an organism which has developed symbolism to the point at which verbal expressions include references to the speaking agent, who in turn is seen related to a larger whole.[14]

11. E.g., Hegel's view of negativity, Bosanquet's analysis of finite self-recognition, Schelling's connection between the self and eternity, and especially the categories of striving and receptivity. Testing this might take the form of symbolic correlation, including factor analysis. Analyses by men like Jung are akin to philosophical studies in being more suggestive than scientifically verified.

12. Extremely illuminating for the transition from the old to the new is Brand 1955. Sartre's public break with Husserl (even going too far?) comes in *The Transcendence of the Ego* (1957). A work in the English tradition is Geach 1957.

13. A very fine study in the recent vein is Frondizi 1953.

14. Twentieth-century theories have often emphasized humans' views of themselves in relation to the external world. So, Harvey, Hunt, and Schroder 1961: 62.

Like philosophy, theology—especially in the Christian tradition—also has long concerned itself with the self. Guilt has been a religious phenomenon at least since biblical times. Both Augustine and Luther underwent serious personal struggles. Schleiermacher understood faith in terms of consciousness. For Bultmann (and even more for F. Buri), self-understanding is a crucial category; the early Barth, too, expressed himself similarly.[15] G. Marcel has wrestled seriously with the problem of the ego. Reinhold Niebuhr writes on *The Self and the Drama of History*. Tillich approaches the matter cautiously.[16] A highly elaborate formulation comes from S. Kierkegaard, who began his *Sickness unto Death* with the proposition that 'The Self is a relation which relates itself to its own self' and ended the work with the conclusion that 'by relating itself to its own self and by willing to be itself, the self is grounded transparently in the Power which constituted it'.

The time seems ripe to make a careful assessment of the relation of self-theory to theology. I would like to propose that, despite a certain amount of modern uneasiness in this regard, theology needs categories derived from a study of selfhood in order to make its outlook meaningful.

First of all, it is difficult to understand how there can be any limitation to hedonism unless one understands that there is such a thing as self-relationship. If we are to operate purely in terms of a physiological psychology, pain and pleasure become the only relevant emotions. The very possibility of altruism and self-denial, an old problem, becomes understandable when it is seen that humans not only project imperatives outward on their environment, evaluating things as they may please them, but also see themselves as subject to norms, against which they must evaluate themselves. Certain strains in modern life—including even some parts of religion—have become so opposed to self-judgment that meaningful ethical activity does not appear as a live option. Self-enhancement has widely become the dominant formal norm, almost by default, since self-sacrifice seems to be a contradiction in terms.

There is one theological alternative to the employment of self-theory, namely, the assumption of a Deity who intervenes in the workings of

15. 'To hear God's word does not mean to wander in the remote realms of metaphysics, but rather at long last to come to oneself' (Barth 1927, I: 398, quoted by Bultmann 1960: 301). No such statements, it seems, appears in Barth's later work.

16. Tillich 1963, III. Despite (or because of?) his reluctance to follow a theory of levels (pp. 12-15), he relates self-awareness to a psychological stratum between the organic and the spiritual-cultural. It seems preferable to regard self-theory as a borderline discipline rather than as dealing with a realm of its own, for self-awareness never appears by itself, without culture.

the world. God might, through a miracle, sink love into a heart otherwise bent on self-aggrandizement. Yet a God viewed in this way seems too much like a *deus ex machina* to make such an assumption acceptable, especially since a much more logical alternative, grounded in the structure of reflexivity, is available. Given the phenomenon of self-relationship with its possibility of judging the self, the assumption of a mechanically acting Deity is not necessary, although the theoretical problem of divine action within the reflexivity may need further clarification.[17]

There is another theological issue which receives illumination from the two-directional character of human existence. The fact that humans can act not only outwardly in a grasping fashion but also, in a reverse motion, be the willing recipient of a religious (or purely ethical) call is most easily understood on the basis of an inherently self-reflexive structure.

Can one take the problem further than this? I suspect so but cannot yet see my way clearly. There are some indications that reflexivity (especially negative self-reference) is related to the problem of infinity, partly since both contain similar logical problems.[18] In any case, it is likely that only infinite reality (which can be intuitively apprehended in such terms as 'everlasting') can meaningfully be considered a source for revelatory truth or imperative claim. Only such a reality (which may be formulated as 'God') can stand at the other end of human receptivity, if this receptivity is to be one of genuine acknowledgment—that is, one which can be personally affirmed and made one's own. Any other imperative would be merely endured mechanically. Already tribal religions have logically placed the ideal world in the mythical space-time of creative origin which transcends the historical world. Such a paradise is appropriately called 'origin' rather than 'past', for it belongs not to the image of what one has done but to an ultimate reality greater than oneself. Eschatology, too, represents the infinite dimension of human hope, which, unlike the goal-tension of ordinary life, is beyond the possibility of achievement through endeavor, at least as it is envisioned in biblical literature.

Self-relation may also explain the structure of 'sin', in contrast to amoral self-projection. Human self-assertion stands in tension with

17. Christoph Levin contrasts divine action with reflective selfhood (2006: 42). I, too, do not identify them with each other, but see them as related, if one can indeed speak 'about' divine action. (An alternative is to regard 'divine action' as a part of faith language and 'self-relationship' as part of scientific language.)

18. Cf., e.g., Quine 1962: 84-96; Fitch 1952: 223-24. Intimate relations between selfhood and infinity (including origin) have often been asserted intuitively; so, too, by Sternegger 1962: 40.

receiving a demand. While this tension is potentially creative, it is also the occasion of conflict. According to Martin Buber (1952b), the historical world which humans create becomes a world of the 'eclipse of God'. Jean-Paul Sartre has stated this in tragic terms: human projections become laden with desire for infinity and self-creation, wanting to be God—an impossibility (1956: 622-23).

These theological issues are presented herewith only in a probing way. A more immediate issue is that the phenomena of biblical religion can be best understood in terms of self-theory. Biblical theology stands at a point between normative and observational study. Its data are amenable to active investigation, yet its structures are also believed to have at least a suggestive significance for a normative theology that lays a claim on one. Does the investigative approach to language which was described earlier also apply to the verbal patterns of biblical literature? It seems so.

In the Hebrew Bible, basic structures which are cast in the form of divine speech stand over against humans and lay an imperative upon them. A most obvious example is 'law' (in a broad sense, including ethics). Hearers are the recipients of a normative claim. When they affirm their claim, they possess what in Freudian terminology is an internalized father image, a superego, which, in so far as they seek to fulfill it, becomes their ego-ideal. In more rigorous and less colorful language, the law represents a cultural norm accepted by the Israelite.

Not only the laws, but also the narratives of the Pentateuch have a normative significance comparable to primitive myths. The stories frequently express a precedent, which is to be followed, or declare a divine act for which gratitude and recognition are in order. On the human side, the narratives often exhibit a negative view of humanity, expressing through the stories of the past a sense of guilt. In fact, self-criticism—including collective self-criticism—is one of the most striking features of the Hebrew Bible, although not equally in all parts of it. 'Jewish humor' (self-directed) is a mild example of it.

Prophetic eschatology points to a future which is not identical with the graspable goal of organismic self-projection. An ideal world is seen as coming upon one after overthrowing one's own non-ideal reality. Specifically, post-tribal religions in general participate in a spiritual/moral agony and reach toward an ideal state;[19] apparently, increased self-consciousness heightened a feeling of negativity. Certainly, Hebrew Bible doom prophecy views Israel and others as standing under judgment—a judgment to be surmounted by the coming of a new age. This does not mean the absence of selfhood, for one cannot

19. Mensching 1959: 74.

transcend a self which one does not have. More precisely stated, only when there is self-reference can there be such a thing as self-judgment and self-transcendence.

There are some movements in the current world to make humans more comfortable, to assuage their guilt, to help them operate more successfully in the world. Some aspects of such endeavors are in part unexceptionable, especially in regard to alleviating unconscious guilt. But we need to consider the human significance of conscious forms of self-transcendence, including self-critique. In fact, some psychological studies are already pointing toward the positive functions of guilt.[20]

Psychology and theology can thus meet responsibly. Humans, who know about their own existence, have an ontologically significant place in the order of reality. Psychology cannot itself decide the question of how life should be lived; it can only investigate how it is actually lived. But theology, as an operation attempting to clarify faith, can and must take into account investigative psychology, especially if it wants to avoid the assumption of a *deus ex machina*, extraneously related to life.[21] One conclusion that can be derived from the study of biblical literature is that self-relationship is an extremely important phenomenon that enters into faith.[22]

20. Thus, quite strongly, Mowrer 1960: 395-406. The academic (as distinct from popular) psychological tradition has been fairly favorable toward some forms of guilt; e.g., D.W. Winnicott in Sutherland 1958: 19, 27-30. See also P. Johnson 1945: 217.

21. Thus also Watts 2002. Hamilton argues for an 'external' relationship between God and the world (1964: 38). It seems to me, however, that human reflexivity makes relation to transcendence possible. (In relational theory, the contrast between 'external' and 'internal' relations is at least partially transcended; see *CFT*, 64-66.)

22. McNamara (2009: 145-47) argues that religion is clearly associated with selfhood, since the two operate in the same part of the brain; however, he does not show in what way they are associated.

Chapter 3

The Meaning of History*

1. *Concepts of History and Time*

Hebrew Bible scholars may welcome the increasing interest in the discipline on the part of systematic theologians. This interest is related to a broader movement widely known as the 'revival of biblical theology', which has been in vogue for some time now. In this context the Hebrew Bible has received special attention from those who find support therein for a 'historical' emphasis, in some sense of that word.

Rendtorff (1960: 34-35) has already noted that the word history lacks clear definition. Here lies one of the most fundamental stumbling blocks for appropriate procedure. It may be entirely true that the Hebrew Bible is interested in 'history', but what does that mean? It is an easy matter to document the ambiguity involved. If one canvasses published works or private opinions for definitions, one will find highly varied conceptions. The phrase 'the Hebrew Bible is interested in history' is quite useless until the meaning of the word history is clear.

Conceptions of history revolve around several discrete topics. Among the most notable are: the past, time in general, humanity, factuality, recording, and meaning (in the approximate order of frequency in which these meanings occur at the present time). There is often no necessary or obvious relation between and among these denotations.

With such a great variety of possible conceptions, it is not surprising that a given culture can be seen by one person as the founder of an interest in history and by another as unconcerned about history. Both views can be right, each within its own context of definitions. It is often claimed, for example, that Judaism and Christianity are responsible for the historical consciousness of the modern Western world. This is only

* Originally published as 'The Meaning of History', in James M. Robinson and John B. Cobb, Jr. (eds.), *Theology as History* (New Frontiers in Theology, III; New York: Harper & Row, 1967), pp. 135-54. Used with permission. The role of this essay was to contribute to a theological a discussion of Wolfgang Pannenberg's view that history, as discoverable by historical criticism, is a vehicle of revelation. Most statements that relate directly to Pannenberg's view are omitted.

a half-truth, for the Greek tradition plays an equally important role, ultimately more lasting in its influence on the educated classes. Scholarship (as distinguished from faith), including historical scholarship, finds its antecedents more in Athens than in Jerusalem. The Greeks told some outstanding epics (which deal with events that supposedly happened within normal time). Some of them, at least, had a worldview of continuous change. It was Aristotle for whom being is equivalent to action.[1]

Some historians use the term 'universal history' (especially in Germany), but there are at least three different meanings of this expression.[2] One usage emphasizes the study of all of history—the whole West or both East and West. Another usage centers on the elementary patterns of historical development. Only a third—and this is generally rejected by historians—refers to the totality of history seen as a meaningful whole. Does one of these apply to the Hebrew Bible?

The value of definitions depends upon their adequacy to the object or objects in question. Instead of adopting an *a priori* definition of history, therefore, it will be useful to describe the main outlines of different aspects of reality with respect to their temporal character, in order to see how categories which may somehow be called historical can be recognized. To conduct such a survey is not easy, for most present-day theology has isolated itself from other disciplines.

The lowest level of reality known to us is the subatomic world of electrons and other strange particles, which is extremely difficult for nonspecialists to explore. It has been repeatedly asserted, however, that macrocosmic categories of space and time do not apply here.[3] The phenomenon of anti-matter, to which negative time has been attributed, complicates the situation.[4]

The operation of spatiotemporal processes is a little clearer with respect to those aspects to which relativity applies. Relativity implies a fully determinate four-dimensional manifold, in which one dimension, which is somewhat different from the other three, is known as *t* (time). This *t*, however, is not something *in* which a process occurs, but rather is one aspect *of* the process. This point deserves underscoring: physical time is *one aspect* of a reality which itself is four-dimensional. The concept of simultaneity in relativity theory is a functional one that refers to the absence of a direct causal effect or informational relation between

1. The affinity of the concept of *Heilsgeschichte* to Aristotle's theories is illustrated by the acceptance of Aristotelian theory by Marshall 1950.

2. Cf., e.g., Vogt 1961. For a cautious attitude toward history, see, e.g., Aron 1961.

3. Cf., e.g., E. Nagel 1961: 298.

4. Cf., among others, Duquesne 1960: 122.

two events.[5] Time-related events are process-related: to come 'after' an event is equivalent to being part of its effect.

The temporal aspect of the physical world is so relatively unimportant that some theorists prefer to speak of the geometry of the world rather than of its temporal movement. It is true that some data suggest that the world began a limited time ago and has a history, but this whole question depends on the type of measurement one adopts—quite apart from the possibility of other equally cogent theories.[6] In relation to the future, it is now clear that the law of increasing entropy, being statistical, cannot be rigidly applied; for example, an infinite universe would be immune from dissolution and opposite developments are possible on the local level at least.

Spacetime is modified by the emergence of organismic structures. Theoretical biology has by no means reached a coherent general theory of life, but it should be clear that a fundamental characteristic of organisms is self-projection. In this context, extension into the future is supported by reactive processes of approach and avoidance, commonly rendered as pleasure and pain.

A new emergent arises in the phenomenon of culture, the principal known bearer of which are human beings. Culture is connected with selfhood, in the sense that participants reflect upon themselves. Such persons do not engage only in uncritical self-projection, but ask the question of their own being, objectify the world to some extent,[7] and are grasped by the problem of infinity. Humans can march deliberately to their own death; usually, they expect some sort of immortality. In this context, God first makes an appearance in the symbol 'God' ('Yhwh', 'Deus', 'Gott'), together with other symbols referring to infinity or to realities which humans recognize as beyond their control. Therewith a new set of concepts arises: Origin and End, which are best described as mythical categories.

These categories possess a quality different from physical or organismic forms of time (at least as they appear to observers). Origin, for instance, deals frequently with a norm, i.e., with a standard of evaluation to which one is subject. Instead of only sizing up good and evil as characteristics of external objects and reacting to them in terms of

5. It is not possible in this context to defend or adequately define the concept of causality; it is used here as in Reichenbach 1958: 145.

6. On the rather arbitrary interchangeability of presentations, cf. Russell 1958: 136 and *passim*. Grünbaum 1963: 325-29 sharply supports the view that, in a sense, nothing happens in unconscious physical reality. This, however, has nothing to do with the concept of eternity, or even with that of a present.

7. Scheler 1961: 39-40 points out both openness to the world and self-consciousness as human characteristics.

whether they support self-enhancement, humans evaluate themselves and ask whether they are good in relation to a larger frame. Thus while the emotive power of the organismic future-as-goal is directed outward, the directive action of time as Origin or End is thought of as coming toward oneself from a realm that transcends human existence. Origin and End thus stand in a polar (if not opposite) relation to other temporal categories, raising conflicts between self-enhancement and self-transcendence, at least for the individual.

Tribal religions recognize some of these distinctions in drawing a rather sharp line between mythical and historical periods. Events located in mythical time have more or less divine beings as their heroes. Events associated with historical time—which, in small-scale societies, has begun only a few generations ago—center upon human exploits, supported but not dominated by divine forces. Mythical narratives are sacred, told at festivals and in association with rituals. Historical narratives are told for the glorification of one's clan or family. Often different labels are applied to the two types.

A further difference between myth and history can be observed. Events in mythical time often serve as model archetypes to be appropriated or are viewed nostalgically as something that has been lost. Historical time is always imperfect. Part of the equipment of tribal folklore consists of stories dealing with the origins of evil and death. These, too, are in a sense myths, but they deal, not with the mythical reality itself, but with the transition from mythical time to history. The origin of evil is usually blamed on an accident, sometimes on the trickery of the gods or on the culpable error of a human.[8] In any case, it is clear to ancient humans that they now live in a time contaminated with evil, in which they are relatively separated from the divine.

In cultic action, however, humans have a chance to reactivate the 'original' relation with the divine, to experience or effect an integration with the universal powers, to participate in the fullness of Being or Life, and sometimes to have communion with the departed, who have passed out of ordinary space and time.

In post-tribal societies, the situation becomes more complicated. Some myths picture divine actions at a time when humans already exist. A time of the heroes frequently interposes itself between the time of the gods and the present time, often with an element of high tragedy. Especially, there appears in later religions a tendency to find evil within humans themselves (including their prior life, if there is a belief in reincarnation) instead of locating it in the outside world. Guilt thus becomes a much more acute problem than in tribal structure, where evil

8. See, e.g., Abrahamsson 1951.

largely took the form of natural forces that threaten human existence from without.

Indeed, similar developments occurred almost simultaneously and for the most part independently in the East and in the West. The dividing line between these two worlds runs between India and Persia, with mountainous terrain producing a relatively sharp barrier, though mutual relations proceeded through Central Asia or along the sea route. From this area, cultures spread toward the West and toward the East in relative isolation from each other until recent times.[9]

The basics of the transition can quite easily be seen to be sociological in nature (cf. Burtt 1957: 93-94). Recordkeeping, made possible by the development of writing, facilitated the development of larger and thus more complex societies. Increased social complexity made possible a more highly differentiated self-consciousness as some persons specialized in meditation and reflection.

Specifically, there arose a belief in highly significant events and disclosures that are assigned to a time distinct from world-creation (including the Exodus, the Jain Mahavira, Gautama Buddha, Jesus). Individual religions differ in the ways in which they weave such a historical element into their faith. Generally speaking, the more world-and-self-negating religions (Buddhism, Christianity) find the person of their 'founder' more important than do the relatively more this-worldly and more society-oriented religions (Hinduism, Israel/Judaism, Confucianism). However, Christianity and much of Mahayana Buddhism hold that the End or nirvana is in an important sense already present.[10] (Since Christianity and Buddhism are not closely tied to society, they could spread worldwide.)

At the same time, antireligious skepticism arose as a formal system both in the East and in the West. In such a structure, humans and their own reason are made the measure of all things, and the gods disappear. It is largely from within this group that critical historiography arose; Herodotus and Thucydides, for instance, were both tinged with skepticism.

9. Hegel made the error of considering Eastern religions a stage of the divine spirit earlier and less profound than Western faith.

10. Specifically, in the Christian Testament, the ideal reality is believed to be present in some secret way. Through certain rituals one can identify oneself with it, so that the perfect reality becomes one's defining frame of reference. Paul declares, 'You must consider yourselves dead to sin and alive to God in Jesus Christ' (Rom. 6.11). Christianity is a variety of the psychological phenomenon of identification with some other idealized self. Paul says, 'It is no longer I who live, but Christ who lives within me' (Gal. 2.20). Forgiveness is an important aspect of the presence of salvation.

There is a certain logic to this historical development. The evolutionary pattern of the universe, insofar as it is observable, is inclusive in the sense that later-emerging patterns build on and presuppose earlier ones, although there can also be a breaking up of patterns.[11] This is not an evaluative statement, but in itself only an observation. However, it implies that if Deity acted in history, it did not act arbitrarily, but within or in relation to emerging patterns. The fact that theology has not dealt adequately with these phenomena is one of the signs of its severe isolation from other intellectual disciplines. Pannenberg is thus making an important contribution by calling for renewed attention to the history and philosophy of religion.

2. *Biblical Patterns of History*

In order to understand Biblical patterns of history, it is helpful to proceed form-critically. An advantage of a form-critical approach is that it does not lead to the formation of abstract ideas with which one might be asked to agree or disagree intellectually; instead, it reconstructs the functional structure of a nation such as Israel on the basis of the patterns of its verbal expression. No claim is made that the following discussion is one that Israelites would have accepted themselves, but only that it is an appropriate description, with categories matched to the actual use of their language. That is important, because it does not appear possible to reach an agreement between ancient and modern critically minded views. The only possible approach in the modern situation is to describe the linguistic behavior of Israel as a symbolic system. One may indeed still refer to Israel's view of history, but this is at best a form of shorthand for the structural elements that make up its way of speaking.

Gerhard von Rad has recognized that Israel's faith is connected with the picture it has of its history. This picture is identical with what Bultmann would call its self-understanding.[12] The *fact* that Israel has such a view is a matter of historiographic record. The *content* of its view is religious symbol or myth. The mythical picture of its history and the 'facts' reconstructed by modern historiography, however, are intertwined because of the structure by which humans have a relation to themselves.

The distinction between historical fact and a picture of history has been blurred somewhat in the past because the picture has been called *Geschichte*, implying that its content somehow really happened. Such an assumption, however, is unnecessary. It is true, a picture of history

11. See the discussion in *CFT*, 201-204.

12. The importance of memory for individual self-concepts is well known. It is perhaps even more applicable collectively (e.g., Heuss 1959: 17).

does often include references to events that are also recoverable by historiography—this is particularly true of the more prominent data in the collective memory—but the sociopsychological structure of such a picture is independent of the correctness of its factual references.

In Israel, God was pictured as dealing with and in history. This means that God's enemies are primarily human rather than non-human forces.[13] God is seen as winning the battle at least partially and as establishing a new normative period in which God constitutes a people and presents them with fundamental laws.[14] The effect of this is to create a new mythical period against the backdrop of history.

In a sense, the chaotic dragon that has been overcome is human history. Yet in the Israelite view, history does not end with the Exodus or Mt. Sinai. Rather, human evil again raises its head—if not in the wilderness, at least in the promised land itself. Israelite existence is viewed as a constant deviation from the norm established by Yhwh. A 'negative archetype' (Tunyogi 1962: 388) of its existence becomes a fundamental feature of the form of the stories in which it presents its own past life.

The sacred period itself, running from the time of the Patriarchs to David, becomes the content of cultic celebration. The priestly presentation contains laws and other statements expressed in the form of divine speech. This form arises in the Hebrew Bible whenever the Israelite is challenged to obedience and gratitude and thus to an acknowledgment of authority and the recognition of dependence on a greater reality.

It is thus clear that a sense of guilt and the acknowledgment of a divine authority are closely related. It is, however, one of the paradoxes of guilt that it is counteracted by recognition and confession. Thus Israel has a negative form of history but also goes beyond that.[15]

To examinations of what lies behind must be joined an analysis of what lies ahead. The coming activity of God may rightly be termed, with von Rad, eschatological. Von Rad also gives the right reason for designating it thus, namely that the eschatological outlook involves a

13. For more details, see the essay on 'The Divine "I"'. Cf. also Hempel 1930: 21.

14. Similarly, Childs 1960: 82; it is 'existence-founding' for Israel (Rendtorff 1961: 89).

15. The general possibility of a negative history, and its presence in Israel, has been noted already by Hegel, though this crucial aspect of his thought was largely overlooked in the optimism of the nineteenth century. Cf., similarly, Eliade 1954: 95-97; also, Hempel 1936: 5. A somewhat negative view has been championed recently by Daniélou 1958: 33, and by the usually rather optimistic Tresmontant 1956: 171. For Heidegger, for whom time was once directed toward death, history is the realm of 'erring' (1950: 310). The negativity of history, however, did not mean a devaluation of history by Hegel. Similarly, for Heidegger the salvation of history comes with its danger (1950: 343).

negative attitude toward existing structures of Israel. Rössler 1960 has pointed out a close connection between history and apocalyptic. Such an observation, however, does not prove that apocalyptic tradition has a positive attitude toward history.[16] On the contrary, apocalyptic literature clearly implies that history moves progressively downward until it is overthrown by the Eternal Kingdom.[17] The same situation also applies to a large part of canonical prophecy, as distinguished from apocalyptic (cf. Buber 1948: 130).

One important feature of announcements of doom is that the end is expected very soon. In fact, there is a regular correlation between the expectation of an imminent End and a heavily negative attitude toward the present. In view of this correlation, the affirmation of an imminent End can be understood as an expression of intense hope for a better situation (cf. also Becker 1932: 138). Nichiren Buddhism was similarly burdened by a sense of profound evil and a conviction that the last days before the victory of true reality had come. In undisturbed tribal religions, by contrast, only an individual eschatology is needed, since the communal order is seen as sufficiently able to cope with its problems.

The predictions of Hebrew prophets are usually not very specific. They speak in rather general, emotionally-laden terms about the good or evil that confronts Israel's existence.[18] Such a way of speaking is indeed all that is necessary to provide proper help in decision-making, which is the age-old function of a prophet. Prophecies must generally be considered conditional, especially when divine judgment is pronounced, since the point of a projection is usually to allow hearers to take steps to avoid its becoming true.[19] However, some of the great Hebrew Bible prophets declare that the Israelite community exists in a basic contradiction with Deity. Thus they announce destruction, seizing on international phenomena for confirmation.[20] A sign that doom is not merely a threatening possibility that can be avoided is that prophets go on to announce that a positive denouement is to come afterward.[21]

16. This is stated in contrast to Pannenberg's opinion.

17. That in general the Israelite conception of history is one of decline has also been pointed out by W.F. Albright in Lovejoy and Boas 1935: 429. Cf. also Koch 1958: 45.

18. Cf. Jenni 1956, even though his reconstruction is not always convincing.

19. Some well-known Greek oracles, it is true, have been different in that respect.

20. The prophets' criticism is too sharp to be merely a response to an outside threat, but such a threat possibly supported the expression of the criticism, and undoubtedly supported the remembrance of it.

21. The 'original' words of Amos (as I accept them) did not yet include a positive hope but are conditional and include instead the words 'who knows?' (5.15), as similarly Jon. 3.9.

In that case, a true End-expectation is present. The character of the decision that is required is one of inner submission to the coming of God rather than a change of actions through one's exertion; a 'new heart' is needed and announced. This kind of perspective is not equivalent to a physical 'effect' nor to an organismic 'goal' of striving in ordinary time, but is a spiritual 'End' toward which one relates oneself receptively.[22]

In contrast, the category of 'future' (as distinguished from 'End') belongs properly in the sphere of wisdom. There, *'aḥ^{a}rît* (outcome, results) appears frequently as the term for the consequences of evil. Beyond the use of this word, wisdom is largely concerned with ordinary future happenings that can be achieved or avoided by human effort.

In relation to the past, more or less matter-of-fact historiography in the Hebrew Bible—such as that found in court records—is probably the realm of scribes, members of the wisdom class. It is, in fact, misleading to say that wisdom has no relation to history. Indeed, wisdom has little connection with sacred history, but it has many contacts with secular forms of history. The narration of the succession to David's throne and the Joseph story are well-known examples of wisdom-influenced writing (cf. von Rad 1958: 148-88, 272-80). Human narratives (fictional and otherwise, e.g., the memoirs of Nehemiah) abound in the third division of the Hebrew canon. The Deuteronomic school, which is responsible for an elaborate work of history, contains pronounced wisdom elements.

Wisdom perspectives probably also enter into the presentation of Israelite sacred history itself.[23] Despite a certain overlap and fusion, however, Israelite language is careful to represent foundational (priestly) and eschatological (prophetic) language primarily in terms of divine speech, clearly distinguishing these realms from others. Ordinary human events are considered accessible to observation in wisdom. The divine reality or plan needs to be revealed.[24]

In sum, in the Hebrew Bible, what we normally call 'history'—such as in the phrase 'historical criticism'—is relatively secular, rather than a means to gain revelational truth. The revelational structures of Origin and End struggle with such history and are—like similar concepts in other religions—themselves transtemporal, celebrated cultically and

22. To be sure, Israelite religion fuses goal and End in varying ways, so that they are not altogether contrary to each other, as is well-known to Jewish theologians. See, e.g., Buber 1952a: 76, 79.

23. The element of rationality in Israel's view of existence has been emphasized by Weiser 1931: 44-47 (with the exception of prophets, p. 85). Specific traces of wisdom require a separate investigation.

24. Cf. Eccl. 3.11, whatever the precise exegesis may be.

reached for.[25] As the Hebrew Bible envisions it, the transtemporal reality is not static but dynamic, in moving from Origin to End.

Similarly transtemporal is the injunction to 'love one's neighbor as oneself' and, more specifically, to aid a person who is downtrodden or in need, for such an injunction assumes that the other has intrinsic worth independent of what a person can contribute in the future or has done in the past.[26] However, any action in response to this worth needs to be within the temporal order.

25. Maslow's description of 'Being cognition' is relevant (see the index for references to his work).

26. This sentence is added here, but its point of view was stated a few years earlier in another (not republished) essay. See also the essay on 'Role and Selfhood in Hebrew Prophecy' and Buss, forthcoming b.

Chapter 4

The Distinction between Civil and Criminal Law in Ancient Israel*

The General Context

According to the *Mekilta* (on Exod. 19.2; 20.2), God offered the Torah to all peoples, although only Israel actually accepted it. Hebrew law can indeed be regarded as potentially general—not to be confused with 'universal'—in its implications. It reflects not merely the peculiarity of a certain group, but is intimately bound up with human processes.

In order to utilize the insight embodied in Hebrew law, it is necessary to understand it, that is, to form clear concepts which show its overall structure and the function or contribution of individual elements in relation to the whole. For such a purpose, it is helpful to set Israelite law into a larger context, including traditional European, African, and Asian law, as well as to compare it with historically unrelated systems at a comparable level of social organization.[1] The present paper presents a tentative view, to be expanded, corrected, and refined by fuller investigation.

For conceptual clarification, conflicts and their resolutions may be distinguished in terms of the parties' relationships to one or more groups. One type of conflict involves members of different groups not fully subject to a larger entity; this may be labeled an external conflict, or war. It includes the blood feud (e.g., Graf 1952: 20). Another type of conflict involves two or more members of a single group; the contending parties may belong to different families or clans, yet recognize a larger unit of which they are members. Such a conflict may be called internal. Internal conflicts can be

* Originally published in Avigdor Shinan (ed.), *Proceedings of the Sixth World Congress of Jewish Studies*, I (Jerusalem: World Union of Jewish Studies, 1977). Used with permission. The present version of the essay somewhat reorganized includes near its end a comparison with Plato's *Laws*.

1. Comparative law reflects a practical concern for the improvement of law, with 'the need of jurists, after a period of nationalism, to return to that universalism, characteristic of all sciences, which legal science had enjoyed in the past' (David and Brierley 1968: 2, 8).

carried out directly without supervision or brought before an arbitrator, judge, or court. In the tribal laws of Asia, Africa and Europe, the distinction between arbitration and judicial settlement was fluid. Often judges proposed a settlement, which was then accepted voluntarily by the contending parties in the interest of harmony or was enforced by various degrees of community pressure.[2] Ancient Near Eastern legal documents regularly continue this tradition by saying that the parties accept the settlement, under however much duress. Indeed, 'settlement law' may be a good way to describe this kind of procedure, for it does not call into question reasonably honorable membership in a group. A third type of conflict sets an individual against a more comprehensive entity, such as a family, clan, or larger state. Penalties arising from such a conflict typically involve complete or partial exclusion from the community through death, banishment, imprisonment, or loss of civil rights. This type of conflict can be called 'exclusionary'; it breaks or endangers the connection of an individual with the group.

The three types of conflict are given in the nature of existence; however, there can be overlaps between them. One overlap lies in penalties that can be 'composed'; that is, threatened death or mutilation can be avoided through monetary compensation to the injured party.

Since most US law continues to make a distinction between these processes in a similar way to the one in the Hebrew Bible, I will use US terminology, even though the match is not precise. Using that terminology, 'civil law' (when contrasted with criminal law)[3] deals with relations within a group, with the offender remaining a member, while 'criminal law' deals with conflict between an individual and the group or its head, leading to possible exclusion of some sort. A major difference between the two kinds lies in the nature of the penalty. In civil law, settlements are made for the benefit of a private individual, while criminal law involves penalties of a different sort. In both Hebrew and US law, a civil judgment may require the offender to pay the plaintiff more than the plaintiff lost. In the Hebrew Bible and other ancient Near Eastern law, such multiple reparation (a 'windfall' for the plaintiff) takes place especially in cases of theft.

Civil and criminal processes usually involve differences in procedure and in the nature of the court handling the case. For instance, classical Greek law assigned criminal cases largely to the Areopagus (including a commission chaired by one who bore the title *basileus* or 'king'),

2. Cf., e.g., Musil 1928: 431; Seidl 1957, I: 383; Gulliver 1963: 232, 273, 283, 286; Cohen 1966, II: 651; Liedke 1971: 40, 41.

3. When contrasted with 'common law', the term has a different meaning. German 'Zivilrecht' has a still different usage.

to the popular assembly, or to very large courts constituted by ordinary citizens; in such 'public' processes, anyone could act as accuser on behalf of the community. In old Roman Law and in the ancient Near East, criminal jurisdiction was fundamentally in the hands of the king or the popular assembly. In modern criminal law, a jury of private citizens plays a prominent role, either separately from the judge (as in England and the US) or in a single commission together with the judges (as in France); rules for evidence are more rigid than in civil cases. Postbiblical Jewish law, as represented in the Mishnah, assigned 'monetary' judgment between litigants to a court of three and criminal (especially capital) cases to a court of twenty-three or seventy-one, the latter explicitly representing the community (*Sanh.* 1).

Differences between Civil and Criminal Procedure in the Hebrew Bible

There is clear evidence in the Hebrew Bible for a distinction between civil and criminal processes. Civil settlements between two persons, designed to gain redress, can be brought about directly by the parties involved.[4] An unresolved issue, however, can be presented to one or more judges. Judge-shopping is a possibility (as was still true in this area much later), and any respected Israelite can serve as judge so long as it is accepted by both parties, for some prophetic passages make quite general appeals to righteous judgment.[5] More specifically, however, the judicial function is exercised by a ruling personage, such as a king or military officer,[6] by a priest, Levite, or prophet(ess),[7] or perhaps by a person who had no other duty.[8] An oracle or an oath 'before God' is most likely handled by a priest; indeed, oath-making plays a particularly important role in civil cases, since they assume the fundamental righteousness or piety of the participants.[9] Civil law is thus not less religious than criminal law.[10]

4. Cf. H. Richter 1959: 33-34, on Gen. 13.7-12; 31, etc.; and, for 'self-help', Z. Falk 1972: 93-98 (as well as later writers).

5. Amos 5.7, 15, 24; Jer. 5.28; Zech. 7.9; 8.16. Cf. also Job 29.7-17.

6. Exod. 18.25; Isa. 1.23; Mic. 3.1, 11; Jer. 21.12; 26.10; Ezek. 45.9. (Cf. Knierem 1961; W. Richter 1965: 58-71.)

7. Judg. 4.5; Isa. 28.7; Deut. 17.9, 12; 19.17; 21.5; Ezek. 44.24; 1 Chron. 23.4; 2 Chron. 19.8; as also in Egypt, Mesopotamia, Rome, etc.

8. 1 Sam. 8.1-3 (?); some other doubtful cases include Isa. 3.2 and 2 Chron. 19.5. In the story of Susanna the two civil judges are elders, but there appear to be no clear instances in the Hebrew Bible of elders serving in that capacity, though they were presumably not excluded.

9. Exod. 21.6; 22.8; similarly elsewhere.

10. In part against Schulz 1969: 114, 128. According to the story of Exod. 18, judges derive their office from Moses.

Capital cases—which constitutes the bulk of criminal law—are decided by the head of the community on his own authority[11] or by the people as a corporate whole.[12] Death is thus meted out by Saul, David, Solomon, and Jehoiakim (1 Sam. 22.16; 2 Sam. 4.11; 12.5; 1 Kgs 2.24, 29-33, 46; Jer. 26.23). Judah's death sentence on Tamar (Gen. 38.24) probably reflects his role as head of a household or clan. According to the fictional case presented in 2 Sam. 14.7, a clan seeks to execute one of its members as a murderer, before the king intervenes. Saul pronounces the death penalty on Jonathan (1 Sam. 14.44) but is overruled by the people. Joshua and all Israel together judge and execute Achan (Josh. 7.23-25). The people, together with the 'princes', play a major role in the trial of Jeremiah for blasphemy (Jer. 26.8-16). The death of the Levite's wife in Gibeah is judged by the 'assembly' of Israel as a whole (Judg. 20.1-2). The congregation (*'ēdāh*) stones a sabbath violator (Num. 15.36) and threatens to stone Joshua and Caleb (Num. 14.10). In the story of Naboth's vineyard (1 Kings 21) a public trial is pictured. The people of Naboth's city are called together on a pretext by the elders and the nobles of that town. In this assemblage, two witnesses raise the capital charge of cursing God and the king; conviction may possibly be automatic when such a procedure is followed.[13] This assumes a situation in which there is no special public prosecutor, but charges are brought—and are to be brought—by individuals on behalf of the community.

We can only guess at the precise procedures of trial and execution for kidnapping (Exod. 21.16; Deut. 24.7), for the rape of a betrothed woman (Deut. 22.25), or for false witness in a capital process (Deut. 19.16-21). However, we are told that an unchaste woman who has contracted a marriage under false pretense of virginity is, after a hearing, to be taken to her father's house for stoning in recognition of his responsibility (or partial authority?) in the matter (Deut. 22.21). Burning is specified for prostitution by a priest's daughter, profaning her father (Lev. 21.9); since this penalty can be carried out by parental force, it probably reflects family justice (cf. Gen. 38.24), although since the father is a priest this is not a purely private matter.

For more fully public crimes, the cooperation of a number of people is presupposed by the process of stoning. Stoning is prescribed for the

11. Cf., e.g., Kees 1933: 219. Capital jurisdiction apparently belonged to the king in the Laws of Eshnunna (§48) and in the Hittite system (Goetze 1957: 92) and systematically so to the emperor in Manchu China (van der Sprenkel 1962: 68).

12. For a similar system in ancient Mesopotamia, see Jacobsen 1943: 164; 1959: 130-50. For Israel, cf. Wolf 1947: 103-104, and the story of Susanna.

13. Deut. 13.6-10; 17.6-7; similarly in the Middle Assyrian law A40, involving a criminal case (handled by the 'palace').

worship of other gods (Deut. 13.10), idolatry (Deut. 17.5), blasphemy (Lev. 24.16, as in 1 Kgs 21.13), sacrifice of children (Lev. 20.2), work on the sabbath (Num. 15.35), and witchcraft (Lev. 20.27).

Somewhat obscure is the penalty described by the term *dāmāw bō*, 'his blood is on him' (or its plural), which applies to cursing parents, incest with a father's or son's wife, homosexuality (better: male anal sex), and bestiality, as well as witchcraft (Lev. 20.9, 11-13, 16, 27). This expression apparently means that an offender's life is unprotected. In Ezek. 18.13, the phrase refers to someone who receives interest on a loan, implying a divine threat or withdrawal of protection; a similar expression ('his blood is on his head') appears in biblical literature to point out that a person may legitimately be killed because of a transgression or a failure to take proper care.[14] The Septuagint's translation means 'he/she is guilty, liable to action'. The usage of *dāmāw bō* can thus refer either to general danger because of expulsion from a divinely protected sphere or to the possibility of human execution, perhaps by anyone (thus, most likely, in Lev. 9.11-13, 15-17).[15] Along such a line, Philo advocated lynching for apostates and regarded the killing of a passive homosexual as an act for which there is no vengeance.[16] If the status of the offender is that of an outlaw, whether or not that is declared officially in individual cases, the most logical result is flight. Thus practitioners of witchcraft are said to be 'removed from the land' by Saul (1 Sam. 28.3).[17]

In this respect, the Hebrew Bible's responses to crime are not unlike those of relatively small communities. In the traditional law of Northern Sumatra, it is reported that 'an offender in those serious crimes, which placed their perpetrator beyond the law' (including the murderer, abductor, and the seducer caught in the act), was 'ostracized,

14. 2 Sam. 1.16 refers to self-condemnation in what is a case of lynch justice (since David has no official status to execute judgment). 1 Kgs 2.37 imposes restriction in movement, i.e., a limited outlaw status. Josh. 2.19 involves careless exposure. (This analysis builds on and expands the analysis of Koch 1962; cf. Fitzmyer 1971: 162, and Ezek. 33.4.) In rabbinic passages the phrase expresses openness to danger from robbers or from an evil spirit (*y. Ber.* 11c; *b. Pes.* 112a).

15. In European law, the killing of an outlaw was either permitted or, in a more serious case, required (Schröder 1932: 81-86); its designation 'wolf' for an outlaw parallels that of Hittite law 37. For 'open season' on witches and sexual deviants, cf., e.g., Diamond 1971: 76-167. Hittite laws specify a legal death or moderate outlawry (with possible death and certain exclusion) for bestiality (187, 188, 197, 200A) and perhaps incest (189, 191, 195A)—partly against A. Goetze's translation in *ANET* (cf. Good 1966–67: 974, and Wagner 1972: 38).

16. *Spec. Leg.*, 1.55; 3.38. (Greco-Roman law strongly condemned passive homosexuality; Philo observes it in an ecstatic ritual of Demeter.) Cf. Belkin 1940: 104-19, and discussions cited there.

17. Forster 1900: 28, found this the reference most akin to banishment.

banished…outside the protection of law…exposed to any act of summary justice' (Vergouwen 1964: 503). Among the Nuer in Africa, for whom black magic was the main public evil, the killing of a witch did not lead to blood revenge (Howell 1954: 224). Indeed, the list of crimes in Israel is quite similar to what has been considered criminal in many other tribal or ancient societies. Most widely recognized offenses against the public order are witchcraft, incest, sacrilege, and in structured societies opposition to authority.[18]

Some Overlaps and Continuities between Civil and Criminal Law

In social history, distinctions tend to become sharper as a society becomes larger and thus more complex. In biblical law, public and private penal procedures were, in fact, not as strongly separated as they became later. Through a 'public' act, a murderer is abandoned to the *gō'ēl*, a kinsman of the murdered. Differently, in a narrative, a king puts a murderer under his protection.[19] (However, composition—which would be strictly 'private'—is prohibited for murder, so that a criminal process is definitely distinguished from a civil one; Num. 35.31).[20] The Hebrew Bible probably envisions that the penalty for adultery would be carried out only by or at the behest of the offended husband.[21] Execution of a rebellious son has a private aspect, in that only the parents can bring the charge, according to Deut. 21.18-21, which is probably general enough to cover cases of striking or reviling a parent (Exod. 21.15, 17). At the same time, this law limits a father's authority over the life of his children by involving the mother and elders.

In some laws—both criminal and civil—the people are represented by elders who, it appears, act not as judges but as supervisors of the process. According to Deut. 21.19, just mentioned, father and mother are to bring an incorrigible son before the elders with their accusation, probably in

18. See Brown 1933, IX: 202-206; Diamond 1971 (the latter, while excellent, slightly overreacts to previous emphases on religious aspects).

19. 2 Sam. 14.11. Cf. 1 Sam. 14.45; 1 Kgs 1.52; and Musil 1928: 490, with the same expression for protection of a killer.

20. Murder remained in part a 'private' wrong in Greek law in the sense that only relatives of the murdered could bring a charge. Weismann (reprinted in Koch 1972: 325-406) does not allow sufficiently for overlap between civil and criminal law.

21. Adultery became a public crime in imperial Rome, but the right of accusation remained limited to near relatives, for good reasons (Theodosian Code 9.7.3). See, further, Goodenough 1929: 78-80; Finkelstein 1966: 372. For overlaps between civil and criminal law, see Diamond 1971: 167, 221, etc., and for the Near East, Neufeld 1944: 172.

order to forestall a rash action; after that, all of the men of the city, who presumably agree, stone him. Deut. 22.13-21, dealing with an accusation of lack of virginity, similarly describes a procedure before the elders, without explicitly assigning them a discretionary role.[22] Elders order the return of a deliberate murderer from asylum, according to Deut. 19.12, with nothing said of the means by which guilt is determined (however, Num. 35.24 and Josh. 20.6 assign 'judgment' [*špt*] to the congregation [*'ēdāh*]). The elders also act as representatives of the people in ritual actions designed to cleanse a community from the guilt of an unsolved murder (Deut. 21.1-9) or for an inadvertent sin by the whole congregation (Lev. 4.15). The elders play an administrative role when a Levirate marriage is rejected (Deut. 25.5-10); in this situation a minor public penalty, dishonor, is imposed. For a more fully civil case involving transfer of redemption rights and duties, as related in Ruth 4.1-12, elders act as witnesses to the process.[23]

As pictured in the Hebrew Bible, judges, too, play a role in both civil and criminal cases. They decide between competing claims (e.g., Exod. 18.16; Deut. 1.16; 17.9; 25.1), thereby helping the one about to be cheated or in danger of being overwhelmed by superior force (Seeligmann 1967: 273-77). Judges can order flogging for a 'wicked' person, which may mean, or include, someone who had failed to tell the truth (distinguished from false accusation).[24] Thus, this semi-criminal penalty (it probably shames and may injure the offender) enters into the civil process (cf. *Mak.*, 1), such as by defending the court procedure itself or by enforcing a decision. Judges play a role in cases supervised by elders or priests, such as by examining evidence[25] (Deut. 19.18; 21.2), and execute judgment in a criminal case decided by someone else (Num. 25.5). Major or difficult cases of various kinds are to be taken to the central judicial

22. The lack of discretion has similarly been noted by Weinfeld 1971: 578. The procedure followed is chosen not so much because the evidence is clear, but apparently because elders act *in jure* (according to formal procedures) rather than *in judicio* (by discretion); cf. Willetts 1967: 33.

23. In Babylonia, the prime role of elders in the judicial process was that of witnesses; both there and in Assyria, they were particularly concerned with land holdings, which come close to public concerns (Walther 1917: 52-63; Klengel 1960; Middle Assyrian law B6). On the special role of 'real property', whose transfer may require a formal ritual, cf. Maine 1861, ch. 8. L. Köhler has taken Ruth 4.1-12 as a model for a court case, although there is no dispute (*rîb*) in this situation; thus he erroneously concluded that judges and witnesses were not differentiated (1914: 148; 1956: 134).

24. Deut. 25.2. Cf. Exod. 23.1, 7-8; Deut. 19.18; 22.18; Jer. 20.2 (from Pashur's point of view); *Mak.*, 1; Seidl 1964: 23; Falkenstein 1956, I: 131.

25. Cf. Driver and Miles 1952, I: 494; Porten 1968: 47-49.

authority, so that the ultimate authority in civil cases merges with that exercised in criminal judgment.[26]

In both civil and criminal law, liabilities are expressed by an idiom in which an infinitive absolute precedes an imperfect.[27] This has often been translated 'surely shall', but that is not linguistically accurate. In legal contexts, as elsewhere, the imperfect without a negative sometimes clearly means 'may' (e.g., Lev. 21.3), sometimes clearly 'shall' (e.g., Exod. 22.28b, 29); in other cases there is doubt as to which nuance is intended. As Bergsträsser 1929, II, §12, has pointed out, the addition of the infinitive absolute does not indicate certainty of occurrence but draws attention to the meaning of the word.[28] What we have here is legalese for liability. In civil cases, this linguistic construction appears in *šallēm yešallēm*, 'making it good is what the offender is to do' (Exod. 22.2, 5, 13).

In matters involving financial loss (in civil law), a liability will normally be converted into actuality if at all possible, since the person who has suffered the loss probably wishes to be compensated, even though there is no obligation to seek or accept compensation. In cases of permanent injury to a free person, talionis justice applies. This usually involves composition on the basis of negotiation between the parties and their families or communities; in traditional talionic negotiations, the injured person threatens readiness to execute the penalty literally, and the offender makes a counter-offer.[29] In Lev. 24.19, one should thus read, 'as has been done, so may [not: shall] it be done to him'. For instance, in

26. Exod. 18.22; Deut. 17.9; 2 Chron. 19.11. The fact that the force of a central authority plays a role shows that what is set forth here can be viewed as true civil and criminal law, although of an old kind (*pace* Jackson 2006: vii, 289-95, and others). This observation is strengthened by the presence of legal terminology to be mentioned shortly. It is true, some of the laws have the potential of being 'self-executing', in the sense that the parties involved can follow them informally, but the laws authorize their doing so. To be sure, what we have is not a report of actual social law, but a representation of divine law; it is not social unless it is accepted.

27. Gen. 2.17 contains the declaration of a liability, not a prediction (which literally would have proven false, although 'day' is a vague term); cf. Eshnunna law 28 (Yaron 1969: 63). The infinitive absolute together with a finite verb appears repeatedly in the Covenant Code (Exod. 21.5, 19, 20, 28; 22.2, 3, 11, 12, 13, 15, 16, 22; 23.4, 5, 22), as well as in other injunctions (see Callaham 2010: 125-77, for the extensive use of the construction in expressing obligations).

28. This analysis has found its way to a series of scholars, including, in sequence, M. Fishbane, A. Fitzpatrick-McKinley, and B. Jackson; see Jackson 2006: 131-32, listing them. Not persuasive are interpretations by Muraoka 1985 and Kim 2009, both without reference to Bergsträsser. To give just one example: in Lev. 14.48, the priest's 'coming' is not a certainty but stands in contrast to what preceded.

29. See now Greengus 2011: 130-36, for discussions of this topic.

contrast with a monetary judgment for a miscarriage caused by fighting men that is determined by judges, Exod. 21.22-25 prescribes a talionic response if the woman suffers permanent injury; this is presumably settled directly between the parties. However, for the sake of public warning, Deut. 19.16-21 appears not to envision composition for malicious testimony ('you shall not [possibly: need not] pity'); in fact, the false testimony may well not have done any actual damage for which there could be compensation.

In criminal cases, the liability of death indicates a real but not inevitable possibility; that is serious enough. Its counterpart in modern law is imprisonment 'up to' a number of years or the possibility (not inevitability) of execution. In the ancient world, an incurred death penalty was indeed often not actually carried out according to narratives, even after a formal judgment in a given case. In other words, the phrase *mōt yûmāt* (which can be translated, 'he may [indeed] be killed') does not command an execution. Thus the law specifying the death penalty for adultery (Lev. 20.10; Deut. 22.22) is not necessarily unknown or violated if the husband treats a guilty wife more leniently.[30]

Although the current essay focuses on civil and criminal law applied by humans, it can be mentioned that certain activities are left to divine retribution. They include ordinary religious transgressions and lesser cases of incest. Their perpetrators are 'cut off from the people', need to 'bear their guilt', will 'die', etc.[31] Atonement for these offenses occurs through ritual means. Specifically, according to Lev. 5.21-26, sacrificial atonement, together with restoration and payment of an additional fifth of the value, clears responsibility for false oaths in civil matters. Modern societies, too, do not attempt to treat all problem situations by means of organized social law.

Linguistic Distinctions between Civil and Criminal Law

The distinction between different kinds of legal processes is reflected in the Bible linguistically, as has been pointed out in part by H. Cazelles (1946).[32] Civil laws begin with 'when' or, when subordinate,

30. *Pace* Phillips 1973: 353. Cf. Yaron 1963: 1-16, on the wide latitude enjoyed by the husband in Eshnunna. Neufeld 1944: 167 points to mutilation as a possible penalty (Ezek. 23.25).

31. Zimmerli 1957 (1969): 304; Tsevat 1961: 195-201; Loewenstamm 1971: 255-56; Milgrom 1970, I: 7.

32. Cazelles identified casuistic formulations (correctly) as 'private law' (using the Continental European term for civil law) and recognized that participial laws deal with crimes; however, he believed that participial laws do 'not yet belong to the juridical sphere' (1946: 117, 124-26) and that the death penalty is not 'precise'

with 'if' (*kî* or *'im*) and employ the third person; I will call this style 'conditional'.[33]

Criminal law, in contrast, is expressed in either of two forms, sometimes combined. One form begins with 'when' and speaks of the offender in the third person but, unlike civil law, then addresses the reacting community in the second person (Exod. 21.13-14, 23; Deut. 13.2-6, 7-12, 13-19; 17.2-7; 19.11-13, 16-21; 21.1-9, 18-21; 22.13-27; 24.7; 25.11-12).[34] Another form, which may be called 'nominal', employs sentences beginning with a noun; it includes as major sub-types participial and relative ('who') formulations.[35] Such a nominal style is quite appropriate for criminal law, since this deals heavily with the offender and his or her acceptability to the community, instead of simply with solving a problem.[36] A variation of the nominal form, in which the particle *kî* ('if') follows the initial noun—so that I will not subsume it under 'conditional' style—is employed for sacral regulations and threats and can be called criminal only in a broad sense (cf. Zimmerli 1957: 303).[37] However, there is an affinity between secular and sacred criminal penalties. In fact, all of the laws that threaten a 'cutting off' by Deity have nominal form.

Other precepts of the form 'you shall (not)', such as in the Decalogue, are related to the nominal laws but are by no means identical with them in character, in part because of the lack of an expressed penalty. While every generally applicable nominal law seems to have a preceptive counterpart, the reverse does not hold true; many precepts do not also have a nominal form that specifies criminal treatment.[38]

(p. 123)—apparently excessively influenced by curse themes. The correlation of styles has been noted also by E. Otto (1996: 251), who was familiar with Cazelle's work; however, he linked this correlation to a questionable historical view, holding that the original location of 'primitive' law lay in the family.

33. The term 'casuistic' is insufficiently clear, since it has been used to cover also participial form (*BFC*, 393).

34. Most of the references have been treated by L'Hour 1963. For Exod. 21.23 (which was apparently later expanded), cf. also the Sumerian parallel published by Civil 1965: 5 (*pace* Jackson 1973). Insofar as Exod. 21.24-25 is to be taken literally—perhaps for intentional harm (cf. Paul 1970: 74)—it is criminal law.

35. To the list in Liedke 1971: 110-14, one can add—with mixed style, including 'you' and many nominal forms—Num. 35.15-21 and Deut. 19.11-12; 21.18-21; 22.22; 24.7. Cf. Merendino 1969: 336 (in literature not covered by Liedke, e.g., Zech. 5.3). Yaron 1962: 151-53, points to use of the relative form also for offers of reward and release.

36. Similarly, for this style, MacKenzie 1949: 113.

37. For this style, see also the Roman Twelve Tables, mentioned below.

38. With Horst 1961: 175 (from 1956) on theft in the Decalogue, and others on preceptive law, against Phillips 1970, unduly under the influence of Alt 1934.

The distinction between legal styles in the Hebrew Bible is fairly consistent, but there are variations. Notably, the late (?) series Lev. 24.15-21 is, like Neo-Babylonian law, styled nominally throughout, although it includes the civil law of tort.[39] In other words, the linguistic forms are not necessary, although they can be seen as logical.

In Near Eastern laws generally, the distinction between styles is at least partially congruent with what has been shown for the Hebrew. Conditional formulations are employed in the oldest surviving laws (Ur-Nammu and Lipit-Ishtar), which are limited almost exclusively to the civil sphere. The Laws of Eshnunna combine conditional and nominal styles, which are differentiated along the line that has been described for Hebrew law, although not rigidly so.[40] The Hittite laws available to us are all viewed within a civil frame and are formulated in conditional style. The surviving Demotic Egyptian civil laws employ conditional style. However, the extant Neo-Babylonian civil laws employ nominal form; this pattern appears also in Lev. 24.15-21, as has been mentioned, so that we have here congruence of another kind.

In what may constitute a difference from Hebrew usage, the Code of Hammurabi (older than the Hittite) and Middle Assyrian laws use the conditional form for both civil and criminal cases, perhaps for the sake of uniformity in style. However, both of these codes lack fundamental criminal laws. Thus, they may include elaborations of criminal laws that are presupposed, just as Exod. 21.13-14 elaborates Exod. 21.12 with

39. Some other real or apparent crossovers are the following: (1) In Exod. 21.29 a conditionally phrased law indicates liability to the death penalty for failure to restrain an ox known to be deadly, but the next verse indicates the possibility of composition—the most likely result—so that this law is really civil rather than criminal. (2) The conditional provision of Exod. 22.1—as part of a civil treatment of theft—holds guiltless the slayer of a thief caught breaking in at night; this provision envisions the possibility of death, but it does not involve an action by the larger community. (3) The criminal law of Exod. 22.17 is cast in simple preceptive style: 'You shall not permit a sorceress to live'.

40. Conditional style appears regularly in civil laws, but it is also used in criminal regulations, which repeatedly stand in close conjunction with the civil. Together with civil procedures in laws 23–24 and 27–28, for rape in 26 (composable?), for theft by an official (50), for death caused by lack of proper care (58, probably composable; cf. the similar Exod. 21.29). Nominal formulation occurs there quite formally in a criminal law, which may quote an antecedent formulation, and in two laws that restrict the movement of slaves, probably within a criminal frame (laws 24 and 51–52; cf. the death penalty for allowing a slave to escape in Codex Hammurabi 15, 16). However, nominal style appears also in two laws that combine civil concerns with outlaw status for intrusion at night and in describing the procedural aspect of a civil case (laws 12–13 and 19).

a subordinate 'if'. For instance, Hammurabi's code begins with a special case concerning homicide.

The use of nominal style in criminal laws coheres with the phenomenon that Near Eastern (including biblical) curses and royal threats are phrased especially (although not only) in that way.[41] Such style appears also in threats against ethical transgressors in Babylonian hymns to Ninurta and Shamash and in sanctions against cultic violations in the Phoenician sacrificial tariff known from Marseilles and Carthage, as well as in a cultically oriented Ras Shamra text (see Gevirtz 1961: 139; Lambert 1960: 119, 128). Positive assessments of status are stated in this way for admission to ritual (Ps. 15.2-5; 24.3-4). However, this is not to say that all nominally phrased laws were no more than curses. Quite a few of them authorize the human application of a penalty, usually death or expulsion.

The biblical pattern of law finds a parallel in the Roman Twelve Tables, traditionally (perhaps correctly) dated to the fifth century BCE and long memorized. Insofar as they can be reconstructed from later references, they contain largely civil laws and regularly employ the third-person conditional form for them. In addition, the Tables present some criminal (that is, exclusionary) stipulations, which repeatedly open with a relative clause (8.1, 8 [both of these against witchcraft], 10, 23; 9.5) or begin with a noun before an 'if', like Israelite cultic laws (8.21).[42] The Tables also contain regulations regarding sacral procedure, which employ a simple future imperative, somewhat like the Hebrew preceptive form (10). The Twelve Tables, with about 120 laws, thus exhibit a combination of styles similar in language and function to those of the Hebrew Bible.[43]

A look toward Greece can shed further light on this issue. Some Greek laws are preserved in stone; quite a few others in quotations by orators

41. Liedke 1971: 115-16; Marzal 1971 (with literature cited); N. Davies 1943; Pfluger 1946; Edgerton 1947. On curses and threats against those who fail to keep legal agreements (not identical with criminal law), see Schottroff 1969: 98-105.

42. The numbering of laws is that of C. Bruns (followed in A. Johnson, Coleman-Norton, and Bourne 2003, and presented in parentheses in Crawford 1996: 579-81). However, contrary to the evidence he cites, Crawford's reconstruction favors conditional form for 8.10, 21, 23 (apparently on the assumption that the conditional form was standard); it omits 9.5.

43. Other old Roman laws contain criminal provisions that are sometimes in conditional and sometimes in nominal form. Conditional style appears in the old Leges Regiae, at least as they are reported by Festus (Romulus, 11; Numa Pompilius, 15, 16; Servius Tullius, 6), and in some later laws, especially in those cited by Cicero. Nominal style is found in the Lex Cornelia de sicariis et veneficiis (first century BCE, on magic), as well as in later laws. Cultic formulations for admission to a ritual appear to have used relative style (see Dickie 2004).

dealing with legal cases. They are predominantly in conditional form, perhaps under the influence of Near Eastern law, with which (according to ancient tradition) Greek law was in contact. Nominal style appears relatively more often in the few criminal laws known to us than in civil laws; however, the numbers involved are small.[44]

A pattern that may stand close to oral patterns of speech appears in Plato's *Laws* (early fourth century BCE). This work sets forth a comprehensive legal system and thus provides a fuller picture than does any other surviving non-biblical written code of this time. Indeed, as in the Hebrew codes, religious principles and rules play a large role in Plato's work.[45] (The biblical codes, to be sure, are even more comprehensive, for they include, in addition to civil and criminal law, ritual prescriptions and law or ethics in second-person form.) Specifically, Plato presents succinctly formulated basic laws with a religious aura together with more detailed elaborations. In regard to the legal elaborations, he points out that life is too complex to be adequately captured by specific rules. He therefore proposes detailed laws only as 'samples' (717bc). This procedure is probably not unlike that of more official ancient codes.

Plato uses nominal (relative or participial) form for criminal laws that specify death, exile, or loss of social status. These concern most notably temple robbery, illegal rule, deliberate murder (especially killing a parent), poisoning by a doctor, and impiety, including disbelief in Deity (854d, 856b, 867c, 869a, 871a, 880a, 933d). At one point, the law is proposed as a 'chant', probably in line with existing oral law (854d). A similarly worded formal law imposes a fine for premature harvesting, to

44. The three old Greek laws discussed by Meyer 1892, I: 287-316, largely parallel the stylistic distinction found in the Bible. However, the 111 laws presented in English translation (the linguistic pattern of which does not always match that of the original Greek) by Arnaoutoglou (1998) include only a few that are criminal. Unfortunately, the basic part of Draco's law of homicide is missing (perhaps it is presupposed), unlike the more specific provisions. A fifth-century BCE inscription curses various offenders in nominal form (McCabe and Plunkett 1985: 261, discussed by McInerny 2010: 214).

45. The presence of largely traditional religious rules in Plato's *Laws* calls into question the idea (e.g., in E. Otto 1996: 257) that biblical civil and criminal law was only secondarily given a religious orientation in the Covenant Code, as well as Daube's opinion that nominal form is 'more advanced' (1956: 4). McInerney points to the 'close association between divine law and the emerging legal system' of ancient Greece (2010: 209). Wajdenbaum (2011) points out many parallels between Plato's writings (especially *Laws*) and the Hebrew Bible and concludes that the Hebrew Bible drew from Plato, as well as from other Greek writers. Written Greek law was apparently indebted to the Near East, but many parallels may well be due to a common oral background, at least some of it in the Levant (thus also Nodet 2011: 604).

be paid to a temple (844d).[46] However, moderate criminal penalties are provided in some basic laws that begin in third-person preceptive form (721b, 834e, 842e, 874cd, 910c). Plato often uses conditional style in elaborations of criminal law and predominantly so in discussing civil provisions (e.g. 907d-909d, 915a-916c, 923c-926d, 936d). The parallel with biblical forms is thus fairly close.

The linguistic distinction between civil and criminal that has been noted was eventually accepted and even sharpened in most European laws.[47] In the Western criminal codes that are known to me, relative clauses describe offenders who are subject to criminal penalties, while civil laws typically employ more circumstantial constructions.[48] There is no reason to think that this differentiation is due to an influence that emanates from biblical literature. Rather, it is a logical one, although not the only one possible, and illustrates the fact that patterns tend to become more sharply differentiated as societies become larger.[49] Indeed, not only the phrasing of laws, but the whole process of law came to differentiate more sharply between civil and criminal procedures.

We are then once more led back to the thesis with which I started: biblical law is bound up with human processes. In the Hebrew Bible as elsewhere, criminal law deals with problem persons (whom a society may want to exclude at least briefly), while civil law deals with problem cases.

In what way specific Hebrew laws—peculiar or not—are appropriate in comparison to others is an issue that has not been discussed here. One can mention, however, in regard to a parallel, that Greece, too, had a death penalty for irreligiousness and reportedly applied it more than once (Socrates' death is the most famous example). In regard to appropriateness, one can observe that removing murder from civil law,

46. For the singing or chanting of laws in Greece and Crete, see Rosalind Thomas 1996: 14-15.

47. The early development of Roman forms was uneven. In the fifth century CE, the Theodotian Code employed conditional style for all laws insofar as it survives, but the earlier 'Opinions of Paulus', who was of Greek descent (second century), and the later Justinian Code (sixth century) favored nominal style for criminal law and mostly casuistic style for civil regulations.

48. See e.g., French, German, Norwegian, and US codes. Modern Asian codes are also similarly translated; whether that is due to Western influence I do not know. (I was not aware of the modern codes and their legal forms until late in pursuing the current study.)

49. For instance, as has been observed, the linguistic features of ancient Egyptian criminal decrees that have survived are 'characteristic of forensic modern discourse', according to Arlette 2006: 260; specifically, standard Egyptian form describing criminals is translated thus: 'as for [anyone] who…'.

as in the Hebrew Bible, has the drawback that there is no compensation possible for the family that has lost a member. Furthermore, laws need to be considered in relation to social conditions, so that some differences between Hebrew and Mesopotamian laws may not have a peculiar theological ground. This would not mean that theological aspects are irrelevant, but that they may reflect framing rather than specifics.[50]

50. In regard to recent US law, I have expressed sharp criticism of the treatment of certain non-serious offences, especially drug usage, as criminal (*CFT*, 119-20).

Chapter 5

Logic and Israelite Law*

It is easy to see that legal statements have a practical aspect. Laws, however, also have an intellectual side. It is the aim of the present essay to focus on this latter dimension. The study will do so by availing itself of an aid provided by formal deontic logic concerning norms. Its purpose is not to provide new exegetical details or even startling theses beyond those already presented, but to show the theoretical aspect of legal provisions and their logical coherence.[1] The term 'Israelite law', incidentally, will be taken quite broadly to refer to expressly stated norms of the Hebrew Bible.

Symbolic Logic

As is true for most of modern logic, deontic logic employs symbols which abbreviate categories or elements that enter into the logic. In other words, it is a symbolic logic. Many different systems have been developed. Indeed, it is a commonplace in modern logic not to recognize any one true system, but to show the consequences of different assumptions or procedures. For instance, one can show what will consistently happen (intellectually) if one does not assume that statements are always either true or false but allows them to have an intermediate (indeterminate) truth value.

The use of symbols has been found to be extremely helpful, since they increase one's ability to check the tightness of logical conclusions and provide a stimulus for exposing hidden assumptions. Resulting reflections often lead to the correction of an analysis and to its further

* Originally published in *Semeia* 45 (1989): 49-65. Used with permission. Inspired by formal denotic logic, this essay makes use of symbols as an intellectual tool. Since the symbolic notations are translated, readers can ignore the symbols as such, if they like.

1. For a defense of the view that laws have a logic, see Weinberger 1981 and, in part, Z. Falk 1981: 152-91. If the logic applied is a valuational one, as will be argued, there is no inherent conflict between a logical and a dynamic approach.

development. Thus it is interesting to watch how, in the history of deontic logic, proposals that have been made have been modified as problems emerged in regard to them. The present paper has itself undergone several revisions, as the use of symbolism exposed ambiguities that are easily hidden by informal modes of expression.

A system of notation is, of course, meaningless if the symbols are not interpreted. Commonly, a meaning is given by stating a theorem or proposition in ordinary language, intuitively (without formal precision, but as consistently as possible). Indeed, the majority of the present essay will be expressed in ordinary English. Formal notation will be used only intermittently as a kind of check on what is being said. In normal scholarly writing, the use of logical symbols should be avoided altogether (or confined to footnotes) even when one's thinking has been aided by the use of such symbols; the present essay, however, is intended to draw explicit attention to the intellectual process.

There are a number of deontic systems that are currently recognized as coherent options.[2] It is not necessary to adjudicate between such alternatives because of the open-ended nature of logic. Many issues in deontic—and more specifically in legal—logic, however, remain inadequately explored. If the present paper makes a contribution to professional philosophy, it will be in the form of posing problems that require closer attention.

In fact, no full-fledged deontic logic or complete formalization of biblical law or ethics is attempted here; only fragments of a formal logic are presented. Primary emphasis is placed on the semantic aspect of such a logic (as developed since the 1950s in close conjunction with modal theory), with a focus on the structure or potential meaning of individual propositions. The chain of reasoning that can lead from one proposition to another is indicated informally. At the end of the paper a few hints appear about the larger context of the specific analyses.

We shall begin by furnishing a classification of the symbols to be used—in other words, by describing their syntax. One set of symbols will be lowercase letters in Roman print. They will stand for particulars, which need not be actual. Among these, the letters p and q will stand for propositions (or 'situations') that are expressible by combinations of two or more other signs; the letters x and y will be variables in formulas with the qualifier 'all' or 'some'. A second group of symbols are capital letters, which will designate general categories, which are applicable to more than one (actual or hypothetical) object or situation. Such

2. For overviews of the history of deontic logic and presentation of more or less viable options, see, e.g., Kalinowski 1972; von Wright 1981; Chellas 1980; Aqvist 1984.

categories include predicates (red, tall, etc.) and modalities (e.g., possible, right).[3] A third group of symbols includes nonletter signs for such sentence operators as negation (~) and for two basic kinds of relations, namely perspective (:) and consequence (>), to be discussed below. Parentheses will be used to express 'all' (or 'any') and to group other symbols when it is necessary to do so to avoid confusion.

This classification implies an ontological assumption for the present writer—as well as for the biblical thought to be represented—namely, that reality includes both particulars and general categories. In such a view, neither of these two aspects is reducible to the other; rather, both are regarded as reflecting a relational structure, which exhibits an ultimate reality.

Deontic Logic and Language About God

Deontic symbols express a special kind of modality. We shall use R for 'it is right' and O for 'it ought to be'. Their meanings and mutual relations will be examined further, below.

Rightness or oughtness can be understood as actually or potentially related to a normative system, which may or may not be embodied in the outlook or will of an individual. One can thus write as follows: a:Op ('according to a, it ought to be that p'). A statement of the form a:Op is externally descriptive; it asserts that a certain reality or being requires, wills, or desires something. If the initial cluster (a:) is omitted, so that only Op remains, the resulting statement is an 'internal' expression of a command, etc.—either one's own or that of someone else whom one seeks to represent.[4] Similarly, Tp, 'p is true', is the internal version of a:Tp, 'according to a, p is true' or 'a believes that p'.

The fact that a:Op describes a desire or will has led to the thesis that a statement of the form Op is 'emotive', expressing an emotion or volition. This thesis is true, but the opinion, often joined with it, that emotive expressions are arbitrary does not follow from it, any more than one needs to assume that statements expressing a belief are taken out of thin air.

One can discuss this issue in terms of recent analyses of possible worlds (or models). Possible worlds are systems of hypothetical states;

3. Predicates and modalities may be distinguished roughly on pragmatic grounds, but they seem to belong together for logical theory. One can understand modalities, as well as predicates, as actual or potential relations (similarly, C. Lewis 1970: 187, 189; Bond 1983: 96); thus it is not necessary to choose between a 'relational' and a 'modal' view of beliefs. (Casteñeda 1977: 335 draws together these two views, without altogether identifying them.)

4. So also Wedberg 1951: 258.

insofar as they are related to human life, possibilities represent the content of thought and imagination.[5] Included among possible worlds are those which are to a greater or lesser extent ideal; an imperative or wish refers to such an ideal world.

Some philosophers argue for objectivity in regard to actuality (holding that the actual exists without reference to an observer) but reject objectivity in regard to the ideal. Yet it is quite likely that neither the actual nor the ideal is independent of interaction,[6] and one may hold that not only beliefs, but also ideals, can be valid (or invalid) according to standards that are not solipsistic. Furthermore, it seems that practical reason—the reason involved in praxis, which includes ideality—is fundamental in relation to empirical description, so that the validity of the latter (description) must be based on a validity of the former (praxis).

Biblical literature has answered the question of objectivity (rightly or wrongly) by referring to an ultimate perspective, that of God, both in regard to truth and in regard to value. It is possible—but this is only one possibility for a conceptualization—to understand God's perspective as one which an intersubjective view approaches as it increases in comprehensiveness and sensitivity.[7]

How is God to be symbolized? Often God is treated as a particular entity. It is probably best, however, to treat God as a not-fully-graspable reality that includes both particularity and generality, to be modeled by a relational structure which, taken as 'primitive' (taken for granted), implies both dimensions.[8] In the Hebrew Bible, the particular

5. A conceptualist (moderately nominalist) view considers possibilities as dependent on thought; a more or less moderate realist can regard possibilities as having a degree of reality of their own and may define thought as that which deals with possibilities. See *CFT*, 77-85.

6. Apparently, even on the physical level, entities are not determinate without interaction with another entity. Ideals may not be independent of what is called 'God'.

7. Such an understanding is comparable to Peirce's standard for truth, especially in its final formulation in 1906 (1931–58, 5.494; see *CFT*, 86). An intersubjective view as an ideal perspective—combining relationality with a kind of objectivity—appears also in Putnam 1981: 216 (for truth) and T. Nagel 1986: 130 (for ethics, Nagel appropriately connects this duality with the self-transcendence which is involved in self-awareness, arising in a social process, 64). One can, even more fundamentally, speak of God as lying at the heart of the communicative structure itself (as mentioned by Habermas 1975: 121), identifiable with love. The conceptions of a basic communicative structure and of a comprehensive perspective are united in the idea of unlimited communication (which runs from Peirce, via G.H. Mead and K. Jaspers, to several thinkers, including Habermas).

8. That a relation implies particularity as well as generality has effectively been argued by Russell; further, he viewed these two dimensions as inherent aspects of propositions (1956: 199), which, of course, represent a basic element of communication.

and general aspects of the divine are expressed, at least roughly, by the use of the name Yhwh for the former and of the abstract plural Elohim for the latter. This distinction in usage, to be sure, is not rigid; but the commands to Adam, Eve, and Noah, representing all of humanity, are promulgated by Elohim (Gen. 1.28; 9.1-7), while the laws directed to Israel through Moses are given by Yhwh. In order to avoid treating divine reality simply as a particular or simply as a universal, a star (*) will be used for it. For biblical literature, Op then is expressed by *:Op ('according to God, p ought to be' or 'God wills that p').

This formulation takes account of two potentially diverging considerations. On the one hand, there is good reason to hold that norms somehow stand in a relationship to the attitudes of persons (or sentient beings), although the precise nature of this relation is debated. On the other hand, a norm must be general if it is not to be a free creation by each individual, which in practice would mean either a chaotic free-for-all or the victory by force of some arbitrary will. Indeed, a norm can be inwardly affirmed by an individual as binding (and not just tolerated as an imposed force) only if it is viewed as transsubjective in character, expressing neither simply one's own nor simply another's will, such as a norm symbolized by *:Op.

There is a religious tradition which views ethical norms as due to the free decision of God; this tradition regards God primarily as a particular, so that any general structure is secondary. It has found important representatives within Christianity since the latter part of the Middle Ages.[9] Although it is true that very little in biblical literature addresses this issue, some texts point in the opposite direction. According to Genesis 1, God 'sees' that the reality created by the divine word is 'good'. If God were an arbitrary creator of the standards of goodness, such a statement would be pointless; one might instead expect a statement that God called the order good. According to Deut. 4.6, other nations will come to admire how 'wise' Israel is for having such laws. Thus, in representing biblical thought there is no justification for treating divine laws as rooted in a purely particular will.

Before proceeding to a discussion of imperatives in the Bible, it is helpful to look first at the relation between imperatives and wishes, on the one hand, and evaluations, on the other. The contrast between these

9. Such a view, formulated in conjunction with a rising individualism, appears already in 'orthodox' Islam. In Muslim theory, however, the theoretical statement that morality is based on God's free decision is joined with a thesis affirming the eternal existence of the Koran, so that the will revealed there is not, really, secondary; this dual view looks like an inconsistency, but reflects what can be judged to be a sound intuition. A believer (of any tradition) who grounds divine authorship of the moral order in the qualities of God (Reeder 1988: 36) is not a particularist.

two major subdivisions of valuational language is illustrated by Genesis 1. A sentence of the former kind (which may use the word 'ought') logically precedes an action. Thus in the creation story the statement 'Let there be light', precedes and brings about the existence of light. An evaluation—which can be expressed by saying that something is 'good' or 'bad'—inherently succeeds an action or event.[10] One can symbolize a positive evaluation of a particular event or action by Gp, 'it is good that p'. (A full analysis needs to specify for whom, or for what, it is good and to state, or imply, a perspective; e.g., a:Gbp', a believes that p is good for b'.)

Within the structure of biblical speech as a whole, one sees a similar duality in the relation of the predominant emphasis of the Pentateuch to that of the Prophets. The Pentateuch contains numerous inculcations, presenting a normative pattern for action. Prophetic speech involves, in part, a reaction to events with an evaluation. This duality shows how biblical literature can be understood in terms of a pragmatic-valuational structure and its logic.

Preceptive Stipulations

The inculcations in the Torah contain several types. One type directly states norms in the second or third person, rather than implying them by announcing a penalty. This type is often called 'apodictic', but may more clearly be called 'preceptive', since it does not include announcements of the death penalty, which A. Alt included under the former heading (*BFC*, 393). Symbolization for this kind can be thus: (x) (RFx), 'for all x, it is right that x have the characteristic F'. The characteristic F here refers to involvement in an activity of a certain kind.[11]

One feature of these laws should be noted explicitly, namely, that they refer to types of actions and not to particular acts. This is not surprising and, indeed, is true for anything that is normally called 'law'.

10. No claim is made that 'ought' and 'good' always have the meanings here discussed. In terms of the definitions employed, 'ought' can be used for a past event when that is set in relation to a past framework (e.g., 'yesterday [it was true that] he ought to have done thus') and 'good' can refer to a future evaluation ('it will be good that…'). In any case, deontic logic needs to be merged with temporal logic. The relative temporal relation of 'ought' and 'good' in regard to an actual or hypothetical event does not necessarily represent the ultimate theoretical order of the categories mentioned, for it is possible that an imperative or wish is based on an anticipation of good, which itself may be based on a past experience of value.

11. One can make explicit that certain restrictions are placed upon the nature of x (e.g., that it be human or Israelite), but we will omit these qualifications for simplicity's sake.

Yet it calls for comment. It assumes that one can meaningfully speak of types or kinds of realities. Modern ethics has attempted to create alternate approaches that attribute rightness or wrongness to particular actions rather than to types of them, in line with a strongly particularist orientation in modern philosophy. A major branch of utilitarianism is a representative of such an approach to ethics. The theologies of Brunner (1932: 70) and Barth (1946: 740), in fact, had a particularist thrust in holding that God has a command for each occasion. Such particularism, however, is plainly out of step with the orientation of the Hebrew Bible.

In positive formulations employing the Hebrew imperfect, 'may' and 'shall' are not distinguished; only the context can determine which of these meanings is intended. For instance, translators regularly use 'may' in Lev. 11.2, 3, 9, 21 (for permitted foods); 21.3 (permitted defilement); and Deut. 23.21 (taking interest from a foreigner). Thus in representing Hebrew laws, one may want to employ the cautious symbol R ('it is right') instead of the strong O ('it ought to be'); R is the broader term, which includes O as a subdivision. O can be defined in terms of R thus: Op = ~R~p ('it is not right that not p'); then O~p is equivalent to ~Rp ('it is not right that p'). In an 'open' legal system with an undetermined middle, in which not all actions are regulated, it is appropriate to apply three-valued logic to R, so that (~R)p, referring to an action that is rejected is distinguished from ~(Rp) ('it is not asserted that p is right'), which refers to an action for which there is no express authorization or legitimation.[12]

To begin with R ('right') as a basic symbol is of considerable importance, for many of the biblical precepts, especially the positive ones, appear to embody privilege. Furthermore, it coheres well with what may be a psychological dynamic entering into ethics, namely that human beings, for effective action, need to be able to approve—i.e., affirm as a valuable option—that in which they are engaged.[13]

The notion of privilege or valuable action is most obviously applicable to cultic regulations, in which procedures are set forth for the accomplishment of weal, for, in the ancient world, sacrifices and other rituals

12. In a two-valued (closed) legal system, it makes no difference whether one starts with R (the expressly permitted) or with O (obligation); in a three-valued system, some difference does result (see Philipps 1966). Legitimacy or rightness has been taken as a basic symbol for deontic logic by Garcia Maynez (1953: 18), von Wright (in Davis 1969: 105), and Lampe (1970: 41); similarly also by Griffin 1980: 331, 333. Reliance on the notion of the 'right' reduces, although it does not completely eliminate, the problem of a conflict between norms, which easily arises with strict 'oughts'.

13. Somewhat similarly, Gewirth 1978: 48-52. This dynamic is an important part of culture, comparable to, but different from, social behavior based on instinct.

were considered not so much duties as powerful means for good. A major cultic concern is whether deity is willing to receive an offering. Accordingly, the directions of Lev. 1.3 (etc.) specify procedures for a ritual that will be 'accepted'. In a certain sense, a prophet can be justified within a biblical framework in saying that God has 'not commanded' sacrifices (Jer. 7.22); God can announce, indeed, that they will not be accepted (Amos 5.22; Hos. 8.13; Jer. 14.10, 12; Mal. 1.10, 13).

How far can one take such an interpretation of precepts as expressing privileges? Certainly, a number of the precepts (e.g., 'keep the sabbath day holy') are joined with negative statements (such as, 'you may not do any work' on that day) which make it clear that there is more than a permission at work; in fact, the Hebrew of this precept does not use the imperfect form, which, as noted, can state a permission. Nevertheless, there is a sense of joy which appears repeatedly in regard to keeping the precepts, so that the connotation of privilege is not inappropriate, at least as an overtone, also for those inculcations which clearly express requirements.[14] A number of precepts refer to beneficial consequences (e.g., long life for honoring one's parents, Exod. 20.12); this fact contributes a positive flavor.

Sanctions for Precepts

The role of sanctions represents a central issue in deontic logic. Although precepts often do not refer directly to sanctions, both positive and negative results are announced in biblical literature at the conclusion of a legal complex in which precepts play a major role (such as Deuteronomy). One might say that rightful or wrongful behavior has consequences for the society. For instance, altruistic behavior, enjoined in a number of the precepts, normally benefits the community, even though quite possibly not the person who engages in it. An absence of individual rewards in actual life became a problem for wisdom, as is well known.

Naturally, it is advantageous to members of a community to apply informal pressure on other members to adhere to rightful actions, for instance, through praise or criticism. A belief in divine rewards or judgments can provide further support. In Israel, prophets appear to have had a role in expressing criticism, together with divine threats, especially in regard to the community as a whole or its leaders.

How should divine sanctions be understood? One may regard them simply as the consequence of wishful thinking or as a cultural device to

14. E.g., Ps. 119.14, 16, 20, etc. For rabbinic joy in the law, see Schechter 1910: 147-69. According to the thirteenth-century Ha-Hinnuk, the commandments reflect (only) God's desire 'to do good to us' (Appel 1975: 83).

encourage socially beneficial (and discourage contrary) behavior. God would then be a more or less useful fiction. But what if consequences are rooted in the very nature of community life, which is an integral part of the cosmos? Perhaps the English 'God' (and our *) can then be taken as a cipher for an ultimate dynamic order.[15] For a believer in such an order, the 'is' and the 'ought' (the actual and the ideal) need not be completely separate, although they are not identical or strictly derivable one from the other. In any case, in biblical thought morality is not valued simply for its own sake apart from consequences for oneself and others, even though that may be an ideal.

To represent consequence, we need a new symbol, as follows: >. Attempts to clarify the notion of consequence, in fact, lie behind much of modern modal logic (dealing with 'possibility', etc.), of which deontic logic can be considered an extension. It appears that the notion of consequence must be a relatively basic one in logic, for it has apparently not been possible to reduce it to other categories.[16]

For some deontic theories, the formula p>s, 'a certain situation leads to a sanction' (or a similar one) serves as a definition for O~p, 'p ought not to be'; a sanction in such a formula is usually characterized as something 'bad' for the person to whom it is applied. Such a theory treats the 'good' as a more fundamental category than the 'right', since the latter is understood in terms of the former; that is, this kind of action should be done or avoided because it will lead to a good or bad consequence for you.[17] Such a view does not treat ethics as 'primitive', i.e., as basic. Some

15. Kant (1788: 224) noted that a harmony between ideality and reality is expressed by a belief in God. The relation of morality to views of the world in religious systems is also noted by Donagan 1977: 28.

16. For the symbol > and an acute discussion of its logic, see Stalnaker and Thomason 1970. In the present study, a symbolism for either 'material' or 'formal' implication or for 'relevance logic' is avoided; 'if' or 'when', as used here, refers to the antecedent of >, as defined.

17. So, e.g., Weinberger 1974: 110, rejecting sanction-based views of obligation as developed by several deontic logicians as well as by some theorists of law (in this, Weinberger is in line with such notable theorists as H.L.A. Hart (1961). The sanction formula, however, has been given a broader interpretation by the early proponent A. Anderson, so that it does not necessarily involve punishments and no longer implies a reduction of norms to another level (in Davis 1969: 110; similarly, already, A. Prior in Meldon 1958: 146 and S. Kanger in Hilpinen 1971: 36-58). Penalties (other than natural consequences) reflect the superior strength of an authority (von Wright 1963: 128) and, thus, are partly nonrational. Berman (1974: 28) argues—perhaps correctly—that, psychologically, coercion is not the fundamental basis for obedience to law; according to Erikson (1964: 222), a relatively mature ethics involves 'a ready consent to a formulated good', without necessary reference to penalties.

biblical laws, at least, view ethics as a response to a past event; that makes certain acts inherently 'right'. Thus we will treat the presence of a sanction not as a part of the definition of the right, but as a separately stated characteristic. The absence of strict individual retribution for preceptively worded norms reflects a somewhat loose connection between acts and consequences.

Penal and Remedial Law

The notion of consequence is, however, integral to law that is either penal or remedial in character. This realm—law in a narrow sense, as distinguished from ethics or cult—can be subdivided, at least roughly, into criminal and civil law.[18] The peculiar structures of these different kinds of stipulation are shown conveniently by means of symbolism.

As has been discussed in a previous essay, criminal law may be defined as law that deals with conflicts between an individual and a community which exercises penal authority and power over that individual. They are not merely cases of strife between members of the group, which are handled by civil law. In relatively mild cases, the penalty can be corporal punishment (e.g., Deut. 25.2). In more serious situations, the community can protect itself from an aggressor, and discourage future conflicts, by removing the offender from the society by expulsion, death, or imprisonment (cf. D. Black 1976: 127). Imprisonment, the favored modern response, was rarely used in Israel (and elsewhere in the ancient world) as a penal process. Instead, death was the official criminal penalty, although this was often modified in practice.

The death penalty can be stated as follows: (x)(Fx>RK'x), 'for any x, if x engages in F, it is right that x is killed'. The Hebrew is often translated by saying that such and such a person 'shall surely be put to death'. The idiom employed, however, does not express certainty but draws special

18. The essay on civil and criminal law, stimulated by H. Cazelles, discussed this distinction, together with instances of overlap. (Cf., somewhat similarly, Greengus 1987.) Cazelles had pointed out that third-person casuistic formulations in the Hebrew Bible represented, for the most part, what in the modern Continental tradition would be called 'private law' (roughly, that in which a private party sues another and in which whatever payment is made as a settlement goes to the plaintiff). What is called 'civil law' in the US forms an even closer parallel, since this, like Israelite tort law, includes penal elements, with the penalties accruing as a 'windfall' to the plaintiff. (E.g., according to Exod. 21.37, the plaintiff gets five oxen for the one stolen; similarly, in the US a plaintiff can receive 'punitive' payments beyond the actual loss.) The similarity between the US and Israelite systems is probably due to their continuing an old tradition, which was revised in Roman law.

attention to the situation indicated by the verb;[19] in legal texts (including those of civil law), it states a liability. Whether, or to what extent, the death penalty is still legitimate in modern society goes beyond the focus of the present essay, but the function of the ancient formula—protecting the integrity of a group—is, in any case, still relevant. (Differently, Bailey 1987 supported the death penalty and, in line with this view, criticized my position that in the Hebrew Bible it is a possibility, not a requirement.)

Who determines and carries out the death penalty? In most Israelite criminal laws, the penalty is authorized by the community or by its head and carried out either by the authorities themselves (e.g., by the assemblage through stoning) or by a representative. One can write: (x)(Fx>RcKx), '…it is right that the community kills x'. There are some laws in which the right to put to death may be spread rather widely. One set of these occurs in relation to major cases of incest and for bestiality. For these it is stated that the offenders' 'blood is upon them' (Lev. 20.11, 12, 16). That quite possibly means that no blood guilt occurs when they are killed; in other words, anyone may put them to death, as is expressed by the following formulation: (x)(y)(Ix>RyKx), 'for any x and any y, if x commits a major case of incest, it is right for y to kill x'.[20]

There are indeed various indications that the execution of the death penalty was conceived of as a right (i.e., as legitimate) and not necessarily as a duty.[21] These indications appear both in biblical stories and in rabbinic discussions which place precautionary restraints upon the death penalty and on flogging.[22] In practice, expulsion or exile to a

19. Besides Bergsträsser (cited in 'Civil and Criminal Law'), see also data in Muraoka 1985: 83-92 (although the latter, in what appears to be an inconsistency, continues to speak of 'absolute obligation'). An appropriate English translation can be: '…may be *killed* [with an emphasis on this word]' or, in writing '…may indeed be killed'. Such a threat is serious enough.

20. For the meaning of the formulation involved and comparative legal phenomena, see the essay on civil and criminal law, extending an analysis by K. Koch (who has argued that an absence of blood guilt is indicated, but thinks that the reference is to an officially sanctioned executioner) and leaving open the possibility that expulsion from a divinely protected sphere is what is indicated (these two interpretations may have been closely connected in the ancient view).

21. It should be clear that 'right' here is not taken as based on an obligation placed upon someone else, but as a fundamental concept, related to reflective or critical willing. A right, however, may imply an obligation as a second step; for arguments regarding a priority of right over duty in faith—contrary to the idea of some—cf. Z. Falk 1981: 77-81.

22. See Gen. 2.17 (cf. 'Civil and Criminal Law'); 2 Sam. 14 (on Absalom). Rabbinic caution toward the death penalty is well known; beatings, too, were subject to restriction (not only to the number thirty-nine, but also to a lesser number, if

designated location was probably a common result of a major transgression. For modern law, it has been similarly argued that penalties are a right, not a duty, of the community (so, Raz 1970: 84-86, following H. Kelsen). In both ancient and modern societies, actual penalties are adjusted to fit the overall circumstances.

It should be noted that a criminal law has two sides. On the one hand, it is oriented toward a potential violator. In that direction, it acts as a deterrent by indicating what may happen as a result of a certain deed, so that then we have a predictive 'may'; what will actually occur depends, of course, on a number of factors, including whether the act will be discovered. On the other hand, the law is oriented toward the community which is faced with the problem action. In this regard, the community has the right (a permissive 'may') and, to some extent at least, a duty to keep itself in proper shape.[23]

Civil law, as already stated, deals with conflicts or problem situations within a community. Two litigants may bring a question before a judge for adjudication. Very widespread in the Near East—perhaps also in Israel—was the view that a judge's verdict was not in itself binding, but had to be accepted by the litigants, although social pressure would play an important role.[24] It is known that Mesopotamian

the condition of the offender justifies that [*Mak.*, 3]). It probably never occurred to the rabbis, and should not have, that they might be violating a divine command in exercising such restraints.

23. The two sides are to some extent correlated with linguistic formulations. Participial and relative forms tend to act as deterring threats. The formulation in which the problem actor is given in the third person and the responding agent in the second (e.g., Exod. 21.14; Deut. 13.2-6; cf. 'Civil and Criminal Law') is oriented more toward the community's response, although the purpose of this response is, in turn, clearly stated as that of being a deterrent (Deut. 13.12; 17.13; 19.20; 21.21). Formulations like 'you shall/may remove the evil from the midst of you' (Deut. 13.6, etc.) have overtones of both obligation and right; cf. Deut. 21.9, which is best read: 'Thus you can remove innocent blood [guilt] from the midst of you, when you do what is right in the sight of Yhwh'. After all, it is of advantage to the community to remove evil and guilt (cf. D. Wright 1987: 403), as stated in Deut. 19.13. A relatively pure expression of duty to apply the death penalty appears in Exod. 22.17: 'You may not keep a sorceress alive'.

24. For some relevant data, see the essay on civil and criminal law; also D. Black 1976: 128-29; Wilson 1983: 235-36. It appears that formally, at least, ancient Near Eastern judicial solutions (especially for civil cases), like many elsewhere, had the status of proposals rather than of binding judgments; for this reason, Mesopotamian legal documents often include a promise that the settlement accepted will not be challenged in the future. A practice of going from one judge to another, which has been reported, resembles the modern appeals system, except that it was unofficial. Thus, the question whether ancient Israel had a centralized judicial system (discussed by Macholz 1972 and Whitelam 1979, among others) needs to

settlements commonly did not invoke formal law in their support. Thus there is ground to believe that the provisions stated in Israelite civil law—for instance, those of *lex talionis*—were not strictly obligatory.[25] Undoubtedly, however, they should be thought of as more than mildly recommended.

The provisions of civil law do not mention penalties for the failure of a defendant to carry out the stipulated remedy. This fact reflects an assumption of noncriminal processes that the defendant is not fundamentally hostile to the community but will cooperate with a reasonable judgment, especially if it is supported by social pressure, and may, in fact, want to do what is right.

An important subcategory of civil law is that of torts, involving compensation for injury or damage. A typical case of this sort can be formulated thus: (x)(y)(xDy>RxCy), 'for an x and y, x's acting to the detriment of y leads to its being right that x contributes to y'. In this statement, D is interpreted as meaning 'being responsible for a decrease of, or detriment to', someone; C represents a corresponding positive action.

Although the difference between the formula for torts and the one for criminal cases reflects a basic difference between these two main types of law, the two structures can be assimilated to some extent. Often, x's contributing to y will mean a certain decrease for x. Instead of RxCy, 'it is right that x contributes to y' (part of the tort formula), one might then say that RyDx, 'it is right that y decrease (take from) x'. Such a right—only partially stated in the Bible[26]—is based on another person's obligation. Insofar as this interpretation is admissible, it is true that in both kinds of situations the injured party (the private individual or the community) has the right to protect its interest through an action which is to the detriment of the one who has brought about the injury. This might be stated as an axiom, as follows: (x)(y)(xDy>RyDx).

be rephrased; undoubtedly, a judgment by a king (or by a figure like Samuel) had higher prestige and came with more social pressure toward acceptance than did the verdicts of neighborhood judges. (Even a king's settlement could sometimes be rejected; see 1 Kgs 3.25-27 [cf. 1 Sam. 14.45; 22.17 for criminal situations], *pace* Liedke 1971: 89).

25. In most societies with a *lex talionis*, it represents a theoretical structure which in practice is 'composed'; rabbinic tradition supports such an interpretation. Composition is prohibited for murder (Num. 35.31); by implication, it is left open for most other cases.

26. This right appears expressly in regard to punitive actions that can be composed, as in *lex talionis* and in cases of adultery (for which a killing of the offending persons by the husband is permitted when they are caught in the act [cf. Deut. 22.22; Prov. 6.34-35; and McKeating 1979 for further data]).

Concluding Remarks

In reflecting upon the structure within which specific Israelite legal and ethical stipulations are placed, one can observe that penal and remedial provisions are basically negative in character, furnishing rightful responses to problems. They can do no more than redress or forestall evil and do not by themselves support the increase of the good. A society also requires positive inculcations and such as have no stated penalties, some of which have the simple form RxCy, 'it is right that x contribute to y'. These play a significant role within precepts (e.g., 'love the stranger', Deut. 10.19).

The patterns noted are hardly peculiar to Israel, although certain features may well be emphasized in biblical literature more than elsewhere. It is indeed likely that the fundamental logical pattern of biblical law is continuous with that of law (and ethics) generally. If that is the case, support is given to the view that law is more than an arbitrary creation of an individual or of a group.

In biblical literature, a basis for both the positive and negative structures lies in God's creation of Israel (in the Exodus, etc.) and the rest of the world. One can write (with subscripted p for the past tense): (y) (*C_py), 'for all y, God has contributed to (created) y'. Part of the definition of C, as given above, is that a responsible action is involved. If responsibility includes conscious intention and if the agent acts in a rationally moral manner, xCy implies x:RC'y, 'according to x, it is right that y receives a contribution'. Specifically, God's creating y (any being that God has created) means that, according to God (a fundamentally und universally true perspective), it is right that y is given being. A contribution to y by a human being, together with its associated value judgment, is then in line with a divine (truly valid) perspective and action.[27]

Divine creation, however, is pictured in Israel (and elsewhere) as allowing for, and (one may say) supporting divergence, which gives rise to tension and conflict. When conflict leads to a decrease for a being within God's care, remedial action is called for. Even penal action diminishing a destructive actor is permitted and may be required. Thus there is a legitimate role for negative effects.

To state more precisely the relation between such categories as Being (or richness of existence), contribution, and decrease is a task that goes beyond the limit of the present paper. It involves questions of

27. That the correspondence has a rational aspect (similarly, Levenson 1980) is reflected in motive clauses, which cannot be adequately discussed here. (Quinn 1978: 83, utilizing deontic logic in creating a model that equates what is required with God's will, leaves open the possibility of a complex analysis, which may take account of God's character.)

organization and growth. For instance, it is well established that negative feedback, of which pain can be a form, is preservative and that positive feedback, including pleasure, leads to change or development. It may be that fullness of being should be taken as a fundamental value (as can be appropriate in an ethic based on rightness).[28]

Further analysis will probably also be able to relate much of the content of Israelite law to divine care, such as a concern for the weak. In doing so, it may reveal a grounding for intermediate postulates that may be set forth.

Perhaps the analyses that have been made show that in theology—as in more partial visions—reflective principles are operative, with an observable coherence. It is likely that biblical studies, in examining sacred texts, can contribute to the apprehension of faith by laying bare the logical structure of what is said. As has been observed, the applicable logic needs to be dynamic, one that deals with such concepts as 'action' and incorporates value-laden terms like 'right'.

28. If fullness of being is a fundamental value, one should reduce pain, not so much directly as indirectly through the removal of the sources of pain. Change brought about by positive feedback tends to be destructive of a given order if the latter is not conserved by negative feedback. Only together do these two forms readily lead to a richer structure. How such fullness can be analyzed in terms of communication (including information) theory has been indicated in Buss 1979: 14-15, 19-20 (*CSR*, 54).

Chapter 6

Law and Ethics in Traditional China and Israel*

Traditions Covered

In comparing the cultures of ancient China and Israel, it is useful to regard each as a combination of traditions. These traditions stood in more or less sharp conflict with each other within their societies, but in practice they operated to a large extent in a complementary fashion. The reason for this situation lies in the fact that human life has various aspects, all or most of which are required for its survival or well being. In a complex society, these different aspects become the domains of specialized groups that enter into competition with one another, not infrequently overemphasizing the importance of their own areas or perspectives. There are clear indications that also in Israel specialists such as priests and wisdom teachers competed with each other to some extent, although their literary products now stand together within the Bible. In comparing the two societies, then, it is important that the observer hold the totality of one in juxtaposition with the totality of the other and that specific comparisons deal with phenomena within the corresponding parts of the whole. For China, these include Confucian, Daoist, Mohist, legalist, and other orientations. The present analysis will ignore Buddhism as a relative newcomer to China, often functionally duplicating the more native Daoism; thus the prime focus will be on structural correspondences between biblical Israel and pre-Buddhist China, with only limited reference to later data.

a. *Genres of Ancient Chinese and Israelite Law*

One can observe that the genres of ancient Chinese and Israelite law and ethics are similar in range. In particular, the following types appear in both areas.

* Originally published in *Society of Biblical Literature 1983 Seminar Papers* (Chico, CA: Scholars Press, 1983), pp. 297-300. Used with permission. This paper was designed as a discussion paper for the national meeting of the Society of Biblical Literature in 1983. Most individual items mentioned do not require documentation, since they are known to students of the appropriate topic; the essay's contribution lies in placing those items in conversation with one another.

1. *Civil law.* This area involves the settlement of various issues with recourse to few, if any, penalties. It includes standards for inheritance, sales, and restitution for damages. Civil law assumes reasonably good faith on the part of all participants; problems arise more from inadvertence or uncertainty than from high-handed wrongdoing. Israelite formulations in this regard are cast almost consistently in casuistic ('When a person…') style. Chinese provisions for this domain remained largely oral until the twentieth century; as collected in later times, they frequently existed in the form of legal proverbs, e.g., 'Houses are repurchased before New Year'.[1]

2. *Penal law*. Minor penalties are often employed in both Chinese and Israelite civil law, but the application of major penalties forms a tradition of its own. The central image in the latter sphere is that of a conflict between the individual and the group, rather than between two private individuals; the basic focus is on removing the offender from society through execution or banishment, although in Confucian thought there is an interest in reintegrating the transgressor upon repentance. In Israel penal law is formulated typically either in 'When…you' style (the addressee being the community in its judicial function) or in 'nominal' form, that is, with the use of a participle ('the one killing') or a relative clause ('the one who…') for the offending individual.[2] Chinese penal laws, surviving only in fragmentary fashion from early times, are cast partially in a form corresponding to the Israelite nominal style.

3. *Announcements of divine blessings and penalties*. Consequences from the divine realm are mentioned in both China and Israel. Divine punishments can take the place of humanly executed penalties when judicial authorities fail to act; more typically, they respond to deeds for which no formal human penalty is envisioned. Some traditions, especially the Confucian, view human consequences, such as popular support for a regime or revolution, as a way in which Deity acts.

4. *Injunctions*. This category includes a considerable body of material cast in imperative form, with little specific reference to consequences but with an authoritative tone which goes beyond the giving of advice. Human or superhuman sanctions are often implied, although not expressly stated. The occurrence of this style in the Hebrew Bible is well-known; there it appears typically on the lips of God. In China such a form occurs especially in the 'Canon of Documents', partially antedating Confucius, and in popular instruction. In both cultures, injunctions not only prohibit evils but, above all, support positive actions for the benefit of human life.

1. Kroker 1965, I: 127.
2. See the essay on 'Civil and Criminal Law'.

5. *Regulations or third-person directions*. Both Israelite and Chinese literatures include a large body of detailed directions for behavior. Israelite directions concern religious rituals in a narrow sense, such as sacrifices. Confucianism provides, in addition, precise guides for social interaction. In style, such directions are typically phrased as descriptions of what a person does in a given context. In both Hebrew and Chinese, linguistic forms used for prescription and description overlap considerably (for instance, classical Chinese marks the difference only in the negative). Thus the regulatory directives frequently hover between moods. They do not normally mention sanctions, but auspicious or inauspicious consequences can often be silently understood.

6. *Moral precepts and reflections*. Moral precepts form part of what in Israel is called 'wisdom'; Chinese reflections regularly appeal to human insight, with consideration of both extrinsic or pragmatic advantages and intrinsic values. They can take the form of ideal descriptions (e.g., 'A wise son hears his father's instruction', Prov. 13.1; 'A noble person gives to help the needy', *Analects*, 6.4), of imperatives, or of statements indicating natural consequences ('A soft answer turns away wrath', Prov. 15.1; 'Whose government is unostentatious, his people will be quite prosperous', *Han Fei Tzu*, 58.). Sometimes they use questions to lead the hearer to more or less evident conclusions.

7. *Special proposals and criticisms*. Special suggestions may relate only to particular cases, but often they express or imply policies. In both cultures, not only are orders given by constituted authorities, but frequently proposals and criticisms are presented to superiors. In Israel, advice by courtiers (usually sought by the king) and critical evaluations by prophets are prominent phenomena. In China, respectful but insistent criticisms and suggestions for the improvement of governance are highly prized, especially in Confucian ideology.

8. *Indirect support for law and ethics in histories and songs*. Both Israel and China have a strong historical consciousness. In Israel, a major emphasis lies on divine action working even in contrast to human activity. In a typically Chinese (especially Confucian) view, Heaven's action is to be seen in the deeds and attitudes of good human beings. Especially in China, therefore, human lives can act as positive or negative models for later generations. Both Israelite and Chinese songs include descriptions of the ideal and complaints about evil. They frequently have wide appeal within the populace, so that they embody norms for many.

b. *Comparable Concerns in Chinese and Israelite Law and Ethics*

In content, Chinese and Israelite law and ethics have comparable concerns. These can be stated as follows.

1. *Social order*. A society requires a minimum of order to be able to survive. The degree of order sought, however, can vary. In this regard, there is a major divergence within Chinese culture. Legalists stress governmental authority, with a use of penal law; Confucianists regulate many details of human life largely through persuasion with the use of praise and censure; philosophical Daoists champion spontaneity or passivity; religious Daoists regularly envision supernatural consequences and are sometimes revolutionary, seeking a new order. Divergence within Israel may be somewhat less, although certainly differences existed between priestly orientations, which are often settled and structured, a less ritualized wisdom, and a repeatedly critical prophecy.

2. *Restitution for damages*. A desire for restitution is probably universal, in part as a wish to regain what is lost and in part as a warning against damaging actions in the future. Both Israel and China, in the form known through their literature, have passed beyond private vendettas to the settlements of conflicts under the supervision of the community, including the clan and guild. In China, cases of injury are dealt with partly informally, with what can be called civil procedure, and partly under formal penal law, depending on the motive attributed to the person at fault. In Israel, a private party can collect punitive damages above the loss when the offender has acted in bad faith.

3. *Aid to the weak with an approach toward equality*. Israelite ethics emphasizes concern for the weak and includes certain rules, such as (in theory) the reversion of landed property to an original owner, which potentially have the effect of maintaining a high degree of economic equality. Chinese ethics contains similar provisions. Aid to orphans, elderly solitaries, and the handicapped is urged by Confucianists; it becomes one of the major duties of the local magistrate and sometimes of high levels of government, as well as of private individuals and philanthropic organizations. A variety of non-Confucian groups seek to establish social equality in a more radical fashion; one of these, Mohism, connected with the artisan class and strongly oriented toward a personalized Heaven, engages in its fairly brief duration in military defense for cities that are attacked. According to systems of landholding practiced in certain times, as indicated by records, tilled land is redistributed periodically to avoid concentration. The humanitarian and philanthropic impulse largely involves positive actions. In both China and Israel, it is expressed typically in the form of injunction or ideal descriptions and is only rarely supported by penal sanctions.

4. *Good human relations*. Instruction for enjoyable human interactions appears in both Israel and China. In Hebrew literature, this material is commonly classed as 'wisdom'. Sanctions are based almost entirely on the natural responses of human beings to one another. Chinese literature

discusses relations between family members, friends, teachers and students, and others. Confucianists and others do differ in the emphases placed upon each.

5. *Biological order*. Organic welfare, including health, is an ordinary human aim. Chinese tradition contains various directives for procuring and processing food, prolonging life, and existing in harmony with nature. The Hebrew Bible presents so-called purity rules about proper foods and for avoiding the effects of death, discharges, and skin eruptions. It is unclear to what extent these rules actually enhance biological welfare and to what extent they represent a symbolism of natural wholeness.

6. *Homage to the Author or Foundation of Life*. Israel's religion includes as a significant element a system of rituals honoring its divine Creator, Founder, and Lord. Some of these are commanded—for instance, first fruits, which acknowledge a divine gift. Others are more or less voluntary, but regulated in their execution. Chinese culture similarly contains ritual expressions expressly designed to give thanks and to render devotion to members of the spiritual world, whether deities or ancestors.

Conclusion

Although the present discussion represents only one step in a larger path, it is already clear that in regard to law and ethics Israel is not highly unique, but shares features with a society with which it does not stand in close historical connection. Such parallels are probably grounded in human existence; that this existence can include reference to a divine origin is clear. While some of the correspondences are not surprising, two stand out as perhaps less well known: *the readiness of persons in both cultures to engage in criticism (including self-criticism) and a shared interest in supporting the weak*. Are these emphases universal in human societies? If not, why are they present here?

For an understanding of Israelite literature, parallel phenomena from other cultures can help clarify the functional role and structural character of legal and ethical provisions. The fact that the variety of genres is transcultural reflects the fact that different aspects of life are approached in appropriately varying ways.

Chapter 7

Pentads of Ancient India and the Biblical Decalogue

In recent times, biblical studies have limited their orientation largely to the ancient Near East. Presumably, one of the advantages of doing so is that historical connections between the various cultures of that area can easily be envisioned. In my view, such a connection is a disadvantage, for historical influence is sometimes based on somewhat unreflective imitation, and I am interested in what may be intrinsically important for human life. Thus I have engaged in comparisons between Israel and China, which are distant from each other.

In the present essay, I address a gray area in regard to historical influence: relations between Israel and India. If there are correspondences between their literatures, that may be due in part to historical connections, for the physical distance between them is not very great, yet the distance is large enough so that one hesitates to postulate a historical connection merely because there are similarities.

Comparison between cultures can present some special difficulties, such as not knowing well the cultures as a whole or the languages of each. However, this is true in regard to neighboring cultures as well. In either situation, some basic observations can be made; perhaps they will be extended or corrected by specialists in the relevant fields. Despite the acknowledged difficulties, intercultural comparison is very important for a form criticism that is not one-sidedly particularist. In fact, intercultural comparison was carried out by Gunkel and his students, although they gave only limited attention to major religions.

During or soon after the biblical period, several pentads in ancient India paralleled the biblical Decalogue, specifically the second half of the 'Ten Words' according to their Jewish numbering. Since these sets of precepts provide a summary of basic ethical principles, they have continued to be important in their respective religious traditions. The number five is convenient, since it is safely below the threshold of seven items that are readily considered together, and it corresponds to the number of fingers on one hand, as has often been observed.

The kinds of Indian precepts are as follows. The first four oppose 'taking' (even injuring) life, non-truthfulness, sexual restraint, and theft.

Variations of these precepts will be mentioned later, but we will look now at the specifics of the last one. The fifth 'vow' taken by Jain monks and nuns reject attachment to sound, sight, smell, taste, and touch; this non-attachment implies non-accumulation of possessions according to a fuller formulation.[1] The fifth rule for Hindu ascetics calls for liberality, which in practice—since ascetics own little—means renunciation.[2] A pentad of the Yogic branch of Hinduism is less clearly directed toward ascetics; it calls somewhat flexibly for non-acquisitiveness.[3] The fifth element of a Buddhist precept for lay people rejects the use of intoxicants, which lead to a dissolute life.[4]

The order of the Indian precepts is on the whole the same, but the Buddhist list has 'non-truthfulness' in fourth instead of second place. The biblical contains basically the same topics, but differs in their order, with adultery placed second, theft third, and false witness fourth. The lists are thus at least semi-independent from each other.

In regard to dating the pentads, there is much uncertainty. However, they are commonly thought to have been formulated between the first and fifth centuries BCE, in the following order: first the Jain, then the Buddhist and non-Yogic Hindu pentads, and as the latest the Yogic; however, they represent different traditions and may well not constitute a historically connected sequence.[5] Since three different religious

1. Akaranga Sutra 2.15, probably formulated about 500 BCE; cf. Akatanga Bhasya,1, a later commentary. (I omit diacritical marks, which are not useful for the anticipated readership and take different forms in different publications. My renderings in English are based on such as are available together with the context of what is said.)

2. Baudhayana Dharmasutra, 2.18.2-3, probably fourth or third century BCE; cf. Olivelle 1999: 206.

3. Patanjali Yoga Sutra 2.30, 34-39. This sutra contains a portion that is usually dated about 400 CE, but the pentad stands in what appears to be an older part. A grammarian with the name Patanjali is usually dated to the second century BCE and may be the author also of this section, as Hindu tradition holds.

4. Kutadanta Sutta, 26, part of *Digha-Nikaya*, perhaps around 300 BCE.

5. None of the texts that contain pentads appear in an extant document until much later. However, some third-century BCE documents—including inscriptions by the Buddhist king Asoka—attest the basic ideas of both Jainism and Buddhism and mention systematically formulated bodies of oral literature, and Chinese translations of Buddhist texts began in the second century CE. In addition, a fourteenth-century BCE treaty with the Hittite king Shuppiluliuma mentions Vedic deities, including Mitra and Varuna, together with the Indo-Aryan names of Mitanni treaty partners. This fact shows that at least some aspects of a religious tradition that ran from the Vedas to later Hinduism had a very long oral life. The situation in India in regard to dating is similar to that in which biblical scholarship has found itself. Before the discovery of the Dead Sea documents, the Hebrew Bible as such (including its orally transmitted vowels) was attested only in medieval documents,

traditions—Jainism, Hinduism, Buddhism—present quite similar pentads, it is likely that an older line stands behind them. Indeed, a Brahmanic (early Hindu) pentad that is directed toward laity with fairly similar content is believed to be earlier. It lists austerity (being temporarily hungry, thirsty, and sexually abstinent), liberality, simplicity (?), noninjury, and truthfulness.[6] Furthermore, a list of four vows that preceded the Jain pentad by several centuries did not refer to sexual restraint, according to a Jain report;[7] this report assumes that sexual restraint was implied in it, but strong sexual restraint may well not yet have been a major issue at that time.

Of possible interest is the fact that another Yogic pentad calls for cleanliness/purity, contentment, religious zeal/austerity, study, and devotion to Deity.[8] These precepts correspond to the first part of the Israelite Decalogue in that they are religious in a specific sense and are viewed as being in principle prior to the other standards. The two Yogic pentads thus constitute a structural parallel to the biblical Decalogue.

How can this Indian pentad tradition historically be related to Israel? That is a question not readily answered.

On the one hand, it is not likely that the Indian tradition was a direct result of the Israelite, for two reasons: (1) In the Indian pentads, the fifth item has a natural fit in a series that emphasizes restraint, with only one precept (theft) concerned specifically with an action that is subject to a judicial penalty. In contrast, four of the five biblical precepts call for refraining from major social violations that are subject to such penalties. (2) The Indian tradition was much more given to numbered listings than was the biblical. In fact, the biblical 'Ten Words' are described as constituting 'two tables'; the distribution of laws in these tables is never made clear, but it is reasonable to suppose that they were thought to represent two pentads. On the other hand, it is unlikely that one or more of the Indian pentads, with their emphasis on strong restraint, were changed into the more moderate biblical form. Therefore, if there was indeed a historical connection, we must consider the possibility of an older moderate tradition that stands behind both the Indian and biblical versions.[9]

but translations and references to it were available in much earlier texts, and there were linguistic phenomena that could be considered. In dating the Indian texts, attention is similarly given not only to the external attestations, but also to references of the different religious traditions to each other, as well as to linguistic matters.

6. Chandogya Upanishad, 3.17.1,4, possibly around 600 BCE.

7. K.C. Jain 2010: 17.

8. Patanjali Yoga, 2.32.

9. One theoretical possibility for such a tradition lies in Indo-Aryan religion, attested in the fourteenth-century Hittite-Mitanni treaty mentioned earlier. The

To be sure, there is another possibility besides an old line of tradition. At least murder, adultery, and theft are fairly standard evils in the Hebrew Bible and in ancient Near Eastern and Greek documents.[10] Perhaps at some undetermined time there was contact between Israel and India, and, as a consequence, a preexisting (perhaps informal) ethical list was structured and expanded upon to form the Hebrew Decalogue. Nevertheless, a historical connection between biblical and other pentads cannot be regarded as certain.

More important, in my opinion, are issues that arise from a comparison between the contents of the different lists. In fact, if there is no historical tie between India and Israel, that may constitute a theoretical advantage, for the existence of parallels can indicate that the pattern has intrinsic significance. Of course, even if there is a historical connection, one can still argue that the tradition would not have been pursued if it had not seemed appropriate to those accepting and developing it. Parallels can thus be significant even if they are not independent.

In their similarities and divergences, the pentads reflect some of the major characteristics of the religions to which they belong. First, we can look at *similarities*.

Noteworthy to begin with is the fact that the pentads cover four major aspects of human life: existence as such, linguistic communication,

Mitanni kingdom included part of current Syria and northwest Mesopotamia, where Abraham's family lived for a while according to biblical tradition. Perhaps a better possibility for an impact on subsequent biblical tradition lies in contact at Shechem. There, apparently before 1000 BCE, there was a 'God of covenant' (as guarantor?). The notion of covenant was a significant element of Indo-European religion, which was embodied in the divine figure Mitra, who was mentioned in the Hittite-Mitanni treaty and was worshiped also by Iranians (called Mithra in Zoroastrianism). A brief article by Götz Schmitt (1964) already posited a connection between Shechem's 'god of covenant' and Mitra. (Schmitt also pointed to the presence of personal names that he judged to be Indian, but a specifically Indo-Aryan character is now doubted for them, and the worship of Mitra was not limited to Indo-Aryans.) It is then possible to imagine that the Shechemite covenant line included a pentad. Indeed, biblical tradition associates the Decalogue with Shechem and Ebal nearby (Deut. 27.4; Josh. 8.32; 24.25-27).

10. See Buss 1969: 100-101. (At that time, I rejected a direct connection of these texts with the Decalogue, but the appearance of coveting as a problem in Mic. 2.2 and similarly in Isa. 5.8 makes me reconsider that judgment, although I am now less ready to view Hos. 4.1-2 [with reference to dishonesty, murder, theft, and adultery] as Hoseanic.) A relevant Greek list by Xenophanes of Colophon, fragment 11, points out that Homer and Hesiod attribute to gods actions that are blameworthy when done by humans—specifically stealing, adultery, and deception. In Babylonian literature, a relevant (although not formal) listing appears in Shurpa, table II.

sex/family, and property/economics. These four are human universals.[11] In addition, the fifth element covers what may be described as the mental rather than sensate side of life; it overlaps the other elements.

Furthermore, it should be noted that murder, untruthfulness, adultery, and theft are wrong by definition. Murder is unjustified killing, untruthfulness impedes communication, adultery is the violation of one or more family rules, and theft goes counter to (usually unspoken) rules concerning possessions. Specific regulations for these areas vary from society to society.[12] Differently, the pentads do not present specific regulations but refer to aspects of life that are to be respected.

In fact, none of the pentads refer to legal consequences that might motivate the hearer to obey them.[13] They thus represent what I will call 'ethics' or 'spiritual aspiration', not 'law' in a strict sense.[14] For Indian ascetics, this ethical/spiritual character is expressed in terms of a voluntary path. In the Hebrew list, it is expressed in the form of divine speech which is directed toward a personal 'you'. In part because of this ethical character, the precepts are rather open-ended. The divergence between ascetic and ordinary standards has already been mentioned.

Last but not least, the pentads all emphasize the transcendence of egocenteredness. In three of their items (non-harming, non-truthfulness, theft), they reject competitive actions that affect others negatively. In the other two—sexual continence, non-possessiveness—self-restraint appears to be in part for one's own religious sake, especially in the Indian version.

Next, we can look at some of the *differences* between the pentads. A major overall difference is that the Indian traditions, unlike the biblical, envision a role for spiritual elites, who exhibit a good life to a greater extent than do ordinary members of society. In addition, there are special differences.

In regard to *taking life*, the Indian pentads, unlike the biblical precepts, reject the destruction and even injury of any living being. In fact,

11. A regard for property is included, for (as far as I know) all cultures, including the Marxist, have acknowledged that people can have, and perhaps need to have, personal possessions.

12. For instance, extramarital relations that are permitted do not constitute 'adultery'.

13. A legal motivation does appear in *Anguthara Nikaya*, 5.18.178 (a later version of the Buddhist pentad).

14. As is well known, the Hindu tradition does not distinguish in terminology between ethics and law as here defined; both are *dharma*. However, some transgressions do not have judicially applied penalties, although they can certainly have social penalties of various sorts.

reincarnation assumes a smaller difference between human and other life than is envisioned in the Bible. However, there are some variations in regard to nonviolence. The Buddhist and Brahmanic rules for lay people simply specify 'taking life'. This phrase may well have covered injury as well as killing, but the precept appears to be intentionally imprecise and describe an aspiration, with different possible steps. The Hindu *Laws of Manu* (not very much later) specifies 'not harming' as a standard for all castes, but several exceptions apply. Sacrifice, the province of Brahmans, is not considered killing; however, killing is part of the role of the political ruling class; commoners who are engaged in agriculture inevitably injure the earth and the creatures in it; other exceptions are permitted as needed (10.63, 74-84). Jainism, Buddhism, and the Hebrew Bible similarly recognize killing as a political task.

There is a difference in regard to *truth telling*, as well. The biblical list mentions 'bearing false witness' in a juridical setting, while the Indian pentads call for truthfulness more generally. The fact that truthfulness in a rather broad sense is centrally important for Iranian Zoroastrianism may indicate that this represents an early emphasis that is continued here. Still, it should be noted that truthfulness is not identified so much with speaking the literal truth in all cases as with socially responsible speech.[15]

In regard to *sex*, Indian precepts reject sexual relations by monks and nuns and call for sexual restraint by others. The biblical word does not call for sexual restraint in itself, but prohibits a specific sexual behavior, adultery, which in its historical context means interference with a husband's sexual rights.

The prohibition of *theft* does not show a major difference between the traditions. The Indian definitions of theft are quite clear: 'taking what is not given'. That may also cover the biblical idea. A possible difference may lie in the biblical permission to glean from the field, but this permission can be viewed as a form of open-ended giving.

The last item in the Jain, Hindu, and biblical lists refers to *acquisitiveness*. The Jain vow seems to reject acquisitiveness even simply for the sake of the acting person, since it is part of avoiding attachment to the senses. For a monk or nun in any tradition, the reflection would mean non-possession of almost all property. For a lay person, the ideal is limited accumulation. Buddhism pursues a 'Middle Way' between self-aggrandizement and self-abnegation; accordingly, its fifth precept expressly rejects only the partaking of intoxicants.

The final item in the biblical list, which prohibits 'coveting', is different from the four that precede it in that it is not included in humanly

15. For Hinduism, see Ramanujan 1999: 39.

enforced law elsewhere in the biblical corpus. With a concrete meaning, this precept rejects the acquisition of anything that belongs to another person: 'do not covet…anything that is your neighbor's' (Exod. 20.17; Deut. 5.21). Similarly, Mic. 2.2 and (without the word 'covet') Isa. 5.8 condemn the acquisition of houses and fields. One can then ask, Do these words reject any kind of purchase of another's house, slave, or animal, or the enticing of another's servant, or just underhanded forms of acquisition? In any case, the word 'covet' may imply an inappropriate interest and thus allow for flexibility, as is appropriate for ethics, although that includes the possibility of self-serving rationalization. A more or less strict prohibition of such processes would support at least moderate socio-economic equality, as the Jain and Hindu standards do, too, at least in effect.

A major question is whether the biblical rejection of 'coveting' refers also to an attitude that is not acted upon. Some light on this issue can be shed by the fact that the precept prohibits coveting one's neighbor's wife. Since in the ancient Near East sales often took place in order to satisfy a debt, even a 'wife' can fit a concrete interpretation, for a wife could become a temporary debt slave. If the possibility of her becoming a debt slave is not in view, the precept presumably calls for a restrained attitude toward another man's wife.[16] This interpretation then also colors the rest of the precept, especially since it deals with ethics rather than law. In fact, the Masoretic text of Deut. 5.18—the part of the precept that does not deal with the wife—uses a verb that usually emphasizes attitude (*'wh*), perhaps in order to make clear that attitude is intended even in regard to non-sexual matters. The mental aspect is thus important at least in the Deuteronomic version.[17] In any case, the word against 'coveting' has an affinity with the fifth precept of the Indian pentads.

An important issue that remains is the motivation to which appeal is made. Instead of, or in addition to, humanly applied judicial penalties, the motivations instead appear to be two-fold (at least implicitly).

One kind of motivation is found in concern with superhuman consequences. In the Indian traditions, a prime consequence is reincarnation that is based on one's behavior (some schools of the Indian traditions have also envisioned a purgatory between lives). In the Hebrew Bible,

16. Bernhard Lang 2011: 110-17 intriguingly proposes that the final biblical precept covers a household left behind by an absent male owner (such as when exiled), but the phrase 'or anything that is your neighbor's' militates against such an interpretation, although, of course, without excluding it as a special case.

17. See Rofé 1990: 51-52 for other textual versions of this verse, and see the rest of that essay for an overview of ancient and modern discussions.

God rewards or penalizes individuals or groups in their present life.[18] Although this is well known, an open question is the extent to which individuals are expected to be motivated by the consequence for themselves or for the community with which they identify.

Another kind of motivation is more intrinsic. For Jainism, acts that hurt others and the pursuit of egotistic pleasure that leads to them constitute 'bondage', so that the vows lead to 'liberation'.[19] In Yoga, which is theistic, a high point is reached in ecstasy with supersensory perception. Other Hindu approaches are similar. Buddhism locates suffering in craving and reduces the ego-concern that causes it by denying that any being—including the ego (one's own individual being)—is a coherent substance. Thus, ego-transcendence is emotionally a positive good.

It is useful to see the process of ego-transcendence in the light of both sociological and psychological considerations. Both aspects are important.

Sociologically speaking, at least moderate ego-transcendence by members of a group is very useful for that group. What happened in India (as well as in other countries) is that some persons have, in effect, been permitted or even encouraged to exhibit a strong version of ego-transcendence, so that ordinary members of the society can imitate them in a moderate way.[20] Furthermore, spiritual stratification may well constitute a reaction to social stratification; in fact, both Jainism and Buddhism have from early on rejected the caste system, which is ego-oriented.

Psychologically, a state of ego-transcendence is more joyful than one that is egotistic. This has been experienced by innumerable persons and been noted by observers. One reason, I suppose, is that egotistic worry is usually more severe than worry about other persons. Another, perhaps more important, reason is that a self-transcendent state expands the realm with which one is emotionally linked, so that in that sense the self (that is, the reality with which one identifies) grows.[21] However, in a competitive world, a purely ego-transcendent state does not permit an

18. Repeatedly, an argument has been made that there are also consequences for individuals after death, although with debatable arguments. Such a belief has been held in Judaism and comes close to some of the other views mentioned here.

19. E.g. Akaranya Sutra, 2.16.

20. Incidentally, for this role, it is not necessary that the special individuals are actually ego-transcendent in a major way, but that the populace thinks that they are (they may be—perhaps in part—ego-focused in pride, simply passive, or mentally ill according to current notions). Yet, while no one is perfect, complete cynicism is not warranted.

21. In the essay on 'Self-Theory', above, I used 'self' for both 'ego' and 'self' as here defined; the context should make clear which meaning is relevant.

individual to survive. Thus, in practice, human life needs to include at least a moderate amount of ego-assertion and indeed typically includes quite a large amount.

Ego-transcendence can take place in four ways.[22] (1) One way is instinctual, without ego-awareness (a sense of self); it operates extensively in animal life, to some extent even in humans. (2) Another way proceeds on the basis of resonance; that is, an individual's experience falls in line with the experience of another that is observed. This way, too, is automatic; it does not require self-awareness but may include it in humans. Resonance can lead to support for the other being, but it also readily leads to at least mental escape from the scene. (3) A third way presupposes self-awareness and can therefore be called 'self-transcendence'. In this, an individual has a partial identification both with the ego and with the other and provides support for the other's sake. This process provides for the possibility of a more complex social organization than does instinctual ego-transcendence.

The third way mentioned includes two major alternatives: the other being can have a direct effect on the acting person, who metaphorically 'hears' the other, or the acting person can be stimulated or guided by ethical instruction that is presented by a source with which that person partially identifies, an Other. If both alternatives are present simultaneously and ego-awareness is not lost, the resultant state involves a triple identification (each partial): with the ego, the other, and the Other. Self-transcendence can accordingly operate together with self-interest, for self-transcendence is not the same as self-denial but holds, rather, that worth is shared. Grateful (as distinct from simply manipulative) reciprocity, too, is a form of self-transcendence.[23]

In light of this analysis, we can look at the literary contexts in which the pentads stand. The larger literary contexts appear to be somewhat later, but they represent characteristic religious traditions.

To begin with, the sutra in which the Jain pentad stands is devoted almost entirely to expressions of concern for other beings, including small organisms in water that are invisible to the naked eye. To avoid hurting any being is, then, the Jain aim. Other goals—including splendor, honor, birth, death, ultimate liberation, and removal of pain—are not considered equally valid; they may, in fact, undermine the primary

22. All three ways have been discussed widely in academic writings about humans and other animals. The highlighting of two alternatives within the third way may be original here, although they have been implied in philosophical and other studies for over a century (cf. *CSR*, p. 41).

23. More details of self-transcendence are discussed in the essay 'Role and Selfhood in Hebrew Prophecy'.

goal (1.1.2). On the positive side, the sutra mentions acting rightly and pious work, without specifying details (1.1.3). Jain self-transcendence is thus strongly oriented toward other finite beings without reference to an ultimate reality.

Definitely more theistic is Yoga. The sutra that contains its pentad is devoted to achieving a transcendent state with a sense of the omnipresence of Deity, who is the eternal Teacher (1.23, 26). In the earlier Brahmanic text (as well as in later Hindu thought), the individual self is deeply identical with an all-inclusive self, *Brahman* (3.14). In both of these texts, the ethical pentad appears briefly as an indication of how orientation toward the ultimate implies solidarity in human relations.

The Buddhist context answers the question of what makes a 'great sacrifice' that will provide 'benefit and happiness for a long time'. The answer begins by stating that a great sacrifice does not involve bloodshed. Better are gifts to virtuous ascetics; even better is following the five precepts; best is Buddhist enlightenment—with generosity, morality, and renunciation—leading to 'joy and calm'. In this case, too, a larger orientation is highlighted, with an emphasis on joy. (On the basis of personal experience, I can report that simple Buddhist meditation heightens awareness of one's surroundings.)

In the Hebrew Bible, the cries of pain are channeled through Deity, at least in good part. God hears and calls on individuals to act in a responsive way (Exod. 22.22; *CSR*, 138). In fact, a believer can find that this process is both challenging and reassuring—challenging, in that a divine voice supports the many human cries of pain with which one is confronted, and reassuring, in that each human individual is not given the task of responding to all of them.[24] The Hebrew precepts do not present any reasons for responding to others' cries. However, the initial statement, 'I am Yhwh your God who brought you out of Egypt, the house of bondage', creates a frame which calls for a response, especially one that acknowledges that the divine interest ranges beyond the person who receives that word.

In sum, the several traditions show different ways in which self-transcendence can be experienced. The Jain reacts immediately to the suffering of others. The Buddhist way is similar, although less pressing. The Brahmanic text and much of later Hinduism express a deep sense of unity. Yoga regards Deity as the eternal teacher. The Hebrew Bible grounds a response in a God who cares for the other as well as for oneself. These ways are not mutually exclusive, yet they indicate the range of what is possible.

24. In contrast, Jainism's strong asceticism coheres with non-theism, although that is not the only option for non-theism.

Different traditions can learn from each other. On the one hand, quite a few Jews and Christians have learned meditative procedures from Indian traditions, and the Indian (most strenuously, Jain) emphasis on nonviolence has been influential among them in a fruitful way. On the other hand, the more practically active biblical emphasis has gained attention by others.

What theoretical conclusion can be drawn from our study of the pentads and decalogues of India and Israel? One is that they exhibit commonalities and differences, both in the precepts and in their theoretical base. The commonalities reflect the fact that existence itself (negatively: death), communication (specifically, language), family/sex, prosperity/economics, and more generally mental life are dimensions with which all human beings are concerned and to which attention should be given. Yet the details of how these dimensions are handled can vary widely, and ethics can allow individuals considerable discretion. Common to all is the phenomenon of self-transcendence, but it can take on different forms.

Chapter 8

Prophecy in Ancient Israel*

1. *The Role of Prophecy*

Israelite prophecy served a definite function in the life of the larger society, contributing to a dynamic process. It complemented two other major aspects of Israelite culture: the priestly tradition and wisdom. Each of these eventually became crystallized in one of the three major divisions of the Hebrew canon. The different aspects were by no means always isolated, but could be combined in a single person's life and often in a single utterance. A prophetic utterance could (and usually did) include elements more characteristic of priesthood or wisdom. In fact, the combination of functions is older than their separation since societal development has generally been in the direction of increasing specialization. Speculations regarding an originally pure form, to which elements of other traditions have been added secondarily, run contrary to data from the history of religion. Prophecy is thus distinct but not separate from the rest of Israelite existence.

Prophecy shares with priestly tradition a heavy emphasis on divine revelation, expressed stylistically by Yhwh's speaking in the first person. It differs from priestly speech in that the priest presents above all the traditions of the sacred past, which are believed to have general significance for Israelite life, while the prophet responds basically to particular situations. Since priestly tradition is foundational, it forms the framework within which the prophet operates; in this sense, the content of the priest's words normally stands above the prophet's. (In Jewish tradition, the Pentateuch is more sacred than the prophetic corpus.) The general application of priestly speech implies that it does not require constantly new revelation; it relies on a message received earlier by a mediator of revelation, who may be called a prophet or more than a prophet (especially, Moses).

* Originally published by Abingdon Press in *IDBSup*, pp. 694-97. Used with permission. A comprehensive and reflective view of Hebrew prophecy for non-specialist readers without citing secondary literature. The article's bibliography is omitted, but a number of points are supported by discussion in the three essays that follow.

While the symbol of divine speech is strongly represented in prophecy, it is by no means the exclusive form employed. Often Yhwh is spoken about in the third person—as in wisdom or lay style—sometimes in rapid alternation with first-person speech by Yhwh. It is possible (although by no means certain) that the third-person form reflects the tradition of the relatively rational diviner as distinguished from the possessed shaman. In some prophetic books the content presented in the form of nondivine speech is relatively similar to that of wisdom literature. In any case, Israelite faith did not bypass human reasoning.

Prophets, as pictured, could speak unasked, but often they responded to the declaration of a problem by presenting an answer. Problems might be expressed in individual and collective laments, confronting deity with the present tension-filled situation. To these a mechanical or inspired oracle could give a response. Many biblical prophecies allude, or directly refer, to actual or imagined complaints set before Yhwh (Mic. 6.3). The employment of judicial form in these instances is not at all unusual, for in Israel, as in neighboring countries, such style pervaded life in general, including private conflict, warfare, ritual, and prognostication; also, controversies of any kind are presented in this way (e.g., Isa. 41.1, 21; 44.8). In some cases the prophet presented the complaint on behalf of the people. Habakkuk, who does so, is a seer relatively close to wisdom or to the human side of the cult; if he were simply a wise man he might have to leave the question open, but as a prophet he obtains a word from Yhwh (2.1-3).

As already pointed out, the heart of prophecy lies in divine revelation in response to actual situations. Since Israelite (like much of) religion is strongly dynamic in outlook, an important aspect of such speech involves the disclosure of the future. 'Future' means the tendency of events, the direction in which they move. A major reason for ancient divination is to discover this tendency, so that unfavorable actions may be avoided. In Israelite narration, a clear example is given in 1 Sam. 23.12-13; when the oracle says 'yes' to David's question, 'Will the men of Keilah surrender me [to Saul]?' David simply leaves the city of Keilah. The understanding that an announcement is subject to revocation—perhaps precisely as a result of the announcement—underlies the story of Jonah; that is a feature of the genre. Of course, there may be some immutable promises providing a framework for the recipient's orientation, such as those based on a divine decision regarding humanity, Israel, or David's dynasty.

To say that prophecy deals with the future is roughly true, but is in some ways both too broad and too narrow a characterization. Legal literature and wisdom deal with a hypothetical future in the sense of declaring the consequences of certain types of action; prophets can

thus interpret particular occasions in terms of such directional structure. Otherwise, reality would lose coherence and significance—a possibility raised in skeptical wisdom. At the same time, oracles are not limited to declarations concerning coming events. Quite commonly in tribal societies and in the ancient Near East (e.g., *ANET*, 26, 394-96, 497-98), diviners and shamans had as major tasks the identification of causes of present evil (together with an appropriate remedy), the detection of lost objects (cf. 1 Sam. 9.20), and the transmission of a god's or spirit's will for an occasion.

2. *The Prophet as a Person*

The insight of the prophet was expected to come as a gift. This could mean a dream or a vision (especially in the case of a 'seer'); sometimes as a part of, or instead of, such an experience one could receive a message aurally (e.g., Amos 7.7-9; Isa. 40.6). Then the prophet can report the content. Some oracles outside of Israel are described as being delivered while the person is possessed by a 'spirit', so that the latter speaks directly to the audience—bypassing, in form at least, the ego of the prophet. Whether such a situation is implied by numerous Israelite oracles (like in 1 Sam. 10.6-12), we simply do not know. In some manner, however, the prophet transcends normal self-assertive consciousness and participates in a highly receptive state.

The call to prophesy was experienced typically as an overwhelming force. At the very least, that is the way recipients spoke about it; numerous parallels from various parts of the world show that typically the prophet bowed to a consciously unsought experience. This was often done quite reluctantly, since hardship was entailed in being directly exposed to the will of invisible powers and inadequacy was felt and expressed, both in Israel and elsewhere. A call, or report of a call, was not peculiar to the prophetic task, but it was especially relevant for this the most sacred and perhaps most important role in society.

The prophet's person is of extreme importance and receives considerable attention in the relevant literature. Not only the initial election, but also subsequent commissions are reported in autobiographical style. Such commissions include symbolic actions, carried out literally or in imagination (especially by Hosea, Isaiah, Jeremiah, Ezekiel, Zechariah); those that are literally executed can also be reported by others (e.g., 1 Kgs 22.11). Stories stress the power of the divine word and the conflicts encountered (above all for Elijah, Elisha, Amos, Isaiah, Jeremiah). Neither first-person nor third-person narratives have a strictly biographical purpose, since they legitimize the message and give it dramatic form; but they presuppose the significance of the agent, who is not merely a mechanical tool.

Just like a 'wise' person, a prophet can be either male or female (Exod. 15.20; Judg. 4.4; Isa. 8.3; 2 Kgs 22.14; Ezek. 13.17; Neh. 6.14).

It was inevitable that prophets would differ with each other. A contrary oracle could lead one to doubt one's own revelation, but disobedience to the orders received could be fatal (1 Kgs 13; cf. Jer. 28). Divergences in message were usually explained in terms of a charge that opponents failed to receive a divine word because they were morally or spiritually corrupt: they might present their own imagination (Jer. 23.16, 26; in a drunken state: Isa. 28.7), yield to popularity or material reward (Mic. 3.5; cf. Jer. 23.17 and Ezek. 13.10) or to impulses toward blasphemy or misanthropy (1 Kgs 22.18; Jer. 26.11; cf. Jonah), or follow Baal instead of Yhwh (Deut. 13.2-3; Jer. 2.8). It was also possible to claim that God deliberately misled someone for purposes of punishment (1 Kgs 22.19-23; cf. Ezek. 20.25 and *Iliad* II, 1-34). In hindsight an oracle could be verified, if it was fulfilled (1 Kgs 22.28; Jer. 28.9). Yet it was difficult to prove a forecast false (despite Deut. 18.22), since changed conditions might legitimately bring about a different course of events; indeed, a number of unfulfilled prophecies are left standing in biblical tradition, are slightly adjusted, or are held to be delayed (e.g., Hag. 2.20-23; Zech. 6.11—among those not expressly withdrawn).

Because of their close relation to deity, the prophets' words were considered highly powerful and thus able to affect the future as well as to describe it. In fact, it is often difficult to tell the precise boundary line between determining and announcing. Persons believed to be near God were called upon to engage in intercession to remove or ward off evil, but such prayer was not necessarily successful and could be forestalled or forbidden by deity (Amos 7.8; Jer. 7.16; 11.14).

3. *The Audience*

Prophets operated under a wide range of circumstances. Individuals could turn to them for concrete problems (1 Sam. 9.6-9; 1 Kgs 14.2-3). Kings and military leaders of Israel, as of neighboring countries, inquired of them before and during warfare (e.g., 1 Sam. 23.2-4; 2 Kgs 3.11). However, such consultation was apparently not routine (see, e.g., 1 Kgs 22.5); often, for political decisions, reliance was placed instead on the advice of a 'wise' man (2 Sam. 16.23; cf. Isa. 19.11), a fact which could lead to rivalry between the two professions (Isa. 29.14-15; cf. Mari Texts A 15). Not infrequently, direction for warfare or politics was presented unasked (1 Kgs 20.28, 39-42; Isa. 7.3-4; as in Mari, etc.). In relation to the community at large, a prophetic word came in response to a collective fast during a calamity (Jer. 36.6; cf. Isa. 58.1-9), or it could bring about such a fast by a word of judgment (Jon. 3.3-9).

One can ask whether prophets participated in regular cultic ceremonies. As private persons, and especially as representatives of God, undoubtedly they did. Ancient ritual was loose enough in organization to provide opportunity for various kinds of persons to speak to any audience willing to listen; in fact, there was expectation and hope for special divine revelations. Perhaps some prophecies, such as those of Amos, were delivered at festivals. The psalms contain a number of oracular expressions which are general in application, addressed to the 'wicked' (Pss. 50.16; 75.5) or to those who trust in Yhwh (Ps. 91). Such general oracles belong to the sphere of the liturgist or cultic singer (as specified in the titles of Pss. 50, etc.). These are close to, but not identical with, prophetic words dealing with specific solutions. In addition, a number of divine declarations are quoted in psalms, as in other types of literature (e.g., in Pss. 2; 60; 68; 87; 89).

Although prophets were no match for the king in terms of brute force, they stood in Israelite theory above the king on behalf of Yhwh. As told in biblical narratives, an oracle normally announced the next king (Saul, David, Jeroboam I, Jehu; cf. *ANET*, 289, 446-49) and the end of a royal dynasty or 'house' (1 Sam. 13.14; 15.28; 1 Kgs 14.7-14). Prophets possessed and exercised the right to criticize a king, who was the chief judicial officer and thus not subject to any other form of prosecution. As elsewhere in the Near East, a divine word could authorize or forbid the building of a temple (2 Sam. 7).

Regularly, Israelite prophets condemned the leaders of the country, individually or collectively. Priests were charged with failing to mediate and follow divine instruction and being eager to receive expiatory sacrifices and other remuneration (Hos. 4.6-8; Mic. 3.11; Zeph. 3.4). Prophets were accused of violating the norms of their profession (see §2 above). The 'heads', 'princes', or members of government were criticized for ignoring basic morality, accepting bribes, being disinterested in the lot of the weak, and exploitation (Amos 6.1-6; Hos. 5.10; 7.3; Isa. 1.23; 3.14; Mic. 3.1-3, 9-11). For most such transgressions there was no humanly executed penalty in the system of Israelite society.

Other groups that were attacked are merchants, for cheating and insensitive rapacity (Amos 8.4-6; Hos. 12.8-9; Mic. 6.10-12), and city women, for selfish or haughty luxury (Amos 4.1; Isa. 3.16-17). Sometimes there occur laments over pervasive immorality, in a style that was apparently standardized (cf. Ps. 53.4; in Egypt, *ANET*, 406, 443-45). Quite frequently accusations are couched in general expressions for 'evil', 'wickedness', 'falsehood', 'iniquity', 'rebellion', etc. The list of specific sins castigated is largely the same as that which appears in legal and wisdom literature: worship of gods other than Yhwh, idolatry, sex

in some connection with a sacred place (Hos. 4.14),[1] sabbath violation, disrespect to parents (Mic. 7.6), murder, adultery, theft, falsehood, disloyalty to associates (Jer. 9.3), covetousness (i.e., aggrandizement: Mic. 2.2), drunkenness, interest on loans (Ezek. 22.12), and incest (Amos 2.7), in addition to others already mentioned.

Of special concern to prophets is the placing of trust in military or other human operations (e.g., Hos. 10.13; Isa. 30.15-17; 31.1; Jer. 17.5). Both idolatry and oppression are seen as instances of misdirected trust (Isa. 30.12; 42.17; Hab. 2.18). The downfall of foreign nations is sometimes grounded in their prideful self-confidence (Isa. 10.12-16; Jer. 50.31; Obad. 3). As a rule, the nation opposed is held guilty more specifically of international 'oppression' (Isa. 14.4), i.e., of destructive activity toward Israel or others (Amos 1.3–2.3; Nah. 3.1; Obad. 10, 14; Jer. 51.25, 49). For the Israelite audience, the thrust of oracles against enemy countries is to create or support confidence in Yhwh; in fact, the difference between critical and promising words lies largely in the situation of the hearers in terms of whether they inflict or need rescue from oppression or other forms of evil.

4. *Fundamental Concerns*

It would be an error to think that the prophets dealt only with finite and superficial concerns. It is true that primitive divination gives fairly narrow answers to concrete problems; Israelite prophecies, too, were generally quite practical in their point. Yet there are two ways, somewhat interrelated, in which prophetic words went beyond a limited application. First of all, the highly symbolic nature of their expression points to a deeply emotional confrontation with reality. Israelite prophets did not present much precise information to their hearers; however, their words possessed great personal and religious power, which made them resound over centuries and millennia. Second, they declare fundamental trends in existence. Israelite prophets saw deep divergencies and clashes in life. These tensions, some of them said, would be overcome in an ultimate resolution, to arrive soon. It is often difficult to determine how literally they understood the coming of perfect reality; yet the very vagueness in this regard shows how Israelites, like other human beings, lived not just by pragmatic considerations, but in terms of a basic orientation.

1. The original version said 'sacred prostitution', but 'sex in some connection with a sacred site' is what I (and perhaps some other writers) meant by that phrase, leaving the precise form open. Alternative interpretations are problematic, but it seems that both activity of this sort and child sacrifice (not mentioned here) are better attested in Israel than elsewhere.

The great Israelite prophets believed that human existence was in severe trouble. Their word, if accepted, leads toward self-transcendence with acknowledgement of guilt. If a 'turning' (or 'returning') takes place, one might express one's hope for graciousness, without presumption, by use of the phrase 'who knows' (2 Sam. 12.22; Jon. 3.9; cf. similarly 'perhaps' in Zeph. 2.3; Exod. 32.30). A number of major voices declared that only after a downfall would reconstitution be possible. (These included—at least part of the time—Hosea, Isaiah, Jeremiah, Ezekiel.) Since the envisioned fulfillment is in line with the divine will seen in the 'origin' of human and national reality, various prophets drew upon the protological elements of their tradition for the shape in which they present an eschatological resolution: a new exodus, a new covenant, a new Zion, or a new creation. In these forms a state of perfection is announced (Jer. 31.31-34; etc). After Israelites lost control of political power, the emphasis shifted from guilt over social evil toward the confident perseverance inculcated by apocalyptic with an announcement of a new world.

The orientation toward an ultimate fulfillment is shared with a number of movements which belong roughly to the same historical period, arising in social situations basically similar to each other. Societies in the Near East and in neighboring areas from India to Greece were reaching a level of complexity which permitted considerable specialization, extensive contemplation, and the high degree of self-consciousness presupposed by acknowledgment of guilt, as well as the social stratification and warlike subjugation which became the object of criticism. Traditional priestly rituals of an impersonal sort became widely questioned; the use of writing enhanced the impact of unusual 'great' prophets in Israel as well as of mystics in India (as it also supported the dominions opposed). While there are important differences between mysticism and major Hebrew prophecy, they share an orientation toward transcending the finite (and especially destructive) self-projections of an individual or of a nation. Representatives of the more extreme points of view necessarily remained a minority in a continuing society, which largely required moderate approaches.

Since some of the major prophets addressed human life on a very basic level, their words were preserved. Their critical judgments also provided later generations with a reason why the community of Israel had lost its political independence.

Chapter 9

An Anthropological Perspective upon Prophetic Call Narratives*

Questions of Method

Comparison is an inevitable aspect of any investigation, since all concepts by which a phenomenon can be understood involve a degree of generality. Comparison, furthermore, includes the making of contrasts (cf. G.E. Wright 1950). Thus a meaningful question is not whether, but how, one should engage in comparative study.

It is possible to recognize three kinds of comparative procedures. One, that of detailed description, draws attention to specific characteristics which may appear within a limited range of space and time. This procedure is useful primarily for a recognition of historical connection, or diffusion. Another, that of typology, outlines forms of expression and behavior, which may be observed quite widely. This approach introduces order into the perception of multiform data and has been applied extensively during the twentieth century. A third, that of theory, seeks to account for observable similarities and differences by placing phenomena into a framework which can give a reason for their appearance.

A theoretical procedure makes explicit the ideas that are otherwise implicit in an investigation. Every study is influenced by a more or less coherent set of conceptions which guide the selection, organization, and presentation of data. An important issue, therefore, is the appropriateness and validity of the concepts employed. For human phenomena, both psychological and sociological considerations are relevant, as is recognized by many anthropologists (e.g., I.M. Lewis 1971: 25; Beidelman 1971: 406); indeed, one of the strengths of the discipline of anthropology lies in its relative comprehensiveness in supplying perspectives on human life.

* Originally published in *Semeia* 21 (1981): 9-30. Used with permission. A feature of this essay is reference to comparative materials from many parts of the world.

The development of theories is, then, to be actively sought. It should be recognized that conceptions are always subject to improvement.[1] A theoretical approach does not yield greater finality or safety than does one oriented to historical chronology; rather, it asks different kinds of questions—questions designed to produce an understanding of phenomena. If there are differences of opinion, that fact does not undermine the significance of the endeavor but points to the need for further research.

For biblical scholarship there is pronounced value in examining comparative data beyond the borders of the Near East, for both historical and structural reasons. With regard to history, it is necessary to consider that Near Eastern data may be incomplete. The phenomenon of a prophetic call is an excellent example of such a situation. Initiatory experiences occur in many parts of the world, yet few appear in the literature of the ancient world surrounding Palestine. (Perhaps such events were not normally included in a written account; in fact, in some societies the narrating of call dreams is discouraged [Wissler 1912: 71; Underhill 1969: 266].) An erroneous impression of Israel's antecedents and early history can arise if one's vision is limited to the records of its immediate neighbors.[2]

In regard to functional-structural concerns, it is often useful to compare phenomena that are not closely connected historically, in order to determine whether they fit a certain kind of psychological or sociological context. For instance, one can give attention to the level of social complexity of a society and to the age group for which a given literary form is intended. Quite a few of the observable similarities and differences between phenomena can be explained through reference to such factors.

It is true that the historical and structural dimensions sometimes cannot be distinguished easily. For instance (as is well known in anthropological circles), many parallels obtain between Israelite and African life. Are these due to the fact that ancient Israel and tribal Africa exhibit similar levels of social complexity, based to a large extent on a comparable agricultural economy? Or has there been extensive historical

1. Wilson 1980: 16 asks students of the Bible to 'avoid the interpretive schema into which sociologists, anthropologists, and Near Eastern scholars have placed the data'; it is more appropriate to urge that they both learn from and seek to refine such perspectives.

2. Thus, without taking account of comparative data, L. Schmidt 1970: 46 argues that the reluctance theme in call stories did not arise in Israel before the monarchy. Early Israelite literature and religion cannot be reconstructed positively or negatively from the relatively late documents now available, but reasonable estimates can be derived through comparison with other traditions.

interchange between Africa and the Near East? Probably both of these questions need to be answered in the affirmative. Certain similarities are undoubtedly the result of 'convergence', the independent appearance of similar phenomena under similar conditions. Others may be due to diffusion, even apart from social appropriateness. Most African-Israelite parallels, however, quite likely reflect the operation of both historical connection and sociological conditioning; after all, a cultural trait does not spread readily if it does not fit the receiving society.

The relative importance of the different dimensions can frequently be estimated through a survey of the geographical spread of certain features and through statistical analysis of their covariance with social conditions. That requires a wide sampling—and eventually a reasonably complete account—of phenomena of a given type. For divination, prophecy, and possession, notable steps toward such an overview have been taken in anthropological discussions, by focusing either on specific types or on certain geographical regions; yet more integrative work is needed.

An anthropological study of Israelite call narratives, then, appropriately focuses on two basic issues: a theoretical understanding of the nature of a call and an assessment of the place of Israelite prophecy in the history of humanity. The following analysis will seek to deal especially with the former, in the hope that future scholarship will continue to advance with fuller data and better concepts. Specifically, the call to prophesy will be viewed with the aid of notions drawn from social psychology concerning role, communication, and the attribution of cause and responsibility. These concepts are employed since they appear to fit the data of ancient literature as well as of field observations in various groups.

Induction into a Social Role

A call summons a person to a specialized role.[3] In a simple, usually small, community relatively little differentiation occurs. Thus, for instance, some groups have neither religious nor political specialists (Turnbull 1965: 181). As a society grows, normally the first emerging specialty (the practitioner of which can be called a shaman) is one that combines the performance of curing and other rituals with the giving of advice on the basis of a special relationship with normally unseen realities.[4] This

3. The concept of 'role' is more open than that of 'office', which Weber 1956: 125-26, set in contrast to 'charismatic' activity; cf. Chapter 7.

4. On the role of the shaman as the oldest specialization, cf. Chapple and Coon 1942: 407; Hoebel 1949: 414. For instance, the shaman is the only prominent

differentiation apparently emerges gradually, since only a mildly specialized shamanic role, for which a member of the family is designated informally, appears in moderately-sized communities.[5] Such data indicates that the task of a religious specialist does not stand in sharp contrast to general human existence, but that it represents one aspect of human life in acute form. (Indeed, universal participation in prophecy is portrayed as an ideal in Num. 11.29 and Joel 3.1-2.)

Frequently, the role of a comprehensive religious specialist is believed to be assigned by one or more spirits through dreams, protracted illness, or special experiences of some kind.[6] At the same time family connections are important, in that a new shaman is quite commonly chosen from among the relatives of the older one (see, e.g., Eliade 1964: 13-20; Métraux 1949: 589; Knuttson 1967: 190). As a society increases in membership, the religious duties are divided among several specialists, differing in task and procedure of selection. Ritual becomes the responsibility of the priest, while supernatural communication is the sphere of the diviner and curing the job of the doctor. A diviner who receives insight primarily in a personal, non-mechanical manner (for instance, through visions) can be termed a medium or prophet. Such personal diviners, who may also act as healers by spiritual means, are typically inducted into their work through a call from the spirit world. If they function as one kind of religious specialist among others, their selection is usually carried out with little attention to heredity.[7] The other

specialist of any kind among Eskimos (I.M. Lewis 1971: 163) and the only one among many South American tribes (Métraux 1949: 596). A union of priest and seer in early Arabic society is described by Wellhausen 1897: 134. Since no other useful term is available, the word 'shaman' will here be used to designate a religious specialist with a quite comprehensive task (as in Findeisen 1957: 14 and Burridge 1979: 117); such a broad specialty is found typically in small communities, which may be engaged in hunting or gathering (with Czaplicka 1914: 191; Lommel 1966: 69, 73, 100; Winkelman 1992: 127, etc.).

5. See, e.g., Bogoras 1909: 413-14 and Ohlmarks 1939: 276-92 (although differing in detail). In a number of societies—especially smaller ones—individuals engage in a quest for vision or possession and (if successful) receive spiritual insight and power, to a large extent for their own purposes rather than as an intermediary for others. Such an acquisition is not based on the initiative of the spirit world—in other words, not on a call—but it is understood as a gift (cf. Eliade 1964: 109; McClintock 1968: 252-53).

6. An absence of a call (cf. also Reinhard 1976: 262, 268) is viewed by Cooper 1946: 750 and Anisimov 1963: 115 as the older procedure, but the theory of a call is certainly widespread in observable shamanism.

7. The ideology of a call is well-nigh universal for primarily revelatory persons. Apparently, however, a call is sometimes not reported for minor mediums; cf. Hori 1968: 203. (The majority of the called intermediaries referred to in Wilson 1980:

roles—which do not require direct revelation—are acquired largely through inheritance (this is true repeatedly for the priest) or voluntary training (especially for mechanical divination); partially specialized roles are sometimes designated by a medium.[8] In practice, a personal call received by a shaman or a medium often also needs to be recognized as such by an established diviner, and a period of apprenticeship commonly follows.[9] In any case, processes of selection become on the whole differentiated in conjunction with a divergence in task.

Political roles, too, emerge with a sharper focus in a larger society, although they may continue a close connection with the more strictly religious ones. For instance, a chief or royal person can act as shaman, as in early China and Japan (Weber 1951: 26-31; Eichhorn 1976: 16-17; Hori 1968: 187, 196) or can be viewed as possessed by a spirit from the moment of installation on, as in parts of Africa (Butt 1952: 63; Chadwick 1952: 40). Depending largely on their presumed relation to the spiritual realm, such leaders have often been believed to be selected directly or indirectly by deity. Thus the Basuto prophet-chief Mohlomi reported a call to rule his people (D. Ellenberger and McGregor 1969: 90). More frequently, divination has played a part in the selection of a political figure—at least in Africa, including Egypt and Ethiopia (Tanner 1969: 185; Schenke 1963: 70-71). In ancient Mesopotamia, kings could be termed 'the called one' and described as the object of divine choice.[10]

According to Israelite tradition, God personally called the early leaders, whose task was quite comprehensive in character (Abraham, Gen. 12.1-3; Moses, Exod. 3.7–4.17; 6.2-13; 6.26–7.5).[11] Thereafter, persons

51-52 should be classed as 'central possession mediums' in the sense of I.M. Lewis, while those described there without a personal call are ritualists or members of a cult.) Heredity occasionally plays a part (e.g. Evans-Pritchard 1940: 186).

8. E.g., Horton 1969: 24. Weber's 'routinization of charisma' (1956: 146) needs to be seen together with the simultaneous emergence of more purely charismatic prophetism and should be understood as a phenomenon of specialization.

9. A widespread form of the call involves illness (especially one with psychological problems); this is then often diagnosed by a diviner or shaman. See, e.g., Horton 1969: 27; Colson 1969: 73; Sagant 1976: 85. Training by an established medium, to a greater or lesser extent, is very common. Cf. Wilson 1980: 50, 60-61.

10. *ANET*, 119; Falkenstein and Soden 1953: 105, 114, 115, 120-21, 127 (Isaiah 6 may have an affinity with such elections, although it is not likely part of a royal designation, *pace* Schoors 1977). The Akkadian word translated 'called one' is *nabium*—from which the Hebrew *nābî'* for prophet may be derived (see Wilson 1980: 137, following W.F. Albright and others). The role and manner of divine designations of political leaders needs to be further investigated. It is certain, however, that 'charismatic' leadership is not unique to early Israel (*pace* Noth 1958: 25).

11. For data and analyses regarding Israelite call accounts, see Olmo Lete 1973 and Baltzer 1975. The interrelationship between such stories has been discussed

with primarily military and political duties were summoned by deity—particularly Joshua (through Moses, Num. 27.18-23 and Deut. 31.7-8; directly, Deut. 31.23 and Josh. 1.1-9), Gideon (through an angel, Judg. 6.11-24), and Samson (through an angelic appearance to the parents, Judg. 13.2-23). Such leaders are described as being possessed with the spirit of God (Moses: Num. 11.17; Joshua: Num. 27.18; Othniel: Judg. 3.10; Gideon: Judg. 6.34; Jephthah: Judg. 11.29; Samson, a 'Nazirite' holy person: Judg. 13.25; 14.6, 19; 15.14). An immediate divine call is reported for Samuel, who was prophet, judge, and ritualist (1 Sam. 3.2-18—like Deborah, Judg. 4.4–5.31). In subsequent centuries of narrated time, prophets were believed to be commissioned directly by God (Amos 7.15; Isa. 6.1-13; Jer. 1.4-19; Ezek. 1.1–3.15) or to receive the task and spirit from an older prophet according to the divine will (Elisha: 1 Kgs 19.16, 19-21; 2 Kgs 2.9-15).[12] Kings were reportedly designated by prophetic revelation (especially the first of a royal line) and were viewed as possessed by God's spirit, at least in early times (Saul and David: 1 Sam. 10.6, 10; 16.13, 14; 2 Sam. 23.2) and in the ideal future (Isa. 11.2). The notion of a call became quite important for Second Isaiah, who applied it to the general prophetic-royal figure of the 'Servant of Yhwh' (42.1, 6; 49.1-9) and in particular to Abraham (51.2), Israel (41.9; 43.1; 48.12), and the Persian king Cyrus (45.1; 46.11; 48.15).[13] Biblical accounts of a call, then, like those in other societies, are closely adjusted to the role to which a person is assigned. Comprehensive leaders or specifically revelatory intermediaries receive a direct assignment by deity. Other important personages, especially kings, are designated indirectly through prophets.

extensively. It is by no means clear (as Rad 1957–1960, II: 68; Schmid 1976: 20-22, and others have argued) that the story of Moses' call reflects specifically prophetic tradition and is thus derived from the latter (cf., on the motif of reluctance, below, and on Moses' role, Vater 1976: 122-72). At the same time, it is unlikely that prophetic accounts (except perhaps that of Jeremiah, in a form that may be late) are deliberately connected with those of Moses or of political figures, as held by Habel 1965: 316, since the pattern is old in shamanism and may be considered to be a living one in prophetic tradition as well. W. Richter 1970: 175, in attempting to relate prophetic and other calls, does not consider the possibility of a common heritage. A quasi-shamanic union of tasks is also reflected in the description of the craftsman Bezalel as imbued with divine spirit (Exod. 31.3; 35.31); cf. Lommel 1966.

12. Assignment to the sacred role is called 'anointing' in 1 Kgs 19.16, as it is in relation to kings, priests, and cultic objects in other contexts. A vision confirms or grants the prophetic status, according to 2 Kgs 2.10-11.

13. Cf. Rowley 1950: 111-20; Fichtner 1957: 1085; and, for the royal element, e.g., Westermann 1966: 79 (similarly, on Jeremiah, Reventlow 1963: 43-45). An ambiguous figure—equivalent to the 'Servant', including the prophet and Israel?—is given a call in Isa. 40.6 (cf. Melugin 1976: 84 and Vincent 1977: 204-51; a closely related speaker appears in Isa. 61.1).

A call by a deity or spirit commonly summons the recipient to a lifetime of special service; that is true especially if selection occurs already at, or before, birth.[14] Stories of more limited commissions, however, are also told. They follow, on the whole, a pattern similar to that of long-term assignments, so that it is not easy to draw a dividing line between them.[15] Indeed, mediumistic activity occurs in temporary, non-professional forms (e.g., de Groot 1910: 1214; Eder 1954–58: 372; Gouldsbury and Sheane 1911: 83, with warnings described by the group as the roar of a lion). Amos appears to have declared that he is one who prophesies without being a professional prophet (7.14-15).[16] Even life-long activity as a shaman or medium very frequently does not constitute a full-time occupation.[17] Thus the professional quite regularly pursues an ordinary career. It is possible, then, that a number of the Israelite prophets earned their living by means of a priestly or secular occupation.

In the Bible and elsewhere, stories of a summons repeatedly include an element of hesitation, ranging from mild caution to stubborn rejection. Reluctance is reported for non-Israelite shamans and mediums[18] and for such general religious leaders as Moses (Exod. 3.11; 4.10, 13;

14. At birth, upon an oracle or (reported) observation: Lehtisalo 1924: 146; Nebesky-Wojkowitz 1956: 451; G. Lindblom 1920: 254; Fenton 1953: 70. Before birth, such as in the womb: Rasmussen 1929: 116; Horton 1969: 40; Tschopik 1951: 226; Taylor 1951: 110-11; Gilula 1967: 114 (for an eighth-century Egyptian pharaoh); Judg. 13.5; Jer. 1.5; Isa. 49.1; Lk. 1.13-17, 31-35 (with entry of God's spirit).

15. Thus, whether Isaiah 6 represents a life-long call can hardly be decided on such grounds (*pace* Steck 1972: 190-91). Quite a few of the biblical accounts may refer to a more or less limited task; even Moses' assignment is not clearly more than that.

16. There is no contradiction between engaging in a certain activity and disavowing one's being a specialist, or even a paid professional, in that line (*pace* Hoffmann 1977: 212, and others; better, Curtis 1979: 492). Occasionally among shamans or mediums, an absence of human training is valued (cf. Rasmussen 1929: 115-19). Possibly Amos implies such absence; in any case, he places stress on a divine initiative, an emphasis stylistically reflected in the repetition of the name 'Yhwh'.

17. Cf. Reinhard 1976: 265; Tschopik 1951: 285; Evans-Pritchard 1937: 253. The prophets at Mari included both cultic personnel and others ('lay' persons); it is not clear to what extent their revelatory activity was part-time or temporary, or both. Does the sending of hair and hem to authenticate their messages reflect the special garb and hair style of many shamans and ecstatics (cf. Eliade 1964: 145-80, 407; Gouldsbury and Sheane 1911: 87; the long hair of the Nazirites and the mantle of Israelite prophets [Carroll 1969: 405])? Their sense of mission resembles a call (Hayes 1967: 403), although no initial experience is related.

18. See, for different parts of Asia, Africa, and the Americas: Eliade 1964: 72, 109; Harva 1938: 453-54; W. Schmidt 1954–55, XI: 518; XII: 653; Knoll-Greiling 1952–53: 235; Elwin 1939: 137; Jordan 1972: 71-72; Spiro 1967: 208-10; R. Jones 1976: 47; Gelfand 1959: 110; Hamer and Hamer 1966: 395; Park 1938: 26; Pressel 1973: 304.

6.12) and Christian popes (Mühlbacher 1876: 2). Diffidence is expressed in accounts of early political figures[19] and to some extent of Israelite prophets.[20] One can wonder whether hesitation is a matter of politeness or pretended humility or whether it is genuine, based on awe or on a wish to escape an unpleasant involvement. Undoubtedly the various possibilities enter into play at different times, even in combination. In any case, all of these possible motivations have a common logical ground, namely the assumption that the task is an important and demanding one.[21]

A good description of reasons for reluctance is the following given by Kuper: 'It is considered best to be normal, not to be limited all one's life by special taboos on sex, food, and general behaviour; not to be exhausted by the demands of someone stronger than oneself; not to have to shoulder responsibility for the life and death of others' (1947: 164).[22] A narrative of a hill tribe in India relates that the first shaman, chosen by the sky god to protect and heal men when no one volunteered, declares:

19. Gideon: Judg. 6.15; Saul: 1 Sam. 9.21; 10.22. Possible reluctance by Joshua is countered in the divine charge of Josh 1.9. Solomon expresses humility when God appears to him in a dream soon after becoming king: 'I am a little child, not knowing how to come or go', 1 Kgs 3.7. Somewhat similarly, Thut-mose III in the report of his divine call to kingship describes himself in terms of a 'puppy' and 'weaned child' before his installation as 'prophet', i.e., comprehensive religious leader (*ANET*, 446; his reference to a flight to heaven is reminiscent of shamanic accounts). Such an outlook is also reflected in the autobiography of this pharaoh's vizier, who speaks of his nature and abilities being changed (*ANET*, 213; Baltzer 1975: 134-69 proposes, too specifically, that the prophetic call reflects that of a vizier). According to Zoroastrian tradition, Yima, the first king, turned down a divine request to present the law (*Vendidad*, 2.1.3).

20. Especially, Jer. 1.6, perhaps influenced by Mosaic or royal traditions (cf. Holladay 1964: 154-60; Schreiner 1975: 142-43), but appropriate for the prophetic sense attested in the complaints (20.9). A sense of inadequacy in the face of God appears in Isa. 6.5 (but not an objection; the prophet responds to the call for a volunteer, v. 8 [Engnell 1949: 42]). Hesitation may be implied in Ezek. 2.6, 8 (at least as a possibility [cf. 3.14, MT]), but probably not in Isa. 40.6 or in 1 Kgs 19.20. Jonah's avoidance relates to a specific message. Zimmerli 1979: 16-21 and Gouders 1972: 183 envision two types of a prophetic call—one with, and one without, an expression of reluctance; although reality is richer than such a dual typology, it is true that reluctance is indeed not always, or specifically, a prophetic motif. It is also not related especially to a life-long call. In Akkadian stories, temporary commissions may lead to disturbance or refusal (*ANET*, 110, 113; Buccellati 1976: 69).

21. Similarly, W. Richter 1966: 148 (not repeated in 1970: 21).

22. The problem of responsibility is mentioned also by Shirokogoroff 1935: 380 (including the possibility of conflict) and Métraux 1959: 73. Self-doubt in the novice was observed by Bogoros 1909: 420 (as well as apparent pretention, 421). For the more pragmatic considerations, cf. Wilson 1980: 49.

'But how can I do such a thing? I am a poor man and ignorant' (Elwin 1955: 131). Many recipients, however, accept a call without conscious (or reported) remonstration, acknowledging the power of the spirits and perhaps welcoming the task.[23]

Communication

One can now raise the question why a call from the spirit world is viewed as appropriate for a personal diviner. A major part of the reason lies in the belief that such a person is in contact with a reality which in some sense stands higher than the human, for a summons implies that the one who extends it is superior to the recipient. An especially significant advantage of a spirit over an ordinary human being is believed to lie in the realm of knowledge. Access to such special knowledge is important for the communicative function of a diviner, aiding human beings in making large or small decisions. Decisions require, in theory, a very large amount of information for assessment of the overall consequence of an act; since such information is not readily available, they are, to some extent, always made in the dark. To pierce this darkness, guidance is sought from those who are thought to be able to furnish relevant insight beyond what is already available. (Cf., further, the essay on the role of prophets, below.)

There are reasons to believe that a specialist can indeed add to the wisdom of decisions and that the call experience is a sign of an ability to do so. A recent study indicates that persons who are especially successful in intuition—that is, in making correct judgments on the basis of a limited amount of explicit data—are relatively 'unconventional and comfortable in their unconventionality' (Westcott 1968: 141). Investigations of creative persons describe them as independent, rather androgynous (somewhat 'feminine', if they are males), welcoming complexity (even messiness), and willing to tackle large issues (e.g., Bruner 1962: 24; Barron 1968: 192, 212, 220; Berlyne 1965: 319). Sometimes, a prolonged 'creative illness', primarily psychological, precedes a burst of insight (H. Ellenberger 1970: 889). All of these characteristics have been observed among mediums and shamans and frequently constitute a sign to a community and to the individual concerned that a certain man or woman has been called. Specific signals include a distant gaze and special sensitivity (Bogóras 1909: 415), running into the wilderness, nakedness (Harva 1938:

23. Occasionally, persons consciously seek to attract the attention of spirits (Rasmussen 1908: 147; Colson 1969: 78). The importance of an (unconscious) desire for successful operation as shaman is stressed by Shirokogoroff 1935: 346-48. Sometimes, the acceptance of a call is viewed as strictly voluntary (Butt 1966: 41).

453; Field 1960: 61-66; Middleton 1971: 224), and, very commonly, illness with psychological overtones (as also in the Christian-influenced Handsome Lake, Parker 1913: 9). Shamans and mediums may be impotent or homosexual, or dress cross-sexually (e.g., Schärer 1963: 57; Eliade 1964: 125; Burridge 1979: 119). In some societies, they tend to be orphans or to have physical disabilities, such as blindness (Murphy 1964: 75-76; Eder 1954–58: 369, 373). They have been described as 'individualists, odd, abnormal, queer', socially difficult persons, who live in 'a hectic, excited manner and in a dangerous world which is not the world of everyday life' (Krader 1954: 336). A call vision is received primarily in solitude—in other words, with some independence from social exchange.[24]

The dynamics of creative insight can be clarified to a considerable extent by referring to recent analyses of the process of communication. It is now recognized that only a situation with a large degree of uncertainty can provide much information to a recipient, since a stable condition is already known. For this reason, complexity as a high form of order stands in contrast to 'orderliness' or predictability.[25] Creativity and fresh perception, then, involve a willingness to confront uncertainty and complexity and to stand loose in regard to established structures. Such readiness appears to be facilitated by a receptive state, since an assertive goal-direction limits the information intake to patterns relevant to one's specific aim.[26] Sheer receptivity, it is true, does not reach a solution; but in conjunction with appropriate reasoning and information gathering, an open state of mind can lead to important results (Martindale and Armstrong 1974: 311, 317; Field 1960: 57; Tanner 1969: 278; Fry 1976: 35). Furthermore, imagination—including hallucination—is fostered by withdrawal from external input.[27] All in all, creative and prophetic persons are quite flexible in their facing of reality. Societies clearly have learned to give a place to such persons.

24. For solitude and travel to another society as part of training in receptivity and insight, see, e.g., Butt 1966: 42, 45-46. According to an experimental investigation, shamans impose forms on ambiguous phenomena in a more varied and self-directed manner than do others in the same society (Shweder 1972). Overholt 1979: 531 and Wilson 1980: 58 have rightly emphasized the social aspect of prophecy; it is important to note that societies acknowledge the value of independence, so that some individuals fulfill a social function precisely through not being fully immersed in common social operations. (On the interplay between society and individual in prophecy, see also Wallis 1918: 255-63.)

25. See *CSR*, 53, reprinting a 1979 essay; CFT, 201.

26. See Martindale and Hines 1975 for an experimental analysis, and cf. Plato, *Phaedrus*, 244; Heschel 1962: 381-89.

27. Some observers (e.g., Silverman 1967: 26-27; Bourguignon 1979: 241) have noted a similarity between the experiences of shamans or mediums and those that arise experimentally under conditions of sensory deprivation.

The guidance of a shaman or medium is usually sought for limited concerns, but a revelatory person can present a new general perspective or express social criticism.[28] A number of those propounding a new or special point of view have presented themselves as being called primarily to proclaim a particular message (e.g., Wallis 1918: 136, 143; so, perhaps, also Amos). Innovations, however, are also included in the work of professionals with various revelations (Hori 1968: 196-97; Horton 1969: 43, 46; Reinhard 1976: 288; Adas 1979). The relative freedom of prophets in relation to social structure encourages association and sympathy with lower levels of stratified societies and gives room to women, who may otherwise occupy a deprived position. Accordingly, revelations in ancient Israel and elsewhere can exhibit a protesting or equalizing tendency.[29]

The Attribution of Cause and Assignment of Responsibility

It is important to give specific attention to the logic and practical implications of a belief that a call by a spiritual reality has taken place. This belief is a special case of the attribution of causes and thus the assignment of responsibility in human perception and expression (cf. Heider 1958: 89, 114-18, 168-71; Harvey, Ickes, and Kidd 1978). The narrative of a call declares that a spiritual power forms the basis of the activity of a revelatory person. It supports the truth or authority of prophetic declarations or demands and elicits in those who accept them appropriate emotional states and active responses (cf., for such consequences, E. Jones *et al.* 1972: xi).

Of course, the fact that a story is told does not imply that a hearer or even the one who tells it believes the account. Indeed, there is widespread skepticism of prophetic claims and a fair amount of conscious deceit among intermediaries, sometimes rationalized as for the good of the other (e.g., Evans-Pritchard 1937: 185-93; Beattie 1969: 167; Tanner

28. See, among others, Fuchs 1965; Ray 1976: 200, 208. Similarly, Wilson 1980: 84 (although not with sufficient emphasis, so that Wilson regularly attributes sharp criticism to peripheral possession). On the inherent connection between authority and change, cf. Knuttson 1967: 20, 134.

29. E.g., Linton 1956: 129; Beattie 1969: 169; Lannoy 1971: 201-202; I.M. Lewis 1971: 66-126 (with special attention to the deprived social position of women); Fry 1976: 37; Winkler 1976: 247 and Macdonald 1976: 318 (on indifference to caste). The role of women as shamans and mediums appears to be quite old—in small communities to a large extent a matter of relative equality (cf., e.g., Czaplicka 1914: 243-55); where heredity plays a part in the selection of shamans or mediums, it not infrequently takes place along matrilineal lines (e.g., W. Schmidt 1954–55, XII: 651; Kuper 1947: 165; Leonard 1973: 151; R. Jones 1976: 49; Sagant 1976: 71).

1969: 284). Therefore, a first-person account of a call does not in itself accomplish authentication; the acceptance of a shaman or medium rests primarily on other grounds, such as recognition by an established diviner, appropriate behavior, and, especially, successful prediction or analysis of a problem (e.g., Anisimov 1963: 120; Winkler 1976: 248-49; Deut. 18.20-22; Jer. 28.9).[30] Probably in large part for this reason, reports of receiving a prophetic call are not very plentiful and the primary emphasis in public pronouncements is laid on particular messages and recent or current inspiration.[31] It appears, however, that in many and perhaps most instances a sense of having been called informs the self-concept of a revelatory person (with J. Lindblom 1962: 221, 182). The specific form of a call report is clearly shaped by cultural patterns;[32] it is likely, however, that the subjective experience is influenced by cultural expectation as well, so that no conscious deception need be implied by such stereotyping.

The theme of a spiritual origin of prophetic activity concerns the whole sequence of revelations initiated by a call and involves the issue of responsibility in prophecy (see further the next essay). On the one hand, the attribution of messages to a source in the spirit world absolves human individuals from personal responsibility for presenting or accepting them. On the other hand—in a more positive way—the orientation toward an overarching reality encourages an ethical outlook which incorporates a self-transcending concern for the larger human and nonhuman community. The assignment of responsibility to the spiritual realm then expresses an encompassing perspective wider than that of private interest.

Thus a call is associated precisely with those tasks which bear a high degree of responsibility in that they require considerable discretion and have a major impact on individual and group existence.[33] For persons

30. See, further, Long 1977: 10, 14. Accuracy of prediction is a feature of the image of a 'Mosaic' prophet, according to Wilson 1980: 164, 186, 199, 240, 250, but it is not limited to that tradition.

31. The main point of Isa. 6 and Mic. 3.8 lies in their message (cf. Knierim 1968: 68, and others). Amos 7.15, however, responds to a specific role challenge (Tucker 1973: 431).

32. Buxton 1975: 280; Tschopik 1951: 227. The extent to which the motif of a call of a shepherd or peasant is literary, rather than reflecting historical actuality (Schult 1971: 469), remains uncertain.

33. The task of personal healing, often associated with that of revelation, cannot be treated here in detail; midwifery is a quite responsible task, which may be included in a diviner's work (Middleton 1969: 225) or—if it is a separate role—can be viewed as assigned by a call (Rowe 1946: 312; Dougherty 1978: 152). On actual responsibility, cf. Ezek. 3.16-21.

with such assignments, self-transcendence clearly does not stand in opposition to a strong selfhood but rather in close connection with it—a situation which is symbolized by the fact that the initial summons sometimes consists in the calling of the recipient's name.[34] Although it may appear paradoxical, the high task to which a person is called provides major elements of freedom even as—in part, because—it is related to an ultimate reference point.

Concluding Reflections

There are several aspects of call experiences and narratives that can be explored further. Yet the observations that have been made are enough to show that major features of prophetic call accounts appear throughout the world and can be understood in terms of sociopsychological categories. Thus, although certain elements of individual stories may strain modern belief, the occurrence of a call as such need not be dismissed as a superstition. Furthermore, the events and narratives fit human experience well enough so that one can conclude that if divine communication does indeed occur, it does not violate common processes. Anthropological study of call phenomena, rather, reveals their specific place in human life. A call inducts the recipient into a highly responsible role; a call that is received personally typically leads to a communicative task that provides orientation and guidance for decisions. When Israelite prophecy was preserved orally or in writing, reports of a call continued this function, as hearers and readers believed that the prophets were authorized to speak on behalf of Deity.

In regard to the relation of biblical accounts of a call to human history, a few tentative comments are in order. First, diffusion undoubtedly took place. Israelite prophecy received impulses from other traditions, including some that go back to tribal society. Secondly, although the call narratives of the Bible resemble those found elsewhere, they also exhibit some special characteristics. Perhaps most notably, the Israelite call is represented as coming from a single and supreme deity, while in many traditions one or more lesser spirits are held responsible. A large part of the reason for this difference appears to lie in the situation of Israel's existence among high societies of the ancient Near East without being, politically, one of them (cf. Gottwald 1979 for a discussion of

34. Cf. 'Moses, Moses' in Exod. 3.4, 'Samuel, Samuel' in 1 Sam. 3.10 (cf. vv. 4, 6), the voicing of a name as the substance of an Eskimo call (Silverman 1967: 292), and the triple calling of a name in Nepal (Macdonald 1976: 312). For the relation of self-transcendence to selfhood, see Chapter 10, below; Burridge 1979, *passim*. Hölscher 1914: 196 notes that Amos 7.14-15 is simultaneously modest and proud.

this issue). Thirdly, Israelite society, at least since the beginning of kingship, was sufficiently specialized to differentiate between several roles, but it was not as diversified as were (and are) larger states. Thus a call in Israel stands intermediate between those of other groups in terms of comprehensiveness. Finally, the concrete nature of Israelite descriptions of a call, with voices and visions, is somewhat different from the way in which many persons of the present time sense their responsibility. Some of them, for instance, differentiate more sharply between an ultimate commitment, which is thought to be based on divine revelation, and specifically desirable steps, which require human judgment (compare the combination of divine and non-divine speech in prophecy, mentioned in the essay below on the prophetic role).

If theology is inherently an overarching discipline—as is likely—it needs to incorporate both structural and historical considerations. With the aid of secular scholarship, it can construct a general theory of dynamic relations including the particular categories employed here (role as the contribution of individuals to a group, communication as the content of a relationship, and attribution as the grounding of responsibility). An anthropological analysis cannot by itself establish a theological point of view, but it can contribute to one by shedding light on the process of faith.

Chapter 10

Role and Selfhood in Hebrew Prophecy*

For the human realm, two important sciences are psychology and sociology. Since the Bible uses human language, both sciences are relevant for an understanding of its literature. Psychology focuses primarily on individuals; sociology, primarily on group processes. Since human existence is at once individual and social, it can be treated adequately only by a perspective which treats both sides. The endeavor that seeks to take account of both in a disciplined way is known as social psychology. This is, then, an important theoretical framework for biblical study. It is, of course, possible to employ a narrower perspective that highlights either the individual or society, but when doing so, it must be remembered that only one aspect of human existence is being explored.

In the field of social psychology, the topics of role and selfhood have been important. They will be highlighted in the present analysis.

Role

'Role' refers to the activity of an individual as it is expected by, and carried out in, a group. In describing a role, it is natural to highlight a positive or harmonious relation between individuality and the social order. Yet there can also be conflict. Conflict may be destructive, but it can also be helpful for the long-range operation of society (thus, e.g., Coser 1956). Some roles are inherently conflictual, as they are in judicial relations and games.

The actual (or 'enacted')[1] role played by an individual is not necessarily rigid but emerges from an interplay between the role expectations

* Originally published in J. Harold Ellens and Wayne G. Rollins (eds.), *Psychology and the Bible: A New Way to Read the Scriptures*, II. *From Genesis to Apocalyptic Vision* (Westport, CT: Praeger, 2004), pp. 277-94. Used with permission. A detailed sociopsychological look at prophecy.

1. Cf., e.g., Deutsch and Krauss 1965: 75; for Hebrew prophets, Petersen 1981: 20-33.

present in a community, on the one hand, and the history and inclination of the actor, on the other. General observations and experimental studies show that cultural expectations and situational factors have great power. Yet individual dispositions and abilities also affect social behavior. Role expectations may indeed allow considerable latitude in regard to the details of a prescribed activity. The playing of a role is, then, not only one of 'role-taking' but also one of 'role-making'.[2] In fact, social prescriptions generally appear to be no more rigid and precise in relatively small societies than in larger ones,[3] so that it would be erroneous to picture Israelite life as highly inflexible.

In every social order, a number of different roles are required. As communities grow in size, an increasing number of them are assigned to specialists. Accordingly, we need to distinguish between a role and a role specialization. For instance, preparing a meal is a role needed in every society, but only in some contexts will there be cooks who specialize in this task.

In a small group, all adult members may exercise the various operations that take place in a group: economic, familial, recreational, religious, judicial, etc. In such a situation, these operations are not sharply delineated from each other. As a group increases in size, roles are gradually separated to a considerable extent. At first, there emerges a single religious specialist (often called a 'shaman'), who engages in healing and other rituals as well as in giving advice on the basis of a special relationship with normally unseen realities. Subsequently, religious duties are divided between priests and diviners or prophets, each of which type can again be subdivided.

This pattern of development appeared in Israelite society, and it is interesting to see that biblical writers were, subconsciously at least, aware of the process of gradual differentiation. Although early Israel existed within the orbit of elaborately organized states, its constituent groups were small enough so that there was little occasion for assigning priestly, prophetic, and judicial functions to different persons. Early figures—including Abraham, Moses, Deborah, and Samuel—are thus appropriately pictured as executing a variety of tasks. The term 'man of God' is used in the Hebrew Bible to refer to a person with a wide

2. Turner 1962: 22. Similarly, many others, including Zurcher 1983: 13. As stated by Bourdieu (1985: 13), an individual's socially oriented *habitus* has room for 'the "creative", active, and inventive capacities' of the agent.

3. Not only is there no evidence that existence in small groups is relatively more rigid than in larger ones, but there is some contrary evidence; see, e.g., Greenbaum 1973: 80-84. Of course, the total number of options is greater in a more complex society.

range of roles, as well as generally to any religious figure, so that this is a broad term for a person with a religious role.[4]

As role assignments became more specialized in Israel, those that were primarily political became separated from others that were more specifically religious.[5] These two can be symbiotic, but also stand in tension. (Many societies have apparently found it useful to have such a divided leadership.) Within religious tasks, the priestly was distinguished from the prophetic.

According to this differentiation, priests perform ritual activities, which can include religious (perhaps both ritual and ethical) instruction. The nature of their ritual and the content of their instruction is, at least in theory, traditional. In other words, priests—unless they are also prophets—do not personally receive revelations that are to be transmitted to others.

In contrast, prophets (according to the terminology of the Hebrew canon, whatever they may have been called earlier) are believed to stand in a special direct relation to God. They can thus receive special communications that are not available to ordinary perception and pass these on to others (e.g., 1 Sam. 9.20; 10.2-6). Subjectively, such special communications occur in many forms, including visions, the hearing of voices, and—it seems—a less easily described sense of insight into reality. The precise nature of these experiences is a fascinating topic which cannot be pursued here in detail. Considerable scholarly attention, however, has already been paid to altered states of awareness, so that much has been learned about their physiological and social aspects.[6] To a greater or lesser extent, all human beings share in such states. Yet some persons develop a predilection toward special experiences and thus naturally enter a role specialization in which they are prized. Furthermore, those who have accepted such a role assignment may well actively seek—and perhaps simulate—an appropriate state.

A well-known difference between priests and prophets appears in the fact that in Israel (at least) priests in principle receive their role through heredity. In contrast, prophets are inducted into their role through a

4. Specifically, the term describes Moses, Samuel, Elijah (at a point when he acted as a healer), Elisha (who was repeatedly a miracle worker), David, and some minor or anonymous figures. See Auld 1983: 9, for biblical references. The term apparently does not seem to refer to a strongly specialized role (*pace* Petersen 1981: 35-40; 2002: 6). Was there also a term 'woman of God'? Goldammer 1972 identified shamanistic features in early Hebrew/Israelite figures.

5. Noth 1958: 25, moved in the right direction when he regarded kingship and prophecy as reflecting different sides of an earlier office, even though his description of that office was hardly accurate.

6. See already Tart 1969 (third edition, 1990); White 1972; Bourguignon 1973.

personal 'call', as reported for Israel and other societies. Shamans, with their comprehensive task, are mixed in this respect: they can respond to an involuntary call, although heredity is often important for their induction.[7]

Another way in which the difference between priests and prophets appears is that the only item of literature that is attributed to a priest who is not also a prophet contains no fresh revelation (Ezra 7.27–9.15). In contrast, large parts of the Hebrew Bible consist of revelations mediated by Moses and by subsequent prophets, almost all whom are (correctly or not) identified by name. Biographical and autobiographical narratives, further, reflect the importance of prophets as persons. The individuality of revelatory figures is thus important in the Bible, as has been true elsewhere.

One can ask why prophetic communications are valued. The answer is that, for the most part, they aid in the making of decisions and the handling of problems. This is the human situation (*Sitz im Leben*) to which they primarily belong. Individuals and groups are constantly faced with more or less important choices and more or less serious crises.[8] They do not have immediate knowledge of all the relevant considerations that would enable them to make a wise decision or to take effective action. Thus they need to rely in part on 'intuition'—that is, on a holistic grasp of the state of reality as it impinges on the present moment.[9] Individuals can receive such insight personally, for instance in a dream (as in Gen. 31.3, 11), or they may accept it from someone else, who may be a professional in giving guidance (e.g. 1 Sam. 23.1-13; 1 Kgs 22.5-28).

Guidance falls into several major types, which can be distinguished by the following two criteria: (1) Is the guidance based on fairly ordinary human observations or on special superhuman input? (2) Is the guidance general or particular? These two sets of alternatives are each not altogether rigid, but they yield roughly four groups of materials: 'ordinary general', 'ordinary particular', 'special general', and 'special particular'. 'Ordinary' means here only that no claim to a special divine revelation is made.

Ordinary general insights are presented especially in Proverbs, phrased there in the form of observation and exhortation or advice (rather than command). Ordinary particular advice is reported in stories. Both kinds of guidance can be called 'wisdom' in the Hebrew Bible. General rules

7. For details regarding calls inside and outside Israel, see the essay on call narratives.

8. This is true not only at certain times (*pace* Wilson 1980: 31).

9. Malamat, among others, has spoken of nonmechanical prophecy as 'intuitive' (1998: 59).

that are said to have been received by special revelation are formulated as laws (with a different grammatical form than proverbs) given primarily through Moses, who is pictured as a super-prophet. They could be passed down by priests. (To be sure, in what way this biblical pattern reflects actual Israelite situations is quite uncertain.) General rules, however, are insufficient for guidance, for, although they have wide applicability, particular situations contain much uncertainty. If there is to be divine guidance in regard to these, there needs to be a stream of fresh revelations—in other words, special particular guidance. To furnish such guidance is the primary task of Hebrew prophets.

One aspect of this alternative should be mentioned: the contrast between actuality and the ideal. This is the contrast that was mentioned in the essay on 'The Divine "I"' as the contrast between empirical reality—often called 'fact'—and value. As is well known, values are not determined fully by facts, although specific values, at least, have a factual component. Within value, one can distinguish two kinds, norms and evaluations. Norms stand logically prior to acts, in the sense that they prescribe how acts should proceed. Evaluations come after acts, measuring them against norms or providing an intuitive reaction. Most norms are general and thus the proper province of priests, who hand down a tradition. In contrast, evaluations refer to actuality, which is in part particular. In the Hebrew Bible, prophets size up actuality and in the process evaluate it. Some figures outside of the Hebrew Bible who have been called 'prophets' by scholars are reported to have set forth a new normative vision, and it is possible that Hebrew prophets did also, but this role is limited in the Hebrew Bible officially to Moses.

In their role of furnishing special guidance for actual situations, Hebrew prophets are comparable to others who have been called 'diviners' or 'mediums'.[10] When there is a problem they deal with actuality by finding out whether missteps by the person in difficulty or actions by a hostile force have caused the problem and indicate what steps to take as a counter-measure. Or they look ahead to see what trends are currently operative in reality so that those who inquire of them can make appropriate decisions. The prophets whose words are preserved in the Hebrew Bible differ from such figures in that they engage more often in moral or spiritual evaluation.

It should be noted, then, that the words of a prophet or seer are inherently new and unpredictable, for no special insight would otherwise be required. Thus the role expectation for prophecy is to present something

10. 'Divination' (in a broad sense, including prophecy) has been described by Vernant 1974: 17 as being concerned with the 'knowledge of singular events'. Similarly, for Israelite prophecy, Fohrer (1967: 30-31) and some others.

not yet known, specifically something that requires more-than-ordinary insight. The basis of such insight is attributed in part to contact with the spiritual world. Nevertheless, Israelite prophets do not phrase all of their words as coming from Deity. Thus they acknowledge or imply that human observation and reflection plays a part.

The role that has been described requires a person who is not too closely immersed in the social structure. A call vision is typically received primarily in solitude—in other words, with some independence from social exchange. In fact, some observers have noted a similarity between the experiences of shamans or mediums and those that arise experimentally under conditions of sensory deprivation.[11]

For Israelite prophets, similarly odd behaviors or experiences are reported (see J. Lindblom 1962: 47-201). For instance, the Hebrew Bible reports that Hosea married a morally questionable woman (Hos. 1.2), Isaiah walked naked for three years (Isa. 20.2-3), and Ezekiel ate a scroll given to him by God and was tied down on the ground by God for over a year (Ezek. 3.1-3; 4.1-15). It is true, many of the odd actions and the unusual experiences that are self-reported may not have taken place in externally observable terms,[12] but such reports do indicate a role expectation. More importantly, the content of many prophetic words were contrary to what people wanted to hear. Thus, at least some of the prophets emotionally transcended ordinary society.

It is important to note that, although some abnormal activities and experiences can subvert the social order (as well as the individual prophet's well-being), many of them can aid the operation of societies, whether in a harmonious or a conflictual way. It is presumably for this reason that most societies make allowance for abnormal processes and even support them, although usually with some apprehensiveness. It is true, the mere fact that a certain phenomenon, such as prophecy or divination, is widespread does not prove that it is helpful (for instance, murder is widespread). Yet, as we have seen in regard to creativity, there is experimental evidence that certain unusual processes can indeed be useful. To be sure, some prophets are simply hirelings or at least conformists and say what is expected of them.

In addition to being somewhat independent, a revelatory person needs to have a holistic perception that incorporates complex data. Such a perception appears to be facilitated by a receptive state. According to some self-reports, 'creative inspiration is most likely in…reverie-like

11. For unusual behavior, see also Grabbe 2000: 22.

12. See Buss 1969: 53. My colleague, Nickie Stipe, has observed that, in an altered state of consciousness, some persons report taking part in processes that are not externally observable.

states' (Martindale 1998: 140). Such a state is not needed or even useful for much of ordinary life, but it is important for some purposes. Sheer receptivity, it is true, does not reach a solution; but in conjunction with appropriate reasoning and information gathering, it can lead to significant insights.

A second reason why revelatory persons with a claim to unusual insight can make a contribution has to do with the assignment of responsibility for what is said (see already the essay on call narratives). Prophets and similar figures attribute a message to the spirit world by indicating that this is its source. This attribution provides significant authority to what is said. One of its advantages is that it absolves the one who presents a message from personal responsibility, so that an unpopular opinion (or one critical of authority) can be expressed more readily than would otherwise be the case. Another—probably even more important—advantage is that a hearer can yield to the authority of a spirit more easily than to a merely human voice, such as in accepting an uncomfortable and perhaps humiliating decision in a judicial case or as part of a healing process (which may have social aspects) or in responding to a wife's request in a patriarchal society (Field 1960: 76; I.M. Lewis 1971, *passim*; Long 1977: 6-7).

For the purpose of assigning responsibility, it is not important that prophets actually have the highly unusual experiences of which they speak; they only need to claim or imply that they have them. Nevertheless, the implied experiences and the attributions to a divine source have in common a reference to a reality beyond the everyday world. By attributing judgment to a superhuman source, Israelite and other prophets can effectively present an encompassing perspective beyond a narrow interest.

We can now look at the kinds of decisions with which prophets deal. They can address both individual and social needs.[13]

To serve these needs, oracles are typically oriented either toward giving advice about the future or toward rectifying the past. In either case, they are grounded in, and seek to guide, the present. In much of prophecy, as in divination generally, words concerning the future are intended to be conditional. They indicate what will happen if a current situation is not changed or if a contemplated action is carried out. An individual or group can then prevent the prediction from coming true by changing a present state or by desisting from a contemplated path. Such guidance is, in fact, normally the reason why an oracle is requested or given (although there are a few exceptions to this rule).

13. According to the terminology of Lewis (1971), they can speak to both 'peripheral' and 'central' concerns.

Oracles relating to the past identify a source of present evil, so that a remedial step can be taken. In the judicial realm, this process involves the identification of evildoers and determinations of guilt (e.g., Retel-Laurentin 1969: 34).

Most of the individual and many of the social concerns are brought to a prophet, seer, or diviner as an inquiry. A prophet, however, can also give unasked-for advice and judgment attributed to a spiritual source. That may even take place during a ritual occasion. For instance, in a certain Vodun ceremony, the gods, through a possessed person, 'threaten sinners, and gladly give advice' (Métraux 1959: 125). The voicing of an oracle in connection with a ritual has been reported also for the ancient Near East (e.g., *ANET*, 26). It is quite possible that the prophecy of Amos was presented on a festive occasion, since in the ancient world popular rites were carried out in the open, with people milling about. Thus it is difficult to draw a line between 'cult prophets' (who are connected with ritual) and another kind.[14]

In Israel a significant aspect of prophetic activity consisted in the evaluation of kings. This evaluation was unusual in the degree to which it was carried out and indeed expected. However, it stood in partial continuity with the tasks of other seers and diviners, as well as with provisions made in various societies for the criticism of authorities.[15] Israelite prophets engaged in advice and denunciation and were reportedly instrumental in both founding[16] and ending[17] dynasties. Clearly, the

14. Such dealing with specific problems in a ritual context, however, must be distinguished from the general, repeatable, oracles found in some biblical psalms (see the essay on the Psalms of Asaph and Korah).

15. For instance, jesters attached to many African kings expressed jokes, praise, and criticism (Gluckman 1965: 103). In China, criticism of kings was made formally and informally by an intelligentsia that furnished a certain balance to royalty, and a dynasty could be believed to lose its heavenly mandate (cf. Rowley 1956: 57-73). In Mesopotamia, prophetic criticism of kings is known for Mari and Neo-Assyrian traditions (Nissinen 2003). Priests have also often provided a counterweight to royalty.

16. 1 Sam. 10.1-21 (Saul); 16.13 (David); 1 Kgs 11.31 (Jeroboam); 2 Kgs 9.6 (Jehu).

17. According to biblical data, the rejection of a king did not imply his being deposed, but the end of his dynasty. See 1 Sam. 13.14; 15.26, rejecting Saul, who remains king; 1 Kgs 14.7-14, announcing the end of the 'house of Jeroboam'; 1 Kgs 16.2-4, against 'Baasha and his house' (16.2 may imply an unrecorded prophetic designation of Baasha as king); 1 Kgs 21.21-29, ending the 'house' of Ahab, but granting it an extension of one generation because of Ahab's repentance. The sons of Saul, Jeroboam, and Baasha were killed in revolts (the latter two within two years), perhaps in part as a result of the reported prophetic rejections; it seems that in these cases the son attempted to ignore the prophetic rejection insofar as it applied to him, but that others in the nations accepted the prophetic judgment.

prophets were considered, by themselves and by at least some others, to have greater spiritual authority than the kings, who, of course, were in possession of military power.

Beyond exercising authority over kings, Hebrew prophets took a further step, at least from Amos on: they expressed assessments of the nation as a whole. In doing so, they still called for a decision (see Buss 1969: 128-29), but the decision they called for was an encompassing one, rather than in regard to a small issue.[18] They thus came close to making general judgments. After all, the powerful in society regularly take advantage of, or fail to consider the needs of, those with fewer resources. It is true, these prophets apparently did not think of themselves as furnishing new general laws, for they did not use the grammatical form used for law. Rather, as traditional Jewish interpretation has rightly seen, they issued exhortations that were addressed—as divination is generally—to an actual situation. However, they confronted actuality in such a fundamental way that their words have continued relevance.

With the passing of kingship, the functions relating to royalty became irrelevant. That does not mean, however, that prophecy itself ceased. On the contrary, it continued for the rest of the biblical period. It dealt both with specific issues, such as the rebuilding of the temple, and with larger ones, up to an orientation that looks for a better world.[19]

The fact that the prophetic critique was not altogether peculiar is shown by the fact that a phenomenon similar to some Hebrew prophecy appeared in India at roughly the same time. There, too, mystics assessed actuality in a radically critical way. Of course, it is possible to argue—as some did in their own time and in the more recent past—that the prophets and mystics were excessively negative in their assessment (see, e.g., Buss 1969: 138).

Still, ways in which the major Hebrew prophets made a positive contribution are widely recognized. One way they did so was by projecting a positive future, thus providing encouragement. An indirect contribution is that Israelite religion probably would not have survived the

Similarly, the 'house' of Jeroboam II, against which God will rise with the sword according to Amos 7.9, ended with a revolt six months after that king's death; was the rebel encouraged by Amos's word?

18. They have thus been described as 'poets' or 'intellectuals' (e.g., Carroll 1983: 26). Such a description can be appropriate, as long it is not set in opposition to the role of prophecy, so one might say that they were 'religious poets', and so on.

19. Since there was no continuous line of prophets that would hand down their words—see the essay on the prophetic call—the remembrance of both pre-exilic and postexilic prophecy may well have been by Levites or priestly scribes. Cf. Christian 2011.

political fall of its society if the judgments of those prophets had not provided a theological reason for that catastrophe. Beyond this, the ethic that was supported by the extant writings of the major prophets was attractive to reflective human beings both within and outside Israel, some of whom made it a basis for religions that had a worldwide impact. (The possibility that the prophets have also hurt society will be raised later.)

The role exercised by prophets persists to the present day, although its operation has been transformed and various aspects of it have been dispersed. Spiritual guidance, which was one of the tasks of comprehensive religious leaders and became the specific task of prophets, has been reorganized and reconceived, but remains. In the modern and transmodern world, spiritual guidance is commonly sought with less reliance on literal visions or auditions and can be expressed in less overtly ecstatic ways. Nevertheless, a holistic orientation for decision, requiring intuition, is probably an inescapable ingredient of human existence. Ordinary life is often carried on without much serious thoughtfulness or without much concern for the good of society or of humanity as a whole. Some persons convey to their hearers an orientation that transcends such limited concerns.[20]

We have seen that the personal-individual experience of prophets should not be treated as an alternative to social interaction but, rather, as its complement.[21] In Israel and elsewhere, there were indeed tensions between prophets and their society but, in part for this very reason, many prophets played a creative role. The tensive complementarity will become even clearer when we deal with the topic of selfhood.

Selfhood

A prominent topic in social psychology is the notion of a 'self'. It lies on the border between the disciplines of psychology and sociology and has been discussed extensively in both of them.[22] One might imagine that

20. Thus, also, Overholt 1989: 183, among others.

21. There have been extensive discussions of the unusual experiences and behaviors of prophets, as well as of their social role (by Wilson, Petersen, Overholt, and others [see Grabbe 1995]), but the fact that the two sides belong together has not been emphasized. In a certain way, Weber bridged the gap with his concept of a 'charismatic' role. However, his description did not yet give sufficient attention to the comparable roles of shamans, mediums, and other diviners and was without the sociopsychological perspectives that are raised here.

22. Crucial theoretical contributions include those of Cooley (1902: 152), Mead (1934), Duval and Wicklund (1972), and Baumeister (e.g., 1998).

this is a strictly psychological topic, yet a central thesis for investigators of selfhood is that it arises only in a social context. In fact, self-awareness is aided by the assistance of another person in whom one is mirrored and whose gaze directs attention to oneself.[23]

Selfhood is connected with a broader process which Piaget has called 'decentering'. In this process, one adopts in one's imagination a center of vision outside of current bodily location.[24] For instance, human beings can imagine how an object would appear if they stand on the other side of it. (This is quite different from 'decentering' in the sense of having no center of vision.) Self-awareness is a special instance of such decentering. In this case, instead of looking at some other object from an imagined standpoint, one looks at oneself. An interesting paradox then arises: selfhood, in the sense of self-awareness, requires at least intellectual self-transcendence. Self-directed humor is one example.

Selfhood is contrary to a naïve egocentricity. A being that has a center of vision exclusively within itself and only looks outward (such as a bird toward a seed) does not have a self. Different from such innocent egocentricity is what is ordinarily called 'self-centeredness'. Self-centeredness in a moral sense happens when a person decenters intellectually (seeing the self imaginatively from the outside), but not emotionally (adopting the welfare of others as an interest).

A combination of intellectual and emotional self-transcendence leads toward conscious altruism, which is different from instinctually based supportive behavior. The intellectual step toward it takes place when one sees a situation through another person's eyes, in what is called 'empathy'. 'Sympathy' goes beyond that, when one adopts the concern of the other or at least recognizes that it has a validity comparable to one's own concerns.

Sympathy does have a potential problem, namely, that one loses sight of the distinction between self and the other. It is then possible to

23. The social character of self-reflection has been emphasized by J. Baldwin (known to Piaget) in various works near the turn of the century; Cooley 1902: 168-210; and Mead 1934: 140. In the psychoanalytic tradition, the role of mirroring in forming the self is discussed by Kohut 1977: 171-72, 185-88. Although self-recognition is largely absent in nonhuman animals, it does appear in chimpanzees, provided that they had early social experience (Gallup 1977: 329-38). It seems to be an error (continued by Adorno 1964: 204) to set selfhood in contrast to social interaction.

24. See, e.g., Piaget 1981: 39-40; Lewis and Brooks-Gunn 1979: 260-61 (with a recognition of empathy, a major basis of prosocial behavior, as a function of the self). Self-observation as an aspect of the ego-ideal was also mentioned by Freud 1940–87, XIII: 121.

lose one's own identity or to ignore one's own valid concerns or, as happens rather frequently, to assume that one's own assessment of the other's need or desire is correct.

Intellectual and emotional self-transcendence is important for a religious orientation insofar as it involves beliefs and practices that relate explicitly to an overall view of existence.[25] In referring to an ultimate or encompassing reality, one finds an orientation that has a comprehensive vision, which may include concern with the welfare of many beings. An orientation of this sort leads to a problem if it fails to acknowledge that there is a difference between one's own perspective and an omniscient 'God's eye view' and thus becomes what we call 'dogmatic'. However, if an awareness of one's own limitations is maintained, an inclusive reference point, considered to be divine in the biblical tradition, can provide a large framework within which the actions of individuals or groups can be evaluated.

Self-reference is by no means always pleasant. On the contrary, negative forms are shame and guilt (see Tangney and Fischer 1995). Although shame and guilt are not quite distinct, they tend to differ in that, in shame one worries about one's status, while in guilt one admits that one has done injury to another, especially to a 'relationship partner' (Baumeister, Stillwell, and Heatherton 1995: 173-74). Guilt implies that one could have done better and that one can do better in the future; as long as it is appropriate, it is thus often less debilitating than shame. Guilt often also provides the basis for an ethical response, either in the form of making amends or by accepting responsibility; in this way, it protects or enhances a relationship. (Collective guilt allowed Israel to survive its loss of political independence, as has been mentioned.) Shame also serves a social function, but it does so primarily as a future threat to be avoided. Hebrew prophets were deeply oriented toward guilt. They also repeatedly used shame as a threat (e.g., Hos. 4.19; 10.6; Isa. 1.29; 20.5). On the positive side, they could promise removal of guilt (Jer. 31.34) or of shame (Isa. 54.4 [Dille 2003: 246]).

It is possible to ask whether self-reference provides survival value. The answer to this question may not be crucial for decision making, for it is by no means certain that human beings—who are endowed with such consciousness—have a greater ability to survive than many beings that are less conscious.[26] Indeed, one must be careful about making

25. Religion tends to have two poles; on the one hand, an orientation toward comprehensive and ethical issues (with belief in a high god or fundamental spiritual reality) and, on the other hand, toward limited, even ordinary competitive, concerns. The former pole is emphasized in biblical prophecy.

26. See *CFT*, 202 n. 5, contra Darwin's view from 1861 on that competition for survival increases complexity and, implicitly, value.

survival the primary criterion for evaluating a phenomenon. Nonconscious beings do not think about survival at all, and conscious ones have goals that are usually even more important to them. It is true, survival is a prerequisite for other goals, but it is only a minimal value and is sometimes ignored. In fact, human beings may well prefer a short life that is self-aware to a long one that is not.

Instead of holding that self-reference has a survival value, one should note that a certain amount of self-transcending awareness is indeed needed just for an intellectual apprehension of reality, including the one that is involved in writing or reading the present essay. One might then say that possession of such an awareness is a happy accident that allows us to do what we are doing. We may then value intellectual self-transcendence whether or not it aids survival.

Similarly, we may value altruism whether or not it has survival value. Indeed, escape from conflictual historical existence has been an ultimate ideal of religions in India. Amos apparently implied that survival of a society is not the highest good. In fact, some ethical actions or principles may be detrimental in this respect. For instance, Silver (1983) has argued that the prophecies preserved in the Bible (and the ethical injunctions associated with them) harmed the Israelite economy. Yet, if his analysis is correct, that does not settle the ethical questions. Justice can be an end in itself.

In his study of the Australian Tungus, Kenelm Burridge applied the term 'responsibility' to a system of reciprocal relations. He found that in the Tungus' view God, children, and certain marginal persons stand outside the reciprocal order. For instance, according to one story, God punishes by death a group of 'responsible' persons who stand within that order and exclude an orphan (1969: 205). It is possible that excluding the orphan may have aided the group's survival, but a high god's interest can be different. In that way one can agree with Burridge's observation that many prophecies are unrealistic and even a danger to the welfare of human communities. To be sure, as Burridge 1979: 157-64, 198-204, 251-53 has pointed out, relative disorder (which may be brought out by a prophet) can also provide seeds for a significant new order.[27]

In any case—whatever survival value it may or may not have—Hebrew prophecy exhibits self-transcendence both in its implied experience and in its content. The implied experience may take the form of possession, in which another power is believed to take over one's consciousness so that Deity speaks in the first person, or it may consist simply in a receptive attitude to the divine. In regard to content, at

27. This paragraph stood originally in Buss 1982: 121, as part of a discussion.

least some of the Hebrew prophets stress a concern for one another in such a way that social oppression is criticized. In this emphasis, they do not stand alone. Rather, ecstatic—and similarly mystical—forms of religion frequently stand in opposition to stratification in society for intrinsic reasons.[28]

Of course, through presumed contact with the divine, prophets or ecstatic persons gain, rather than lose, power and authority. They can thus present a challenge or promise for a transformation of life or use their position simply for their own advantage. In fact, one should note that not all prophecy is self-transcending. For instance, oracles against foreign nations and hopeful visions support the prophet's own country and undoubtedly enhance the prophet's status in the community as well. Furthermore, self-transcendence is always partial, and human motives are usually mixed.[29]

In terms of long-range history, it is likely that prophecy in Israel and mysticism in India represented an increase in self-awareness, together with the negativity that this entailed. The critical awareness which arose at that time may well have been supported by the use of writing, by means of which persons who were especially reflective could pass on their impressions of reality. A critical sense was probably also enhanced by tensions in society that were brought about by the development of aristocratic organization and empire formation. However, in Hosea there is not yet an indication that political defeat was a factor in the prophet's negative assessment, although that defeat aided the acceptance of his prophecy later.[30]

In sum, selfhood and human society should not be set over against each other. Human beings are not automatons. The self would not be a self without society, and society would not be human without selfhood. In the interplay between these two sides, Hebrew prophecy has played a significant role.

28. Bhakti (ecstatic devotion), Tantra, and many other forms of mysticism in India as well as elsewhere have sought to transcend class distinctions. The Buddhist critique of the idea of a substantial ego supports ego-transcendence, paradoxically an important aspect of selfhood.

29. This is the element of validity in the speculative suggestion by Coomber 2011 that prophets may have been self-interested. However, if prophets were indeed sidelined (which is not established), their protest is more likely the cause than the result of that.

30. The macrohistorical factors mentioned have been discussed by a number of non-biblical and biblical scholars, surveyed in Buss 2006.

Prophetic Eschatology and Selfhood[31]

Eschatology is frequently discussed in terms of ideas. These ideas may include the conception of a totally different world or of a 'decisive' event. An alternative, which need not be contrary to the other approach, is to examine the sociopsychological structure of an eschatological expectation, as that is expressed in language.

First of all, the category of End constitutes a counterpart to Origin. Both of them assume that there is something larger than oneself—sufficiently larger so that one needs to be related to it receptively. Receptivity in relation to the Origin is rather obvious. Since it comes before oneself, one cannot bring it about. Active receptivity toward it, however, comes into play in the form of acknowledging what has happened and in accepting a claim or challenge that is laid upon one from that source, as a child can acknowledge its relation to the parent. The characteristics of receptivity toward an End are less obvious, although they are widely acknowledged.

Specifically, all announcements of a totally (or near-totally) good reality in the Hebrew Bible are presented as divine acts, not as a consequence of what human beings will do. All that they can do is to 'wait' for Deity (Zeph. 3.8) or at most to 'turn' toward God (Hos. 14.2, etc.). God will provide a 'new heart' and 'new spirit' (Ezek. 11.19; 18.31; 36.26, following Jer. 31.33). Similarly in Hinduism, the attainment of a release from the present conflictual world comes by avoiding 'action' (*karma*)—specifically, attachment to it; in contrast, 'action' can lead only to an imperfect advancement within the present hierarchical order. Indeed, Hindu devotional mysticism relativized class distinctions at least within the religious sphere. Furthermore, Jainism seeks to avoid *karma* altogether, conceived somewhat differently, and classical Daoism aims toward non-action (non-assertiveness).

How long does one need to wait? In Hosea and other prophecies, the ideal state does not appear to be very far off. Yet no precise time table is furnished. Perhaps we need to recognize that—intuitively, at least—Hebrew prophets knew the difference between temporal and the transtemporal dimensions. After all, the transtemporal character of Origin events has been widely acknowledged in religious ritual.[32] The 'apocalyptic' word of Dan. 9.24-27 does furnish a date and is thus less truly eschatological and directly relevant only for a specific historical situation, although it has been applied to others. In fact, revelation in Daniel does not employ the divine 'I' and finds its place appropriately in the third division of the canon.

31. This section of the essay restates in revised form ideas and considerations that were presented in Buss 1988, since permission to reprint the original form was not received in time.

32. That is true also in some of what we call 'magic', especially in ancient Egypt.

Not only is divine activity pictured in quite non-specific terms, but prophetic criticism, such as in Hosea, is also often quite vague and general. It is possible, of course, that more specific criticisms were not preserved since they were no longer relevant. Yet quite a few prophecies shudder at existence as a totality, so that a ritual remedy is no longer appropriate.[33] They look for a solution of the problem of existence as such. Accordingly—especially as presented in the books of Isaiah, Jeremiah, Ezekiel, Hosea, Micah, Zephaniah, Haggai (?), and Zechariah—they announce not merely a rectification of specific problems, but a total 'End', a fulfillment of the truly good.[34]

The transtemporal character of divine action in Origin and End—which is present in thought—fits human interiority, while the temporal aspect of reality is one within which human beings can act externally. The prophetic announcement of a new heart and spirit is thus not accidental. (The transtemporal character of divinely-given 'law' may also explain why this law was not felt as an external imposition, but something that can be affirmed inwardly.) Biblical writers have of course not expressed themselves in these terms, but reflective form-critical analysis can observe linguistic expressions and attempt to understand their dynamic structure.[35] Greek philosophers, who were probably stimulated by Persian (Zoroastrian?) thought and perhaps by early versions of biblical literature,[36] have already provided some relevant theoretical perspectives.

Moving from a theoretical to a historical perspective, one can observe that the eschatological outlook was historically conditioned. Social conditions included (1) an increase in the size of groups, so that local control over behavior that is acceptable was lost to some extent; (2) stress due to social stratification; and (3) sufficient specialization to allow some persons to engage in extensive reflection. However, these are rather general processes. For instance, there is no sign that Hosea's social and ritual criticism was directly affected by the approach of the Assyrian empire. There is also no indication that Hosea and other prophets were personally oppressed prior to speaking out. Rather, they were apparently disturbed

33. The connection between eschatology and a sharp criticism of ritual has, for instance, been noted by Sekine 1968: 608. Mystics, similarly, are often distant from the sacrificial cult or reinterpret it.

34. They do differ in regard to specifics, but they share the notion of fulfillment as a divine act; they were, of course, eventually read together.

35. For instance, in the book of Hosea, sentences attributed to God are relatively more symbolic and less specific in character than others (Buss 1969: 60-71). This particular linguistic pattern does not hold true for other prophetic books, but what has already been said about eschatology points in the same direction.

36. See Herodotus, 2.104, referring to the 'Syrians of Palestine'. The former Northern Kingdom, at least, was often treated as part of Syria.

by what they saw and also convinced somehow that a new order is imminent. Similar historical processes seem to have operated in India in roughly the same time, leading there to a search for world transcendence.

What was the aim of the prophets in announcing such an End, as well as of those who transmitted their words? This is a biographical-historical question that is not easy to answer. Instead, one can ask, What is the likely response of listeners (hearers or readers) who accept the message?

First of all, the message gives hope even in dreary or painful situations and thus encourages listeners to keep going. Secondly, although listeners may become passive, they may, rather, reach toward the ideal state, for receptivity can express itself in physically dynamic terms.[37] Thirdly, listeners may realize that a perfect state cannot be achieved through exerting oneself and that an active endeavor can do no more than stave off a worse situation or provide limited improvement. In fact, subsequent experience has shown that attempts to force an ideal state leads to either dismal failure or tyrannical action.

As has been indicated, an eschatological expectation has a deeply personal character, for any expectation is mental and is thus borne by individuals. In any case, Israelite prophecy is not negative toward human selfhood. Rather, insofar as the prophets are 'ecstatic' (standing outside themselves), they identify their individual beings with the divine order. They 'sympathize' with, and speak for, God.[38] Thus they exhibit the paradoxical structure of selfhood, according to which transcendence is equivalent to enhancement.[39] At the same time, the eschatological expectation also has a clearly social side. In this respect, too, taking a comprehensive perspective with care for others constitutes ec-static fulfillment.[40]

37. Similarly, Hermisson 1973: 76; Gowan 1986: 124. Maslow has described a 'self-actualizing' state which is receptive, but energetic (again in 1966: 53). Even mystical 'non-acting' is not necessarily identical with cessation of physical activity.

38. For an overview and discussion of the issue of ecstasy and similar identifications, see Petersen 1981: 20-30; in the present essay, the word 'ecstasy' is used for a self-transcendence with joy.

39. Hecht's stimulating study (1971) is problematic at least in terminology by contrasting a self-asserting 'Within' with a transcending 'Without'. Even for organic life as such an overcoming of oneself and victory are one, as intriguingly argued by G. Simmel 1908, chap. 8.

40. Ben Zvi 2006 discusses utopia as an important feature of Hebrew prophecy in a somewhat similar way, but (on p. 56) plays down the 'personal' aspect, which he apparently views as individualistic. Indeed, Hebrew prophecy is less individualistic than are parallels in India at roughly the same time. For a more extensive discussion of the structure of biblical eschatology, especially as it is found in Hosea, see Buss 1969: 126-40.

Chapter 11

Tragedy, Comedy, and Irony in Hosea*

1. *Poetic Forms*

The possibility that tragedy and comedy appear in the book of Hosea implies the question whether this prophecy is poetic. It is clear that Hosea employs some of the devices of poetry, such as rhythm and symbolism. Poetry, however, is not to be identified with meter or other stylistic features, but with the creative representation of qualities, or forms of existence.[1] Qualities are general, not limited to particular events, and include imaginative possibilities. Their representation embodies significant feelings and facilitates human transformation at a fundamental level.[2] Poetry in this sense indeed plays a major role in Hosea's prophecy.

One of the striking features of biblical prophecy is its focus on the deepest levels of human existence. Beyond aid to pragmatic decision-making regarding limited problems, it is concerned with the basic movement of life and thus with the final question of whether the vicissitudes of existence have a solution (an 'End').[3] Poetry alone cannot give an answer to this question, because its inspired insight is open-ended,

* Originally published in *Semeia* 32 (1984): 71-82. Used with permission. On Hosea's literary presentation of human existence.

1. For analysis of the components of poetry (creativity in form and content, representation, and quality), cf. Peirce 1931–58: 1.304; 7.580; 8.229; Croce 1981: 22, and for a discussion of theoretical issues, *CSR*, 51 (n. 24), 67-69; 84 (n. 9).

2. Lowth noted this function in saying that 'it is the purpose of sacred poetry to form the human mind to the constant habit of true virtue and piety, and to excite the more ardent affections of the soul, in order to direct them to their proper end' (1787: 45, Lecture II). Kierkegaard has argued penetratingly that the projection of possibility in poetry provides for a meaningful existential decision (1941: 320). See Brueggemann 1978 for a significant analysis of criticizing and energizing imagination in prophecy.

3. The written form of prophecy, as it survives, undoubtedly heightens the general character of the pronouncements (*CSR*, 25; Jeremias 1981: 80, 88, 94), but one must assume that even the original words had a broad significance because of the depth at which they clearly move (similarly, Jeremias 1980: 388; Janzen 1982: 38).

but it forms an integral part of prophecy by expressing patterns of actual and potential situations.

The poetic dimension often interacts with the nonpoetic. Although Aristotle has distinguished between poetics and rhetoric in an insightful manner, others before and after him have found that a dividing line between them cannot be sharply drawn (cf. Kennedy 1980). Theoretically, one may say that poetry aims to represent while rhetoric seeks to persuade or that poetry is an end in itself while rhetoric is a means to an end. Yet in a particular work the two may be combined and devices appropriate to one can be employed by the other. Since complexity, within limits, is a positive value, there is no reason to prefer a pure form.

Within poetry, specifically within its dramatic form, two major genres, comedy and tragedy, have traditionally been identified. As ideally conceived (cf., e.g., Nicoll 1937), they are characterized by a set of contrasts. Tragedy is concerned with death, suffering, and isolation; comedy with life, love, liberation, joy, and integration. Tragedy focuses on fate and plot, which often contain an element of inevitability; comedy describes character types and is full of surprises in the details of its development. Tragedy is serious, including among its repeated figures a prophet, who may also be a critic (Frye 1957: 216, 218); comedy is playful (Berlyne 1969: 803) and may parody the sacred.

Tragedy and comedy, while contraries, are not contradictories. They share a number of features, such as incongruity and the presence of ignorance prior to 'recognition'. They can be combined either through alternation or, perhaps more profoundly, through a view in which the sweet is also bitter and hate close to love; such a conjunction reflects the joint presence of comedy and tragedy in life (Hoy 1964: 284; Philo, *Philebus*, 50b). Comic and tragic perspectives heighten each other's effects in tragicomedy and are held together in an ironic vision (Guthke 1966: 57-58; Muecke 1970: 18-19, 33). Most comprehensively, they find their union in religion (Kierkegaard 1940: 399). Pure tragedy tends to arise from a demise of faith, as in Euripides, while comedy by itself implies that existence is laughable (Baden 1948: 34-118; Kerr 1967: 145-46, 339; Kaufmann 1968: 165).

2. *Tragedy in Hosea*

In Hosea, tragic expressions appear especially in non-divine words, that is, when God is not represented as speaking in the first person. In these words, the prophet acts somewhat like an observer (or chorus) who comments upon the interaction between God and Israel. Divine speech expresses love and hate in highly personal and symbolic terms (e.g., 'they speak lies against me', 7.13; 'I am as a wild lion to Ephraim',

5.14). The prophet himself presents more specific visualizations and not infrequently sounds a lamenting or scornful tone.[4] In identification, the prophet oscillates. Sometimes he resonates with the hurt of the people; more frequently, the divine opposition also becomes his own (cf. Williams 1977: 65).

Tragedy involves a sympathetic participation in terror.[5] The sympathetic element need not always imply approval (King Lear, for instance, is hardly approved), but in the dramatic process of a tragedy, the observer identifies to some extent with the suffering hero. The dimension of terror is easily discernible in Hosea, for instance in this announcement, stylized but intentionally horrible: 'Their sucklings will be dashed, their pregnant women rent open' (14.1; cf. 10.4). The degree of sympathy is not quite clear. Can one, however, not hear the rending of the heart in the following words: 'Crushed in Ephraim, broken in judgment' (5.11); 'Ephraim must bring forth his children to the slayer' (9.13)?[6] An element of lament appears to enter the images of Israel's worthless condition, seen as a 'cake unturned' and moldy (7.8-9), a 'warped bow' (7.16), and an 'undesirable vessel' (8.8).

Especially notable, and typical of tragedy, is the theme of a fall: 'All their kings have fallen' (7.7); 'a foolish people comes to fall with a whore' (4.14); and, encouragingly, 'Turn, Israel…for you have stumbled in your iniquity' (14.2). Allied to this, though apparently expressed with less pity, is the motif of a loss of desired objects (9.6; 13.15). Hosea points to the shame the people will experience—both in their own eyes (10.6) and as objects of derision (7.16). He pictures the future mourning and wailing over the calf image when it is removed (10.5) and enters imaginatively into the people's feeling in their destruction; the anticipated debacle is so great that the survivors will ask mountains and hills to cover them (10.8). The fall is brought about in part by pride (5.5; 7.10) and ignorance (lack of knowledge of God, 4.1; 5.4), common tragic faults.

Tragedy often includes a sense of inevitability. In Hosea, this appears in declarations that the nation is caught: the people's deeds keep them from turning (5.4); if they do turn, they cannot find God, who has withdrawn (5.6—the withdrawn God is a tragic motif, Frye 1957: 216). More paradoxically, inevitability enters into the recurrent theme that

4. For a distinction between divine and prophetic speech, see Buss 1969: 7, 60-71; similarly on the dramatic effect, Balz-Cochois 1982: 190.

5. See Aristotle, *Poetics*, chap. 13, with Gorgias, *Helen*, 9.

6. Slightly different translations need not affect the tone. For my own exegesis, except insofar as affected by more recent work, see the translation and exegetical index of Buss 1969.

Israelites seek their own evil: they love ignominy (4.18); they insist on worthlessness (5.11) and pursue the wind (12.2). Here the determining fate is internal and identical with character, so that the prophetic speech shades over into pure denunciation, or, if ironic, into comic scorn.

3. *Distancing Comedy*

Comedy has two aspects: one can 'laugh at' someone or 'laugh with' someone. The former is distancing, while the latter is integrative. Distancing humor exposes foolishness or expresses glee over an enemy's fall, supporting a sense of one's own superiority over the other. Like integrative humor it expresses joy, but one's own advantage is at another's expense.[7] Frequently the two kinds are applied to different persons within one drama. It is, however, possible to direct both kinds of laughter towards the same object; if this object is oneself or one's own group (as frequently happens in 'Jewish humor'),[8] the laughter expresses self-transcendence together with self-acceptance. In Hosea, distancing humor plays a major role in the prophet's own words about the nation and appears occasionally in divine speech.

The foolishness derided by Hosea involves the pursuit of superficial values and limited powers in preference to a relation with the real God. A biting image employed is that of a contrast between prostitution and love—relations of quite different qualities. Comedy, similarly, has often pictured a conflict between money or pragmatic considerations and eros. The preferability of love is declared in the Song of Songs (8.7): 'If someone were to give all the possessions of his house for love, he would be an object of scorn'. The conflict in the book of Hosea is not one between a false Canaanite and a true Israelite culture, for the Canaanite god El is even identified with Yhwh (11.9), but it includes an opposition between devotion to lower deities ('Baals') and allegiance to the high god, who in the history of religion often stands beyond ritual and takes a larger view of life than the self-centered concerns of human beings.[9]

Thus Hosea mocks ritual actions, including those of Israelite tradition, doing so in part through understatement. The people sacrifice under the terebinth 'because its shade is good' (4.13)—what a superficial

7. For theories concerning comedy and laughter, see, e.g., Freud 1940–87, VI; W. Smith 1930; Giese 1974: 55-56 (on B. Brecht's use of critical alienation).

8. Reik 1962: 188, 190 appropriately points out that Jewish humor includes 'mockery' with 'intimacy'.

9. The conflict in Hosea is not one between masculine and feminine deities, for the latter appear in the book only, if at all, by implication (Balz-Cochois 1982) or emendation (Emmerson 1974); for Hosea, Yhwh seems to include the feminine (see below, section 5).

advantage! They 'love raisin cakes' (3.1); 'they sacrifice meat and eat' (8.13)—good tasting food is the object. Especially great stupidity lies in the employment of powerless means. The images are made of gold and silver by human artisans (8.4, 6; 13.2); revelation is sought from pieces of wood (4.12, Yhwh may be speaking here). Look at the people's foolish appearance! 'Humans kiss calves' (13.2); Ephraim is 'a companion of idols' (4.17).

The same attitude is taken toward politics. Both Israelite and foreign kings are weak. 'Where is now your king, to save you…?' (13.10, probably God speaking). Social leaders are compared to a burning oven, senselessly devouring the political system (7.4-7). Like a silly dove Israel turns to other nations (7.11), seeking healing where it cannot be found (5.13).[10] Ephraim is a lonely wild ass which hires foreign countries as lovers—instead of, like a good prostitute, being paid by them (8.9). He does not even realize that strangers have eaten his strength (7.9). Utilizing proverbial expressions, Hosea expressly declares Israel foolish (4.11; 13.13; cf. Seow 1982).

A favorite device of critical laughter is to parody a person's actual or hypothetical expressions. Israel is represented as saying in a bragging, confident fashion: 'I have found wealth for myself'; it is announced that this gain, acquired by cheating, will disappear (12.9). Elsewhere in the same chapter, sacred traditions concerning Jacob are parodied in a somewhat playful fashion. It seems that parts of these recitations (vv. 4-7, 10-11, 13-14) antedate Hosea as a form of Israelite humor and were adapted by him;[11] Hosea combines these traditions with sharp criticisms and threats, employing word repetitions to this end.[12]

10. For literary reasons, it is likely that this passage referred originally only to the Northern Kingdom. See Buss 1969: 37; H. Ginsberg 1971, cols. 1019-20.

11. Cf. Buss 1969: 74. Playfulness includes folk etymologies of 'Israel' and 'Jacob' (vv. 4-5) and word repetitions: 'speak' (vv. 5, 11), שמר ('give heed', 'shepherd', vv. 7, 13; cf. Warmuth 1976: 47), 'your God' (vv. 7, 10), and 'prophet' (vv. 11, 14). It is possible that some elements are later than Hosea (the product of a prophetic school?), but the proto-deuteronomic character of Hosea is quite clear from an analysis of the terms (words and motifs) used throughout the work. For a moderately later dating, see Diedrich 1977. The integrity of most of chap. 12 is defended by Andersen and Freedman 1980 and by Utzschneider 1980: 186-211; specifically that of v. 7, by Hunter 1982: 161.

12. The verbal connections are: 'turn' (vv. 3, 7, 15), 'found' (vv. 5, 9a, 9b), and און/אוֹן (vv. 4, 5 LXX, 9, 12). אוֹן and און apparently share both etymology (cf. Arabic) and sound; their vocalic differentiation in an uninflected state seems to be later than the LXX, which transliterates the word Ωv in the town's name (12.5, etc.); similarly, Coote 1971: 393-94.

4. *Ironic Tension*

Contrary impulses, including comic and tragic aspects, can be joined in irony. Irony stands at a distance, but is not alienated from the phenomena observed. The contraries may lie within a statement (contrasting literal with intended meaning), in a view of reality (with a paradoxical union of opposed processes), or in a complex attitude (combining, for instance, detachment with sympathy). Irony is often funny and sad or serious at the same time. Because of its comprehending and transcending characters, Romantics considered it a divine perspective.[13] In the book of Hosea irony indeed appears primarily on the lips of Yhwh.

The extent of verbal irony in Hosea is difficult to determine, in part because of the presence of numerous linguistic and textual difficulties. It is usually possible to determine the general meaning of a passage, but the precise sense of individual statements is often uncertain. Perhaps most clearly, double meaning appears in 13.14. Here God declares: 'From Sheol I will redeem them…'. The context speaks against the possibility that this is a genuine promise. Thus, unless one interprets the sentence contrary to its normal sense, it needs to be regarded as being expressed with a 'Ha!'—in contrast to a liturgical expectation (cf. Ps. 49.16).

A paradoxical union of attitudes occurs in Hosea's naming of Gomer's children, at divine command. (Fortunately, the historical questions revolving around this account are largely irrelevant to its meaning.) The name Jezreel is by itself enigmatic, open to a variety of interpretations (1.4; 2.3, 24). In the case of the other two names, their content ('Not-pitied', 'Not-my-people') stands in contrast with the naming process. The latter two children are, as 'children of whoredom', of at least doubtful paternity.[14] Hosea, by giving them names, accepts them into his family.[15] Yet the names themselves say the opposite. Together with the

13. See Muecke 1970: 37-38, and *passim* for various aspects of irony (with heavy dependence on G.G. Sedgewick).

14. This is the opinion also of Balz-Cochois 1982: 172, who believes that Gomer took part in sexual rites. In any case, that is the most likely meaning of the present text. The phrase 'children of whoredom' has been regarded as a secondary addition by many, including Renoud 1982 and Ruppert 1982, although probably with insufficient regard for the proto-deuteronomic character of Hosea. It is better to see the chapter as combining two traditions, of which one deals only with the latter two children; Buss 1969: 56.

15. In Israelite accounts, naming is most frequently done by the mother (Gen. 4.1 [implied?], 25; 16.11; 19.37, 38; 29.32, 33, 35; 30.6, 8, 11, 13, 18, 20, 21, 24; 35.18; 38.3 MSS, 4, 5, 29 MSS, 30 MSS; Exod. 2.10; Judg. 13.24; 1 Sam. 1.20; 4.21; 2 Sam. 12.24 MSS; 1 Chron. 4.9; 7.16; cf. Isa. 7.14; Ruth 4.17). The father, however, may do so for a special reason—such as to give a child another name (Gen. 35.18) or one (perhaps

appended interpretations, they designate an absolute rejection, although the fact that they are given at all implies a definite involvement.

In a similarly paradoxical fashion, Hosea 'loves' an adulterous woman, according to Hosea 3. He acquires her, at divine direction, but does not make love to her. This action is somewhat more positive than the naming of the children, since a disciplinary intent appears to be implied. Less strange, but also showing a close connection between judgment and concern, is God's controversy with his 'wife' (2.4-15).[16] (This made sense in a patriarchal context, but is a problem now.) The predicted punishment includes, with an ironic twist, a 'rest' (שבט) from sabbath celebration (2.13).

The movement of history is viewed as being involved in an ironic interplay between the positive and the negative. 'The more I called them, the more they went away from me' (11.2). When Yhwh fed the Israelites, 'they became full, lifted their hearts, and therefore (!) forgot me' (13.6). Thus the divine care itself contributes to Israel's turning away. Fortunately, the opposite can then also be expected to be true. The coming catastrophe, with a return to Egypt (8.13; 9.3, 6; 11.5) will provide the basis for a new beginning. The 'therefore' of Hos. 2.16 (cf. Clines 1979: 86) expresses both threat and promise, for in the desert, into which Israel will be led, 'I will speak to her heart'; it is 'there' that 'she will answer me' (2.17). This then becomes a happy irony pointing to the fulfillment of the divine goal, in which the comic element is stronger than the tragic.

5. *Integrative Comedy*

Comedy frequently concludes with the victory of love. On the way toward this, it typically includes throughout a strongly erotic tone. Hosea is clearly ambivalent toward sexuality. Sex in connection with

not a regular call name) that expresses a prophetic message (Hos. 1.4, 6, 9; Isa. 8.3; cf. 2 Sam. 12.25). Moreover, the father is assigned this responsibility when the mother does not appear in the context by name (Gen. 4.26; 5.3 [P], 29 [J, P?]; Judg. 8.31; 1 Chron. 7.23; Job 42.14), as well as in some other cases (Gen. 16.15 [P]; 21.3 [P, in response to the divine command given in 17.19]; 41.51, 52; Exod. 2.22; 18.4; also, in MS variations [cf. above]); in fact, he probably had a voice in the naming of a child he accepts (cf. Gen. 25.25; 35.18; Lk. 1.62). (This survey has been aided by Janet Kovalak; cf. Mace 1953: 88-89.)

16. The declaration that 'she is not my wife' (2.4) is not strictly a divorce formula, but one that expresses or describes a rejection of relation (such as sexual); it is often a preliminary to divorce. See Hunter 1982: 128, with references. The statement in *Num. Rab.* 2.15, cited by Friedman 1980: 199, actually speaks against his view of it as a divorce formula. It is quite possible that Hos. 2.4-5 reflects a legal tradition concerning lawsuits against an adulterous wife; cf. Greengus 1969–70.

rituals is condemned (4.14), but the representation of God as lover incorporates the erotic dimension. The vision of a new life set forth in 14.6-9 pictures a garden,[17] with imagery close to that of the Song of Songs and exhibiting the theme of fertility. It is possible, although not certain, that the image of a love-goddess enters into Yhwh's self-description here, since the tree (v. 9) is usually the symbol of a feminine deity.[18]

Fully integrative comedy typically ends in marriage, harmonizing personal and social values. Similarly, for Hosea, Yhwh acts as Israel's husband. In an address to Israel, God announces the new establishment of a marital relationship, offering gifts of rightness, care, and faithfulness (2.21-22). More concrete advantages are also promised in words which speak of Israel in the third person—the form symbolizing a less personal approach; they are probably to a large extent secondary, but can be regarded as complementary (2.20, 23-24; 11.10-11). The picture of a garden in 14.6-9 (with both direct and indirect address) at least hints at practical values.

A comic conclusion typically relies heavily on developments that cannot be fully justified rationally. This feature applies clearly to Hosea's promises (which employ divine speech almost entirely). Yhwh's redemption of Israel is based on a free decision (14.5), which is not based on Israel's activity. One can indeed find a reason in divine consistency if a basic concern is granted; God's purpose would be frustrated if what was created was then destroyed (11.1, 9). At the same time, Israel's freedom and integrity are preserved. Although strong steps will be taken, 'I will seduce' (not force) 'her' (2.16). After all, the new order is to be one of genuine love.

6. *Union in Prophetic Speech*

Comic and tragic elements appear in Hosea's prophecy intertwined with one another as aspects of a larger whole. The mood of tragedy is appropriate to the current enmity between God and Israel.[19] Comic elements satirize deviations from what is good for human beings and present positively the continuing love for God. These two aspects still,

17. Whether the word 'garden' as such should be read by emendation in 14.8 is disputed; a comparison with Isa. 58.11 and Jer. 31.12 (Coote 1974: 171, with reference to the LXX) may well suppport such a reading, but reference to 'corn' does not as such destroy the image. That this image is not limited to love poetry, however, can be seen from Amen-em-opet 4.7-12.

18. Feminine or quasi-feminine imagery for God occurs also in 11.3-4 (אדם is sexually inclusive); similarly, Ward 1982: 134.

19. Buss 1969: 84-86; cf. also 1 Sam. 28.16, in the tragedy of Saul (on which see Exum and Whedbee 1984).

however, do not exhaust the character of Hosea's prophecy. Divine anger is expressed in a manner more direct and sharp than the tragic vision of the sympathetic observer. Divine love has a dedication more serious than the playfulness typical of comedy. The human turning, after judgment, is more drastic than is normal for either tragedy or comedy, although it certainly involves 'recognition'.[20] Hosea's prophecy thus both includes and transcends comic and tragic attitudes.

It has been argued that tragedy and comedy are connected with ancient ritual, which contains both lament and joy.[21] If so, these literary forms are closely associated with the cultic processes of Hosea's surroundings. Hosea, while he was critical, was not unaccepting of notions held by others, as his use of the image of a divine marriage clearly shows. His vision of a perfection to come, in fact, is related ironically to the movement of the present situation; it is only by accepting the present with the creative and opposing work of God within it that one can be led to a new form of existence. The emotional structures presented in tragic and comic expressions can create a resonance contributing to the realization of love, the fulfillment (or 'end') of life.[22]

20. For the turning motif, see especially 6.1 (a parody of an inadequate turning, according to many interpreters), 12.7 (a tradition?), and 14.2. Inability or refusal to turn is mentioned in 5.4; 7.10; 11.5; turning away from God, in 11.7. Lack of knowledge is stressed in 2.10, 14; 4.1, 6; 5.4, despite Israel's claim to the contrary (8.2); positively, knowledge appears in 2.22; 6.3, 6. For 'recognition', or insight into the true situation, cf. above 1.5.

21. It is not appropriate to review here an extensive discussion regarding developments in Greece, except to indicate that, while the question of historical 'origin' is problematic, there are certainly connections between dramatic forms and (Dionysiac) ritual. For Near Eastern patterns, cf. Hvidberg 1962 and Gaster 1961.

22. Since love is not individualistic, this has a definitely social form, as Martin Luther King, Jr., has shown in recent times. However, a full realization of it within imperfect history is a contradiction in terms.

Chapter 12

The Psalms of Asaph and Korah*

The two groups of psalms ascribed to Asaph and to the Sons of Korah have long been recognized as constituting relatively homogeneous groups. With the development of form criticism it is now possible to recognize their function within the Psalter more adequately. The form-critical tradition has tended to ignore these names in the psalm titles in an effort to establish characterizations on the basis of internal evidence alone. This neglect must be remedied.

Twelve songs are attributed to Asaph and eleven to the Sons of Korah. Psalm 77 is attributed to both Asaph and Jeduthun; omitting it leaves Asaph with eleven psalms. Psalm 88 is attributed to Heman the Ezrahite as well as to the Sons of Korah. Especially since it differs from the rest of the Korah psalms in content, it will be excluded here, leaving a total of ten for Korah (counting Psalm 42/43 as one).

These psalms are arranged in three main groups. Korahite songs make up the collection of Psalms 42–49, which opens the so-called Elohistic section of the Psalter. In addition to Psalm 50, which follows this group, Asaph songs compose the group of Psalms 73–83, which closes the Elohistic Psalter. Thereupon a few Korahite psalms that use the name Yhwh follow as Psalms 84, 85, and 87.

When viewed together as a body, these psalms reveal an important role for the singer as a person. This role points not infrequently toward a connection with the cult organization. Sometimes the role has a connection with 'wisdom', which highlights reflective human speech. These two sides need not be mutually exclusive.[1]

Such is the case in the following Korah psalms. In Psalm 42/43 the poet laments an absence from the temple, having perhaps once played a role of leadership in the procession.[2] Psalm 84 expresses a close attach-

* Originally published in *Journal of Biblical Literature* 82 (1963): 382-92. Used with permission. A detailed historical portion of this essay has been omitted.

1. The connection between wisdom and psalm singers has already been pointed out by Mowinckel 1921–24, VI: 39-40, 49-50.

2. Cf. Kruse 1960, who argues (too specifically?) for the position of a Levite in Jerusalem after its fall.

ment to the temple with the sentiment that the singer would rather be a doorkeeper in the house of God than dwell anywhere else—quite in line with a description of the Sons of Korah as temple doorkeepers. Furthermore, Psalm 85 contains the words, 'Let me hear what Yhwh, the God of hosts, will say…' (v. 9). The author of Psalm 87 listens to a divine registry of worshippers. Less cultic are the following cases: Psalm 49 breaks through with a personal 'I': 'My mouth will speak wisdom… I will incline my ear to a proverb, I will solve my riddle to the music of a lyre'. Similarly, Psalm 45 opens with the words: 'My heart is moving with a good word; verily, I address my composition to the king; my tongue is like the stylus of a skilled scribe'.

The situation for the Asaph psalms is similar. In Psalm 73, the speaker overcomes skepticism when in the temple and concludes: 'I am continually with you… You guide me with your counsel… Whom else have I in the heavens? And I delight in nothing on earth that would rival you… God is the rock of my heart and my portion forever… For me it is good to be near God' (vv. 23-28). According to Deuteronomy and 'P', the tribe of Levi has no landed wealth, for 'Yhwh is its inheritance'. The fact that the psalmist stands under divine counsel and is 'continually with' God suggests a position among temple personnel (Bentzen 1926: 51-52). In the Asaphite Psalm 81, the speaker says, 'I hear a mysterious voice' (v. 6). Another Asaph psalm (78) begins with wisdomlike words, 'Give ear, O my people, to my teaching… I will open my mouth in a parable, I will pour forth riddles from of old'.

Quite rarely does a similar prominence of the composer's own person occur in the Psalms outside of the group attributed to Asaph and Korah. Other psalms that do contain comparable expressions are also likely to have sprung up from among the cult personnel.[3] In any case, it seems that the psalms referred to were composed not for general use by the laity, but for the professional's own voice.

That such an assumption is correct becomes more apparent from an analysis of their content. Several basic types appear. First, personal expressions by the singer in relation to the sanctuary are presented by the Korahite Psalms 42/43 and 84 and the Asaphite Psalm 73, already discussed. Each of these, incidentally, heads one of the three main groupings within the structure of the Psalter, as outlined above. Secondly, communal laments include the Korahite Psalm 44 and the Asaphite Psalms 74, 77, 79, 80, 83, and 85. Beyond these classifications, the songs of the two classes of singer diverge. Korah songs include two almost secular wisdom psalms (Pss. 45, 49), four Songs of Zion (Pss. 46,

3. Especially Pss. 62 (attributed to Jeduthun) and 137. Cf. further the discussions—not always equally convincing—by B. Jacob 1897 and von Rad 1958: 225-47.

48, 84, 87), and one observing the throne-ascension of Yhwh (Ps. 47). Asaph songs feature historical tradition (Ps. 78) and judgment themes or paraenesis (Pss. 50, 75, 76, 81, 82), on the whole in clear connection with a ritual or holy place.

Of the types mentioned, communal laments clearly belong to the task of religious leadership. The role of special persons in such presentations is clearly attested at various places in the Hebrew Bible, as well as being widely known elsewhere (Elbogen 1913: 494; Gunkel 1933: 124).

The Songs of Zion attributed to the sons of Korah are appropriate for a group who serve as keepers of the sacred enclosure. It is possible that they were sung at a special Zion festival, but perhaps the assumption of a sociological setting is in this case better than a seasonal one, although the two possibilities do not exclude each other. In any case, Psalm 137 reports that tormentors of the exiled Israelite musicians mockingly ask them to sing their 'songs of Zion', clearly implying that these are part of the singers' repertoire, presumably related in some special way to their characteristic task.

Judgment songs and historical recapitulation, too, are the work of religious leadership. The judgment and paraenetic psalms, in fact—especially the Asaphite Psalms 50 and 81—have been used repeatedly as an indication of what went on in the Israelite cultus.[4] The present study, in a sense, justifies such an interpretation, although the precise role of their presentation within the cult continues to be unclear.

One must ask precisely what kind of clergy is involved in these psalms. The first solution that comes to mind is that Asaphite psalms represent a relatively high level of cultic poetry, for these psalms reveal a closer participation in public events or preaching than do most of the Korahite psalms, and the wisdom contained in them is relatively more religious in character. A stratification of this kind corresponds well with the representation in late literature of the respective roles of the sons of Asaph and Korah.

An important question remains. What relation, if any, do these psalms have to prophecy? There are, indeed, many similarities in theme and form with recorded prophetic utterances. A prophet's task included intercession (though others could do this also) in addition to pronouncements of divine activity, which are often conceived as judgments of opposing forces. Especially significant is thus the presence of (a) collective laments among Korahite and Asaphite psalms and (b) a number of judgmental or paraenetic psalms among those attributed to Asaph.

4. Especially by Mowinckel 1921–24, II: 58-74; von Rad 1958: 29-32; Würthwein 1952: 10-16.

As far as collective laments are concerned, one is reminded of the role that such laments play in Hosea, Jeremiah, Habakkuk, and other prophetic literature.[5] In most instances, however, the prophet's central point lies not in the prayer itself but in the positive or negative answer. For instance, in both Hab. 2.1 and the Korahite Ps. 85.9, the speaker waits 'for what God will say', but the texts differ in that, while Habakkuk looks for and receives an answer in regard to a particular situation, the answer in the psalm is general—namely, that God will help those who fear him. Similarly, in the Near East, collective laments formed an important element of the regular, official cult and were presented by a class of singer-priests—not, as far as I know, by a seer (*baru*) or ecstatic prophet (*maḥḥu*), who would deal with more specific situations.

A connection with prophecy is still closer for psalms in which oracles appear. In these, one must distinguish between those in which an oracle is quoted—so that the psalm as a whole is not prophetic—and those that present a divine word directly. Quotations of oracles appear in Psalms 2, 60 (included in 108), 62, 68, 89, and possibly 110 and 132; similarly, Psalms 12 and 91 include divine words along with extensive third-person speech. None of these psalms are attributed to Asaph or Korah, although their titles reveal affinity to that group.[6] Differently, extensive direct divine words are found in judgment or paraenetic psalms attributed to Asaph, namely in Psalms 50, 75 (in part), 81, 82, as well as (in part) Psalm 95, which exhibits close affinity to the Asaphite Psalm 81. Furthermore, an instance of divine speech appears in the Korahite Psalm 46 (which is generally similar to Isaiah) and a divine registry does so in the Korahite Psalm 87.

Psalms attributed to Asaph and Korah (and to a lesser extent a few others) thus have a special affinity with what we usually call 'prophecy'. However, as has already been indicated, they are not designed for a particular situation. Specifically, the judgment presented in Psalm 50 is general in character; unlike prophetic words that respond to and evaluate a given actual situation, it denounces the 'wicked', whoever they may be. The judgment announced in Psalm 75 is similarly general. Psalm 82 probably pronounces a general judgment on divine beings or possibly on humans. Psalms 81 and 95 are paraenetic, with references to earlier rather than present wrongs as reminders. Paraenesis takes place in prophecy, but it is not specifically prophetic. In terms of genre, it is

5. Noted in Gunkel 1933: 117.

6. Ps. 60 includes in its title the word עדות (to be discussed below); Ps. 89 is attributed to Ethan the Ezrahite; Ps. 62, possibly referring to a word received by the singer, is attributed to Jeduthun.

thus appropriate that these psalms appear in the Psalter rather than in the prophetic corpus of the Hebrew Bible.

Asaph and Korah have been described as cult prophets. However, that term is unclear and therefore best avoided. Oracles uttered on a one-time basis in a ritual context need to be distinguished from oracles that are part of a ritual.[7] Normally, we use the word 'prophet' for persons who pronounce fresh oracles; such can be uttered in a ritual context—whether expected or not—as has been true for prophecies in many countries. In that sense, Asaphites and Korahites were not prophets. Rather, Asaph and Korah psalms were probably intended to be repeated in some kind of ritual. (The eventual presentation of canonical prophecies in liturgical contexts up to the present time gave them a generalized function comparable to Asaph and Korah psalms.)

There are some Near Eastern parallels to cultic psalms with formalized judgments. The Babylonian New Year festival included an oracle presented by the priest to the humiliated king, which may have been standardized (*ANET*, 334). A word of judgment forms the background of another communal lament cycle.[8] A Babylonian ritual for the singer of individual laments prescribes an elaborate judgment scene, enacted under the eyes of seven divine judges, headed by Shamash, the 'judge of the world'.[9] On the Egyptian side, execration texts with curses against enemies within and without exhibit a comparable structure. A generalized judgment ritual may thus have been practiced in Israel already before the exile.[10]

Although the presence of ritual oracles in Israel before the exile cannot be regarded as certain, it is useful to pursue the possible connection of Asaph and Korah psalms with a wider tradition. In several paraenetic contexts among Asaphite oracles the word עדות ('testimony') or the hiphil of עוד ('to testify') appears.[11] This seems to be a technical term of the levitic-deuteronomic tradition as well as of a broader prophetic stream, embracing both general exhortation and specific judgment

7. Like others, Hilber 2005 does not distinguish between fresh, quoted, and repeated oracles in viewing psalms as cultic and does not make clear what is included in 'cult'. For a broad view of 'cult' (not necessarily at a sanctuary), see *CSR*, 3-14.

8. Jastrow 1905–12, II: 43.

9. Ebeling 1931: 87. Similarly, the anti-witch ritual *Maqlu* presents a judgment process to be repeated periodically (Kaiser 2008: 131-86).

10. The original essay contained in its middle section a reconstruction of the beginning of these literary forms among pre-exilic Levites.

11. Pss. 50.7; 78.5; 80.1 (title); 81.6, 9 (also in Ps. 60.1, with an affinity to Asaph psalms).

shading over into each other.[12] The concept of judicial strife, in fact, appears to be common to the levitic and prophetic structures.[13] Now it is true that there are other evidences of ambiguity in the relationship between Levites and prophets. Both, for instance, especially in the (originally) northern tradition, claim the figure of Moses as their prototype.[14] It is likely that some distinction was made, such as that Levites hand down the Mosaic tradition in general, while the prophets stand in Moses' shoes insofar as special revelation for the specific moment is necessary. But there is no need to think that one person might not be simultaneously a Levite (by descent) and a prophet (through a call); such, indeed, seems repeatedly to have been the case.

Furthermore, it is probable that in ancient Israel the mere fact of cultic singing was thought of as prophetic in a wide sense. Miriam and Deborah are each called a 'prophetess', while prophets from the time of Samuel on made use of music.[15] Among the Arabs and Greeks, and elsewhere too, poetry and prophecy were considered closely connected.[16] As has been pointed out long ago, the distinction between Levites, prophets, and singers was probably relatively fluid and perhaps no sharp line should be drawn. They all have, from the very first, a close relation to the Holy War tradition, in fighting, proclaiming, and singing the victories of Yhwh (von Rad 1951). The Song of Deborah contains near its opening the call, 'Give ear…!', which is found at the beginning of Psalms 49, 78, Deuteronomy 32, and in prophetic literature;[17] it also incorporates an oracle. The different groups—insofar as they can be distinguished at all—are also united in a social situation in which they had a kind of 'guest status' in the land or at the temple, to judge from the similar position of bards among Bedouin tribes (Weber 1952: 28) and

12. So, Weiser 1960: 482. Cf. Deut. 4.26; 8.19; 30.19; 31.28; Amos 3.13 (this may confirm its age); Jer. 11.7; 42.19; 2 Kgs 17.13, 15; Neh. 9.26, 34. There is a definite connection with the theme of a covenant quite apart from the one between God and Israel (2 Kgs 11.12; Mal. 2.14).

13. The fact that the allusions in Pss. 81.8; 95.8; and in Deut. 33.8 diverge in character only strengthens the assumption of a solid tradition within levitical circles. The ריב theme, in a somewhat different way, is also important within individual laments. The critical (judgmental) role of the Levites—as in the curses of Deut. 27—seems to have maintained itself into post-Hebrew Bible times; cf. Weise 1961: 74-75.

14. For a convenient summary, see Wolff 1956: 93-94. Certain recent studies have emphasized the connection between Moses (as a person or as a prototype) and the prophets; this is probably a necessary corrective to an earlier one-sidedness in recognizing his connection with the priesthood. See, e.g., G.E. Wright 1962.

15. Exod. 15.20; Judg. 4.4; 1 Sam. 10.5; 2 Kgs 3.15; Isa. 5.1-7.

16. E.g., Guillaume 1938: 309-14; Krämer 1933–34: 792. See also Buss 1969: 50.

17. The call to 'hearken' also appears in the Babylonian war hymn cited by Albright 1922: 70-71.

from the phenomenon of Egyptian musicians who gave themselves to the temple (Sauneron 1960: 67).

In sum, psalms attributed to Asaph and Korah represent the musicians' own songs. In these, the first-person-singular pronoun refers to the singer, not to a layperson for whom a professional reciter may be presenting an individual lament. Whatever the attribution of a psalm to Asaph and Korah may have meant in Israelite thinking, its use in the tradition points to the prototype of a person who presented it and 'whose' psalm it was.[18] Nowadays, having the choir rather than the congregation present the Asaph psalms—including those with judgment or paraenesis—would furnish a comparable situation.

In regard to the manner of presentation, it appears that individual laments—in the Near East generally and probably also in Israel—were usually not sung, but spoken or shouted (Falkenstein and von Soden 1953: 45). Explicit references to singing and to most types of music in the Psalter are confined to praise. Similarly, many of the psalms of Asaph were probably not 'sung', in the sense of שיר for hymns, but were recited in ways not quite clear, described by the verb חלל and by other terms broad enough to cover a variety of modes of expression, which probably included the use of certain kinds of musical accompaniment.[19]

Our study then shows that one can divide the Psalms into three main groups, following the lines of their attribution. David psalms and some without attribution comprise individual laments and related types.[20] Asaph and Korah psalms exhibit the following genres: collective laments; general words of judgment, admonition, law, and history (so among Asaph psalms); songs of Zion (so among Korahite psalms); and personal psalms involving cult personnel and bringing wisdom

18. The meaning of 'belonging to' for the preposition ל is well attested by its appearance on seals and other objects; as literary classification it appears in the Ugaritic heading *lb'l* and *lkrt* (in Gordon 1965, texts 62, 125, *Krt*). Among psalm titles the meaning 'for' is certain in Ps. 102. The title of Hab. 3 is just as ambiguous as elsewhere in the psalms and thus cannot be used as an argument against such an interpretation (*pace* Mowinckel 1921–24, VI: 41). An early recognition of a connection of the author titles with psalm types was by Duhm 1922: xvi, although he mainly stressed their difference from secular songs.

19. The root חלל is cognate, and evidently similar in meaning, to the Babylonian term for the largely (but not purely) mournful playing on the flute, practiced by the cultic singer-priest. The flute, or clarinet, חליל, was used in Israel for laments (Jer. 48.36), though not exclusively so. Other more general terms are רנה, 'shout' (so, Ps. 42.5), and נגן, 'play on instruments' (so, Ps. 68.26); the former appears as a term for prophetic intercession in Jer. 7.16; 11.14.

20. About half of the psalms which clearly point to a king do not carry an ascription to David, a point to be raised against relating that title too closely to a category of royal psalms.

reflection. Psalms with no attribution are, primarily, hymns. The first group represents psalms of laity, even if they are perhaps voiced by a professional. The second type contains presentations of clergy. The third group, without a heading, is appropriate for all joining together in praise. It is surprising how well—with relatively few exceptions—the tradition has maintained such a distinction in the titles of the psalms. However, since psalm authorship was probably not an external category for Israel, but worshipers presented the psalms that belonged to their own role as it was exhibited in a prototype, the tradition would have to be fairly consistent on this point of attribution.

The analysis sheds light on the overall structure of the genres in the Psalter. On the one hand, it is now possible to combine several of Gunkel's 'minor genres' into one major group, namely, the clergy or professionalist psalms, simplifying the overall classification in some respects. On the other hand, the concept of 'collective psalms' may need to be more carefully analyzed. Collective psalms outside the Asaph and Korah psalms tend rather regularly to be antiphonal in character or to exhibit a mixture of different elements, so that they are often hard to classify except as liturgies.[21]

A differentiation of psalm groups according to the type of person whose utterances they represent allows some insight into the dynamics of cultic structures. The lay psalms attributed to David contain a self-centered streak, as distinguished from an emphasis on the self-assertion of Deity. Symptomatic of a broad difference in perspective (not to be exaggerated, of course) is that the Asaph and Korah psalms do not employ the term אוֹן used repeatedly for evil in individual laments, while the designation רשע with a strong moral tone appears in four Asaph psalms (50.16; 73.3, 12; 75.5, 9, 11; 82.2, 4) and in one Korah psalm (45.8). Divisions between an individualistically self-centered cult and a relatively collective orientation to the divine can similarly be observed in other parts of the Near East (Saggs 1962: 345-46), as well as elsewhere both in ancient and modern times. In any case, the structure of the Psalter that is exhibited in its attributions reflects a differentiation within the fabric of Israel's religion. As we have seen, the cultic whole includes a somewhat complex tradition of prayers, songs, and recitations that are presented by professional personnel in accordance with their special connection with the divine.

21. Many of those were at one time classified as 'prayer psalms', as distinguished from 'laments', by Mowinckel (so in 1921–24, III: 53; but this distinction is less sharply drawn in Mowinckel 1967, chap. 6). The partial association of collective psalms with the group of the Psalms of Asaph and Korah has been noted by Westermann 1961.

Chapter 13

Dialogue in and among Genres*

One of the most prominent features of biblical literature is dialogue, especially if dialogue is taken to include speech by one person to another even if no immediate response by the addressee is recorded. To what extent biblical dialogue is different in character or frequency from that of other traditions is an interesting question, but one that will be touched on only briefly. The primary present focus is on the phenomenon of dialogue within the Hebrew Bible.

The first point to be made is that *a genre, or speech type, can be identified on the basis of address form*. Since the word 'genre' is used in this statement, a word is in order about what I mean by 'genre'. Negatively, I reject the notion that genres have 'essences', that is, the idea that there are strictly right or wrong ways to categorize genres. Instead, together with other relational theorists, I accept the view that genres are more or less useful ways of treating similar literary phenomena together. In positive terms, I adopt Gunkel's three criteria for the identification of a genre: life situation (I prefer to say 'process'), ideational content, and verbal form.[1] Any one of these three criteria can be sufficient to constitute a genre. For instance, if greeting someone is a life process, then 'greeting' represents a genre, no matter what content appears and no matter what form of expression is used. Furthermore, one can group together discussions of a certain kind of content, such as theology or the weather, despite differences in formulation or role. In fact, as a survey of German genres found, most speech classifications (such as recipe, weather report, or death notice) are based on content, although each have characteristic styles. Thirdly, narratives—that is, temporally sequenced accounts—are often treated as a genre on the basis of their literary form, although they may have various kinds of content and can play different roles in life.

* Originally published in Roland Boer (ed.), *Bakhtin and Genre Theory in Biblical Studies* (Leiden: Brill, 2009), pp. 9-18. Used with permission by Brill.

1. Gunkel always listed content before verbal form and came to list *Sitz im Leben* first in terms of importance; however, verbal form provided for him a convenient entrance point (see *BFC*, 247).

The three criteria mentioned—life process, content, and verbal form—correlate with each other to a certain extent, but not as rigidly as Gunkel implied. The correlations are not simply arbitrary but make a certain sense. For instance, in a condition of distress, it is understandable that the content of an expression is a complaint and that the verbal form for this employs the first person. Yet other content and another verbal form are possible and may be preferred in another culture.[2]

In the present context, I will deal with patterns as they appear in the sphere of the Hebrew Bible. In doing so, I will begin with verbal structure, specifically with address form, but I will move from verbal patterning to a view of its correlation with content and life process.

My first example will be a type of speech that in biblical studies is often called 'law'. Laws are formulated as pronouncements by an authoritative source that are directed to a generalized public. Within this large category, several variations can be regarded as subtypes, which themselves have further subdivisions.

In one subtype, the public is addressed in the second person in the individual laws (not merely in their introductory frame). Although no response may be recorded, this style represents an implied dialogue, in that speaker and addressee are involved in an ongoing relationship.

In a subdivision of this form that appears in the Decalogue (Exod. 20.1-14; Deut. 5.4-5), God speaks directly to Israel in the first person, although in the Deuteronomic version Moses is indicated as God's mouthpiece. In the biblical text, these commandments—most of which employ second-person address, although the positive ones among them use the infinitive absolute—are called God's 'words' (*dᵉbarîm*). In regard to how their style correlates with content and process, Philo pointed out that it highlights the personal character of biblical law as one that involves a relation between people and God and not merely mechanical obedience to a set of rules (*Dec.* 36-39). In fact, the decalogic 'words' are quite general and leave much open in regard to specific application. One can ask: What does it mean to have no other god 'before' me? Are images permitted if one does not 'worship' them? What constitutes 'work' that is prohibited on the Sabbath? How does one 'honor' parents?

2. My conception of genre (or speech type), with which I have operated for some time, is as follows: (1) Genres can be usefully identified on the basis of different criteria, so that they cut across, and can be combined with, each other. (2) Genres are probabilistic, not rigid structures. (3) The life-situation of genres is best treated in terms of human processes rather than in terms of organizational arrangements, although attention to these add an element of concreteness as long as they are not taken rigidly. (4) Generic patterns are neither strictly necessary (contra essentialism) nor purely arbitrary (contra one-sided particularism) but, rather, to some degree appropriate and to some degree contingent.

Furthermore, murder, theft, adultery, and false witness are wrong by definition. They constitute unjustified killing, unjustified taking, etc., without spelling out what makes an act unjustified (for instance, in both Jewish and Catholic traditions, a hungry person's taking needed bread is not theft). Thus, attention is drawn to several aspects of social life, while details are left to other contexts. The tenth commandment forbids property accumulation, but it does not specify a maximum for permitted holdings and centers instead on attitude.

In another subtype of second-person directive, God addresses Moses, who is to speak either to the people in general or to Aaron as the representative of the priests. The directives thus formulated are fairly specific. Quite a few of them do not use second-person address in the laws themselves and can thus be treated as a separate subgenre of law.

In Deuteronomy, the immediate verbal source of regulations is not God, but Moses, who speaks to the people on behalf of God. Moses can quote the Ten Commandments as God's direct words to Israel, but otherwise he gives instructions that often have an expository and hortatory character, like that of a sermon.[3] Many of the exhortations are humanitarian in their character, but Moses also directs the Israelites to exterminate the Canaanites (Deut. 7.1-5). Thus, in being more expansive than strictly divine words, this kind of speech, too, shows some correlation of style with content and process.[4]

We can now turn from address patterns in law to those in nonlegal genres, which differ in ways that are appropriate for their specific type of speech. To give just a few examples: Proverbs sometimes address an individual person. When they do so, they use the so-called 'imperative' form of the verb, which in generalized directives has the flavor of strong advice. At other times, proverbs are worded impersonally, especially in order to describe consequences of behavior which should be taken into account by the hearer. Both forms appeal primarily to an individual's material or idealistic well-being, including self-respect, just as ancient and modern philosophy often do. They do not inculcate a sense of one's having a place within a large-scale divine movement or employ gratitude as a motive. When the speaker of a proverb is identified, it is a parent, who is represented either by Solomon (1.1) or by a king's mother (31.1). Nevertheless, personified wisdom, perhaps as a daughter of God, is cited (8.4-36). Thus there is indeed a connection with Deity, although it is less pronounced than in laws.

3. See the convenient summary of this phenomenon in von Rad 1962: 835.

4. Within the book of Hosea, similarly, speech by God is less specific than speech not so identified (see Buss 1969: 60-69).

Human activity and reflection thus complement receptivity toward Deity. In fact, Qoheleth emphasizes the reflective first-person 'I', with its experience. This 'I' is probably not simply that of an individual writer but represents a certain way of looking at reality.[5] It is indeed misleading to compare Qoheleth with Proverbs in a way that assumes that they have a common purpose. Proverbs often gives direction that is moral or useful for operation in society. In content and purpose, as well as in address form, Qoheleth represents a different genre, one that is also observable worldwide in both written and oral cultures.[6] Occasionally, Qoheleth gives advice, but that advice is a recommendation that one enjoy life, in contrast to seeking ephemeral or meaningless achievements (2.24, etc.). Basic moral standards and a belief in some degree of divine justice are accepted (see Fox 1989: 121-31), but the reader or hearer is advised that adherence to righteousness should be moderate (7.16-18; 8.11-14; 11.9). In regard to the question of how Qoheleth fits into the Hebrew Bible as a whole, it should be recognized that although the Hebrew Bible generally is quite strongly ethical in its orientation, it leaves a good part of human life open for the pursuit of happiness. Such a pursuit is part of the design of the Creator implied in Genesis 1 and 2 and in Qoheleth (12.1). Furthermore, Qoheleth's advice to enjoy life as it is, without an urge to accumulate wealth, can be seen as in line with the Tenth Commandment (2.26), so that, in this respect at least, Qoheleth does not contradict the legal structure of the Hebrew Bible. More definitely moral, to be sure, is the ending of the book, which stands outside of Qoheleth's first-person speech (12.13-14). In other words, Qoheleth is not strongly other-centered but rather I-centered, as its style indicates. Still, it seems to represent a legitimate aspect of life.

Differently again, the Song of Songs, like much love poetry cross-culturally, features a dialogue between lovers, who enjoy or miss each other. The book is similar to Qoheleth in that no divine revelation is assumed. In fact, God is not spoken of even in the third person. In content and thrust, the Song resembles Qoheleth in that its interest lies in enjoyment, not ethics. However, it reaches this point via a positive rather than a negative route. In terms of an implied setting, the Song presupposes youth and perhaps ordinary people (with the 'king' taken

5. This point is supported by the fact that 'I' refers to a 'king' in 1.12 (thus, rightly, Schellenberg 2002: 165). According to Mills (2003: 107), the 'I' that is presented 'offers a mode for readers to explore their selfhood'.

6. Cf. Radin 1927. That Qoheleth's genre may indeed be old also within Israel can perhaps be supported by the echoes of its themes in Pss. 39.5-7, 12; 62.10; 73.2-12; 90.5-6; 94.11; 144.4; Prov. 5.18, within a more religious/moral frame (although these texts are hard to date); and by the observation that a number of Qoheleth's forms are similar to those of the 'old' Israelite wisdom (Fischer 1977: 37-39).

in a metaphoric sense), while Qoheleth represents a mature urban intelligentsia (with a heritage that goes back to pre-Israelite Jerusalem).[7] Yet, despite this difference, scribes may have been trained to work with both of these genres under a wisdom umbrella that is symbolized by Solomon.[8]

The rest of the Hebrew Bible can be analyzed similarly in terms of address structures. In connection with such a view, it is important to note that a given genre, with its peculiar conversational structure, can incorporate other genres. Such an incorporation is true especially for narratives. These third-person accounts include various kinds of interactive dialogue or first-person statements which either represent thoughts by a character or presuppose a real or fictive diary.

A second point to be made is that *the Hebrew Bible is largely arranged according to what appear to be culturally significant genres, which each represent a dimension of life and which engage metaphorically in a dialogue with each other*. Indeed, the organization of the Hebrew Bible gives an indication of how Israelite culture categorized texts, for the fact that certain texts are placed together probably reflects their being viewed as similar to each other. For instance, most of what we call 'hymns' or 'psalms of lament' stand together in one book. Similarly, all authoritative directives stand together in one place. Proverbs, critical reflections, and ordinary love songs are each grouped together. Stories about the origin of the world, of humanity, and of Israel's immediate antecedents (one can call them 'narratives of orientation') are almost completely limited to Genesis and Exodus.

The consequence of this arrangement is that every biblical book, or sometimes group of books, deals with a specific aspect of Israelite life. In observing this phenomenon, one should recognize that human life requires, or at least makes possible, a variety of processes. Almost every human being participates in all of them, although most individuals will not emphasize them equally. In societies that are sufficiently large, different aspects of life come to be assigned to specialists for their cultivation on behalf of others. Thus, different biblical genres were cultivated respectively by singers, priests, prophets, and so-called 'wise'—religiously 'lay'—persons, although the 'wise' probably included many who were not highly specialized. The organization of the canon reflects such a division of tasks, so that several priestly genres stand together in

7. The phrase 'all who were before me' was a stock phrase for kings (Seow 1997: 124), but it is likely that a reference to pre-Israelite 'Jerusalem', expressly mentioned, is partly in view (cf. Gen. 14.18-20).

8. Abraham ibn Ezra produced both synagogal and drinking poetry, with an even greater divergence in assumptions.

one part, several prophetic genres appear in another, and a variety of genres belonging to the spheres of either laity or lower clergy (specifically, singers) in a third part with lesser sanctity.[9]

To some extent, the various processes of life compete with one another, since they cannot all be carried out simultaneously. For instance, I recently heard someone who is heavily involved in idealistic pursuits say that each day he faces the question to what extent he will pursue his idealism and to what extent he will simply enjoy life. To be sure, some processes can be combined. Nevertheless, one can think of human life as metaphorically embodying a huge dialogue between these different aspects of life and thus between the genres in which they are expressed. Such a dialogue does not have to be altogether harmonious, of course.

One way in which this dialogue between genres appears in the Hebrew Bible is that words from God to human beings, highlighted in some parts of the Bible, find a complement in words directed toward God in other parts. God and human beings, so-to-say, converse with each other. Neither of these two sides of the conversation is necessarily prior to the other, although the organization of the canon privileges divine revelation.[10] In fact, each of the major literary structures includes within it instances of what is typical of another structure. Specifically, the Pentateuch, devoted primarily to revelation, includes some arguments with God and some prayers—including the perhaps unspoken cry of the Hebrews in Egypt—and the book of Psalms includes some oracles.

An important question now is whether it is possible to date these dialogue structures and the aspects of life they represent. At a very basic level, the different life processes are well-nigh universally human. However, the specific dialogical formulations that appear in each aspect may well vary from culture to culture. One can then ask how old the biblical patterns within Israel are. For better or worse, we do not know the answer to this question, since it is hard to date biblical writings. Even if it is true that these writings were not constructed in roughly their current form until after the destruction of the First Temple, it is possible and even likely that their generic patterns are older. It would be nice to know the history of these genres, but our inability to be certain about their micro-history virtually forces us to pay attention to the

9. The placement of the book of Daniel in the third division can be due to either (or both) of two reasons: (1) The prophetic canon was already closed; (2) dream interpretation and angelic revelation have a status lower than direct divine revelation.

10. For earlier discussions of this issue by Israel Abrahams, H. Wheeler Robinson, Walther Zimmerli, Claus Westermann, and Gerhard von Rad, see *BFC*, 375-79.

sociopsychological processes that entered into them irrespective of their precise circumstances.

Among these processes is a duality of receptivity and assertive activity. In order to recognize this dual dynamic, it is helpful to see that speech is a kind of action. If A speaks to B, A acts on B. In contrast, listening to someone represents a kind of receptivity. This is not a purely passive process, of course, for there is the important phenomenon of 'active listening', of giving attention to, and even prodding, the other.

Stated in terms of a human process, divine words in the Pentateuch, the Prophets, and elsewhere presuppose and express receptivity on the part of humans. Again, this does not involve pure passivity; rather, laws and prophecies present spurs to activity, such as to engage in ethical action or ritual. However—in my judgment and in that of quite a few others—the first step and even the heart of ethics involves being open, metaphorically listening to the other.

In contrast, prayers and reflections represent a kind of human activity, specifically, efforts to obtain welfare and to grasp the meaning of life even without extensive divine revelation. Yet the three books in which such efforts appear—Psalms, Job, and Qoheleth—also express a sense of dependence on God. Psalms seek and applaud God's aid. Job and Qoheleth give voice to a sense of being exposed to divine capriciousness, as they declare the limits of human efforts to understand or to achieve success. Thus, receptivity and activity are interwoven in virtually all biblical books, although in different ways.[11]

One book, the Song of Songs, contains a dialogue that comes close to full mutuality between partners. The woman's voice is somewhat more extensive than the man's. It also both opens and concludes the Song, so that the intervening portions may even represent a dream or fantasy by the woman. Yet Solomon's name appears in the opening verse, and the man's voice is almost equal in extent to the woman's.[12] Especially important, perhaps, is the fact that the approaches of the two to each other are comparable. In fact, it appears that a high degree of mutuality and even of equality is characteristic—although, to be sure, not universally true—of love poetry. This phenomenon would indicate that the love relation tends toward equality or at least mutuality, even when societal patterns are hierarchical.

11. Most purely oriented toward human action is the story of Esther, in which the word 'God' does not even appear in the third person, although God presumably stands in the background.

12. In one example of partial balance, the male is placed in the role of king but crowned by his mother (3.11).

Furthermore—this is my third point—one can say that *dialogues exist metaphorically within genres*. Genres are not internally homogeneous.

This way of looking at the biblical text has an important practical implication for exegesis. In recent decades, there have been many efforts to treat individual books of the Bible or certain parts within these books as coherent unities. In my opinion, these efforts are largely misplaced. When we look at a book or passage, we can indeed take it as it is, without attempting to reconstruct sources that lie behind this book or that passage. In this sense, one can engage in 'final-form' exegesis. Yet, it is doubtful that it is regularly useful to treat a book or extended passage as a coherent whole. It is usually more appropriate to recognize divergences within the text and to place the divergent parts into a dialogue with each other. That is, we should view a given body of material as one that furnishes examples of a certain genre and then see that different perspectives can be expressed within that genre.

The prophetic book of Hosea can illustrate this situation. It has been recognized for some time that chapters 1-3 constitute a complex that is somewhat different from chapters 4-14. One can explain this phenomenon in at least three different ways: (1) two major authors are involved; (2) the two parts emanate from different periods in Hosea's life; (3) the two parts were transmitted by different circles. However, even if we were able to determine which of these alternatives—or perhaps still another one—is correct, such knowledge would not add much to our understanding of the book, except by removing a temptation to view one part in terms of the other. Furthermore, perhaps more importantly, neither of the two major complexes appears to be internally homogeneous. To impose a rigid unity on them would probably mean that one fails to grasp the nuances of various parts. The same situation appears to be true if the book of Job is taken as a whole, including the Elihu speeches.

Did the editors of such texts have in mind a unified vision that brought the divergent elements together? I rather doubt it. I suspect that they were too respectful of the materials they received to disturb them sharply, although they did make some adjustments. In other words, biblical texts lack full coherence since their antecedents were already semi-canonical. After all, in theory the canon was to preserve old revelations and insights. A canonical qua canonical approach should thus envision partial incoherence instead of strict unity, just as we would not expect an anthology of high-quality poetry to be unified.

This analysis may stand close to Mikhail Bakhtin's carnival-like interpretation in *Rabelais and His World*.[13] It does not, however, imply

13. See Newsom 2000: 26. A dialogue in my view is more open still than a polyphony; the latter does create a certain kind of 'unity', according to Bakhtin 1984: 6 and Newsom 2003: 261.

sheer chaos. Rather, the structure of genres presents a pattern that furnishes a degree of order, together with which there can be a degree of disorder. The genres can do this since they represent a kind of 'speech act' in which people can be engaged in their various involvements in life.

I have, then, set forth three propositions: (1) Address form, which may be at least implicitly dialogical, is a basis on which a genre can be identified, at least in part. (2) The Hebrew Bible is largely arranged according to genres, which can be said to enter into dialogue with each other. (3) Within each genre, there are divergences that, in effect, constitute a dialogue.

A fourth point that I want to set forth briefly is as follows: *The Hebrew Bible enters or can enter into a dialogue with other literary complexes*. This dialogue is meaningful primarily if it proceeds by genres. When such a dialogue is carried out, it will be seen that the list of genres that appear in the Hebrew Bible is close to, but not quite identical with, the list of genres that are prominent in other traditions. In addition to the comparisons that have already been made for understanding Qoheleth and the Song of Songs, let me give just one example.

The Hindu canon shares with the Jewish Bible most of the major genres and also a gradation of sacredness. However, the Hindu canon privileges hymns over laws by placing hymns in the more strongly revelatory part of the canon, while the reverse is true in the Jewish canon. This fact may well reflect the greater importance that Hinduism assigns to mystical devotion. Thus, there is difference along with similarity.

In making such comparisons, it is often tempting to downgrade another tradition precisely because it differs from one's own. A difference, however, does not in itself indicate which is to be preferred. Rather, one can listen to a tradition other than one's own in order to see whether there is something to be learned. Alternatively, one might simply grant legitimacy to both variations. Furthermore, if a comparison—shall we say, dialogue—is carried out with sensitivity, one often learns to understand one's own orientation more fully.

Indeed, the comparison of the genres of the Hebrew Bible with those of other ancient cultures is only part of a transhistorical approach. Biblical genres can also be placed in conversation with present-day life and speech. Undoubtedly, a major reason why Gunkel's analysis of biblical genres became widely popular is that he described the genres in a way that highlighted processes that resonate with our own existence.

In short, we have seen four ways in which the notions of dialogue and genre can be usefully joined for an understanding of the Hebrew Bible. Together, they show relations between dialogue and genres on a

large scale. Barbara Green (2003: 141-59) has, in a very interesting way, provided a fine-grained analysis of relations between genre and dialogue in 1 and 2 Samuel. Through cooperation, a close dialogic analysis of genres—or a generic analysis of dialogue—can be extended to the whole of the Hebrew Bible.

Chapter 14

HOSEA AS A CANONICAL PROBLEM: WITH ATTENTION TO THE SONG OF SONGS*

The role of the Jewish/Christian Bible as a 'canon' has received fresh attention recently. The topic as such is, of course, not new. For instance, a major beginning of historical criticism in Germany lay in a work by J.S. Semler entitled 'Treatise of Free Investigation of the Canon' (1771). What was important in this title was the word 'free', for it meant that the canon—which had been treated prior to this time primarily as an authoritative structure—would be investigated without obedience to an external authority. This process reflected a major shift in the intellectual character of a good part of Europe, which was connected with a rejection of aristocratic authority in society.

A little more than a century later, this shift, which included a heightened individualism, was challenged by a perspective that gave renewed attention to commonality, in part in order to express concern for the members of society who are trampled upon when competition has a 'free' reign. Within biblical scholarship a greater sense of community brought about renewed respect for the canon, especially in the middle of the twentieth century.

In contrast to the historical preoccupation of the preceding period, the new concern with the canon focused less on its history—how it came to be—than on its structure. That was true in the work of H.W. Robinson (1946), W. Zimmerli (1956), C. Westermann (1957, etc.), G. von Rad (1957–60),[1] the present writer (1969, etc.),[2] J. Sanders (1972), B. Childs

* Originally published in Stephen Breck Reid (ed.), *Prophets and Paradigms: Essays in Honor of Gene M. Tucker* (JSOTSup, 229; Sheffield: Sheffield Academic Press, 1996), pp. 79-93. Used with permission of Continuum, an imprint of Bloomsbury Publishing PLC, current holder of the copyright. This essay provides an analysis of structural and macrohistorical aspects of the canon of the Hebrew Bible.

1. For the tradition of these four scholars, with a canonical approach that includes a background in a work by Israel Abrahams, see *BFC*, 375-78.

2. In 1956–57 (perhaps stimulated by Zimmerli 1956), I chose an analysis of Hosea as a window into prophecy and thereby into the canon. (This was completed as a dissertation in 1958, revised in 1964–65, and published in 1969.) The present essay represents another step in this line.

(1979, etc.), W. Brueggemann (1982), and others. They related the structure of the canon closely to the nature of the genres contained in each of its parts.

This discussion, to be sure, did not settle the issue of the nature of the canon. It is useful to approach it both from a structural and from a historical point of view.

On the structural side, one can point to a differentiation within the canon. The first part of the Jewish canon contains largely foundational narratives and laws, the second largely prophecies, and the third primarily literary forms that are styled as human rather than as divine speech. It is fairly clear that each of these represents a specialization within Israelite culture, associated with priests, prophets, and wise (roughly lay) people, respectively. This brief sketch is an oversimplification, for there are overlaps between these three major categories. We shall, however, ignore this fact here and move to a theoretical question.

This question asks whether the specializations acted as functional complements to each other, as one would expect in a 'harmony' model of society. On one level, undoubtedly, they were complementary in that each aspect is needed. Perhaps no society can operate without orientations and laws, which together form a foundation. Furthermore, every society—in fact, every individual—requires some means for assessing actuality: evaluating the recent past and estimating future prospects. In a society that holds to a superhuman order, such considerations are related to that greater reality and are embodied in a sacred tradition that constitutes a foundation and in divination that assesses actuality (including 'prophecy'). At the same time, societies do not expect all insight to come to human beings receptively, but they give room to the active engagement of their minds, which in Israel found its expression especially in what it called 'wisdom', which came to form a major part of the third division of the canon.

Theoretically, perhaps, there should be no conflict between these specialized approaches. In practice, however, tensions develop. These are, in part, due to the fact that views from different angles lead to different perspectives that at least appear to contradict each other. Furthermore, it is a human phenomenon that every profession tends to exaggerate the importance of its own role. Thus, a priest may very well stress the ability of ritual (which calls on foundational powers) to cleanse, while a prophet may believe that a situation is so bad that it cannot be rescued by ritual and requires a more drastic step. In other words, roles that are in principle complementary can enter into conflict with one another. The prophet Hosea presents a good example of such a conflict. He rejects the offering of sacrifices and related forms of ritual (4.15, 19; 6.6; 8.11, 13; 10.1, 2; 12.12; etc.).

The ancient collectors of the Tanak can hardly have been unaware of a conflict between Hosea and Pentateuchal directions about sacrifices. Yet they placed both into the canon. That their doing so represents not simply an oversight can be seen from Jewish discussions about the canonical status of the book of Ezekiel, which contains instructions for ritual that are different from those of the Pentateuch. A solution to this real or apparent conflict was stated by Maimonides (*Code of Maimonides*, 8.5.2.14) thus: the prophecy of Ezekiel presents not a general law but an 'exhortation' relevant for a specific situation.[3] Quite likely, the editors of the canon similarly took Hosea as one who speaks to a particular situation, one in which sacrifices are inappropriate.

With such a 'solution', however, a question arises: 'Was the situation in Hosea's day worse than that of other times?' If the answer is 'No', then there would never be a proper time for carrying out the Pentateuchal regulations about sacrifices. Indeed, Jewish tradition, as found in the Babylonian Talmud and later, has criticized Israelite prophets for voicing excessively sharp condemnations (see Buss 1969: 138) and has left room for the legitimate exercise of ritual. Hosea's condemnations were indeed too sharp by any ordinary measure.

There is another problem. Hosea can be contrasted not merely with the priestly tradition but also with the joyous and at least somewhat freewheeling Song of Songs, which at the same time stands in some tension with Pentateuchal law. Admittedly, this question involves quite a few uncertainties, especially since it is not likely that there were sexual rituals in Israel, to which Hosea might object and in which the Song might be involved. It should be noted, however, that sexual experience in the Song is one of union, in contrast to the alienation expressed by Hosea.[4] An ancient way of dealing with the tension between the Song and other biblical writings has been to interpret the Song allegorically. (In a similar way, Confucian tradition, which was sexually strict, interpreted ancient love songs non-erotically.) A more recent possibility of harmonization lies in viewing all or part of the Song as a dream or series of dreams; indeed, the Song seems dreamlike in many ways.[5] Speaking

3. An earlier rabbinic solution (was it the same?) is mentioned but not expressly described in the Babylonian Talmud (*Šab*. 13b). That Maimonides has prophecy in mind as a genre is clear from the fact that he refers to Ezekiel as 'exhorting'.

4. The book of Hosea figuratively uses a term for sexual misbehavior (*zānâ*) to indicate false worship. This may or may not involve sexual congress, but at least 4.14 seems to indicate sex in connection with ritual, although not necessarily as a direct part of a sexual ritual (which incidentally is not automatically to be condemned). In any case, both cult and sex involve experiences of union.

5. Versions of this interpretation have appeared, for instance, in Bentzen 1948: 132, and Freehof 1948-49. (See, further, Pope 1977: 132-34.) M. Falk 1982: 78 has

more generally, the Song can represent wishful fantasy (Lohfink 1983: 241; van Dijk-Hemmes 1989: 86). It can then furnish entertainment[6]; this would be comparable to that obtained by moderns from literary works (including films) that are more licentious than their actual lives.

Interpreted either as realistic love poetry or as imaginative literature, the Song of Songs certainly presents a genre that is less serious than law or prophecy. That is appropriate for a book located in the third division of the Jewish canon with no, or virtually no, express reference to Deity.

An important difference between Hosea and the Song, highlighted recently, is that Hosea is male-oriented, while the Song represents to a large extent a female perspective.[7] Although female voices are not absent from the first two divisions of the Hebrew Bible, they are, in fact, less well represented there than in its third division, perhaps because women were placed in a marginal position in a primarily patriarchal culture.[8]

Diverging from patriarchal tradition, the Song accepts non-exclusive involvements not only for the man (1.3-4; 6.1-3—with the woman retaining confidence) but also for the woman, especially if one takes the Song as a unit, as follows.[9] Near the beginning, in Song 1.7, the woman is with the favorite man's 'companions' but would prefer to be with him. The response in 1.8 gives partial encouragement for her hope. Toward the end, in 8.11-12, the woman says that Solomon has handed to others care for a vineyard the annual produce of which is worth a thousand pieces of silver. Connecting the image of the vineyard and its produce with her sexuality, the woman directs most of her love to 'Solomon', although she grants a small amount to the vintners.[10] The favorite man

noted 'dream-like modes of wishing, anticipating, and day-dreaming…in several places'. Fisch (1988: 98-99) thinks of the Song as having a dream-like quality but as also going beyond this.

6. Fox 1985: 244-49. Not necessarily at a ritual banquet (*pace* Pope 1977: 210-29), but appropriate for weddings as well as for other situations.

7. A duality of male and female perspectives have been discussed with regard to Hosea by Balz-Cochois (1982), Setel (1985), and Weems (1989), among others, and in some detail by Brenner and van Dijk-Hemmes (1993; cf. Brenner 1993: 273, for a relevant observation as early as 1861, and Brenner [ed.] 1993, reprinting a number of discussions).

8. See Ruth, Esther, aspects of Proverbs, and Job 42.15. Perhaps also relevant is psalmody (in Psalms, Lamentations, and Chronicles); women are known to have played major roles in that sphere.

9. The judgment that the Song of Songs goes beyond marital relations—largely, although perhaps not entirely, premaritally—has been expressed repeatedly (from G. Jacob 1902: 26, to Brenner in 1993: 282), but there have also been contrary voices (see, for instance, Phipps 1974).

10. This interpretation coheres with the 1985 translation of the Jewish Publication

then says in v. 13: 'You who dwell in the gardens, the companions hear your voice; let me hear it'.[11] In v. 14 the woman probably replies encouragingly (cf. 2.13, 17 [*pace* Landy 1983: 72, 112, and others]).

To be sure, the Song does not indicate how much sexual love the woman gives to her favorite man's 'companions'. In any case, the poem is imagination.[12] However, the relatively non-patriarchal outlook of the Song may have scandalized ancient readers and contributed to allegorical interpretation.

Still, the difference between Hosea and the Song is not an absolute one. Hos. 4.14 rejects a sexual double standard and is thus in part anti-patriarchal, although patriarchal 'sexual violence' (Weems 1989: 101) is clearly expressed in chaps. 1–3 (possibly by a different author). Hosea 11 pictures God as a parent, using the gender-neutral word *'adam*,[13] and 13.8 compares God with a she-bear (Viera Sampaio 1993: 45). The Song, too, is not univocal but includes among the male voices one that uses an image of conquest (8.9);[14] the woman counters this with an offer of peace (v. 10).[15]

Society. Cf. Gordis 1974: 101-102 for the relatively small pay for the vintners. If the Song forms a unity, much of the intervening material must contain a memory or wish; in fact, within it accounts of union precede descriptions of distance, but a strict unity cannot be assumed. Statements in 2.15; 4.12; and 8.6 may imply a desire for (not necessarily actuality of) exclusivity, but they are less than fully clear.

11. The LXX version—scandalized by the MT?—has the woman say this to the man.

12. This interpretation is not, in fact, quite novel, for multiple involvements have long been noted for the man and at least potentially for the woman. However, earlier interpretations with an anti-aristocratic orientation have held that the woman prefers a shepherd to the king. See C. Ginsburg 1857: 46 (for a partial anticipation in Ibn Ezra's literal interpretation), 88, 95-102; Garrett 2004: 77-79.

13. Motherly features have been emphasized by Terrien (1985: 56, 139) and, more fully, by Schüngel-Straumann (1986). Cf. Nissinen 1991: 268-71; also, for evidence, Buss 1969: 110, although without carrying through with this point.

14. 'Insofar as she is a wall, we will build on her a turret of silver; insofar as she is a door, we will besiege her with a plank of cedar'. Contra the usual defensive interpretation, *ṣûr 'al* is a normal idiom for 'laying seige to' something (thus also Meyers 1986: 215). Gordis (1974: 75) thinks of persuasion with the help of gifts ('conquest'); the plank may represent the phallus (Winckler 1905: 240), but literal force (rape) is quite likely not implied. 'Wall' probably refers to the woman's torso, which begins flat without breasts; cf. v. 8. (The identity of the 'brothers' speaking in 8.8-9 [cf. 1.6] remains uncertain, but 'sister' in the book means a beloved; in any case, the issue in v. 8 is sexual readiness at a future time.)

15. In this verse, the woman declares that she has a torso with breasts, either actually by the time of her speaking or in anticipation (tense is notoriously unclear in Hebrew); in that situation ('then'), she provides for a peaceful union, in contrast to (probably better than 'after') conquest.

There is a certain similarity between these two contrasts—with priestly tradition and with the Song of Songs—within which Hosea stands. Namely, both ritual and sexuality express less opposition between oneself and ultimate reality than does Hosea's vision.

In short, in a structural view of the canon one can recognize complementarities in the Bible together with tensions that arise in conjunction with the representation of different aspects of life. In addition, however, *one must also take a historical view of the canon*. This can cover either a relatively short period (less than a thousand years) or a relatively long one. In a short-range, or microhistorical, view one can inquire about the temporal context of specific words within the biblical period. This kind of question has occupied much of biblical scholarship for the last two hundred years. During the nineteenth century, that endeavor was rather clearly justified, since important conclusions were reached. A continued preoccupation with it is, however, of doubtful value, for by the end of the twentieth century the endeavor appears to have reached and even gone beyond its approximate limits both in terms of what can gain widespread agreement and in its potential for enlightening or challenging human existence.[16] In regard to most of the Pentateuch (including its social and ritual laws), and of Psalms and Proverbs, it may not matter much whether a given text is pre-exilic or post-exilic.

This does not mean that the historical-critical enterprise is unimportant. Its contributions lie, however, more in the area of principle than in detail. Two principles are especially important. The first is that historical criticism removes from the Bible an aura of automatic authority. In fact, as we have seen, a 'free' attitude toward the Bible is one of the basic assumptions. This 'free' attitude has included a willingness to disregard its socio-economic injunctions—such as the call to lend without interest and the Tenth Commandment's prohibition of seeking to obtain one's neighbor's belongings[17]—and now includes a rejection of its involvement in patriarchy.

The second principle is the recognition that the texts as we have them for the most part do not form strict unities. It is true that this insight is not entirely new. Biblical editors must have been aware of tensions both within and between books, without being extremely bothered by them. To cite one example, it is hard to believe that the biblical editor

16. Childs (1979) has argued, with some justification, that biblical tradition has toned down the relation of texts to their specific contexts in order to highlight their continuing meaning; by doing so, the tradition has also made the reconstruction of those contexts difficult.

17. Although the precise meaning of the Tenth Commandment is controversial, it can hardly be reconciled with an unrestrained market.

was not aware of a tension between the accounts of Genesis 1 and Genesis 2, yet the two were set side by side. Freedom from contradiction was not valued in early Jewish interpretation, especially for non-legal materials—as mentioned by M. Tsevat.[18] Yet historical criticism has underlined the presence of disunity in the extant form of biblical books.

Indeed, what holds the individual books together is not so much ideational or artistic unity as the fact that each presents one or more genres, or aspects of existence. Form criticism, in the sense of synchronic genre criticism—as in Tucker 1971—should thus be an important aspect of a canonical approach. R. Lowth was probably not far from the truth in his assessment that the book of Job is not unified but is 'a representation of those manners, passions, and sentiments which may actually be expected in such a situation' (1787, lecture 23); is that not enough, and indeed profound?

Interestingly, the fact that most of the texts that we have are not unities shows that the precursors of the texts had already gained a degree of canonicity of status as 'scripture',[19] so that the editors were reluctant to make major changes to them. One can, of course, hypothesize that editors were simply inattentive or lethargic, but it is more likely that they, at least in part, venerated the texts.[20] In fact, a quasi-magical veneration of texts has been especially pronounced during the early phases of writing, despite a simultaneous presence of distrust toward a piece of writing if its authenticity is not orally supported.[21]

The fact that early forms of a text can be recognized leads to the possibility—perhaps temptation—of attempting to locate the precursors precisely in space and time. To some extent, such an attempt is indeed justified. For instance, Hos. 5.8-15 can be seen to reflect situations in the Northern Kingdom prior to the fall of Samaria, although opinions diverge beyond this somewhat general statement.[22] It is questionable, however, to assume for either the final form or for its antecedents a well-formed organic whole (Tsevat 1975). Specifically, the

18. Tsevat 1986: 37. Barton (1986: 150) argues that ancient *readers* did not treat biblical books as unities.

19. Tucker (1977: 70), like some others, prefers the term 'Scripture' for such early forms of the canon.

20. Gese, too, has argued that editors consciously accepted texts with tensions between them (1987: 258).

21. Cf. Nielsen 1954: 64-79 (arguing for that reason against the historicity of the book mentioned in Jer. 36); Buss 1969: 35.

22. See G.I. Davies 1992: 145-46; Arnold 1989: 457-58. I continue to hold the opinion that Hos. 5.8-15 is better stylistically and historically in that context as 'Israel' is read for 'Judah', even though the geographical part of the argument in Buss 1969: 37 is less than certain (cf. van der Woude 1989).

somewhat ragged (not smoothly unified) condition of much of the book of Hosea does not justify the conclusion that large parts of it come from quite different times.[23]

Still, the dating of texts is not a crucial issue, for the human meaning of the book consists in the fact that it contains both criticisms and announcements of renewal—variations of prophetic genres, which complement each other. Although microhistorical considerations of changes within a period of a thousand years have limited value, a long-range, macrohistorical perspective is very important.

To begin with an obvious point: the language used—biblical Hebrew—is a historical phenomenon, although it was fairly stable during the biblical period, so that its development during that time rarely affects the meaning of a biblical text. Since no native speakers of that form of Hebrew are available, the meaning of its words and grammatical constructions, including syntax, must be deduced or confirmed by means of reference to the Hebrew Bible. The language of the Bible as a whole, then, serves as an appropriate historical context for a given text.

In addition, social and economic conditions have varied in history. In some way, they did not change very much within the biblical period: Israel began in the midst of, and as a part of, empires and had a similar status at the end of that time. The overall situation, however, represented a macrohistorical development. Empires were relatively new when Israel began. The rule of a state (large or small) by a king had become standard and continued to be so for another two thousand years. Only somewhat recently—perhaps because of new developments in communication—has royal organization receded as a predominant political form.

Social conditions have affected not merely the details of biblical religion but its very structure. Religion in a relatively small society deals largely with liberation from sickness and other fairly ordinary evils. In Israelite, Chinese, and other larger-scale cultures a new concern came to be directed toward sociopolitical liberation. A further step—propelled

23. A number of recent interpretions (including Yee 1987, Nissinen 1991, and Mowvley 1991, but not Daniels 1990 and G.I. Davies 1992) have dated quite a few portions of Hosea (especially those with a promise) to a time later than that of the prophet, but while such dating is not impossible, it seems speculative and even doubtful; for instance, announcements of salvation (although these were probably expanded) go with, rather than counter to, the terrible judgments of Hosea, which otherwise have no point (Buss 1969: 128-29). The organization of the book—with catchword connections between units and word repetitions within them, together with attention to specializations in content—is remarkably like that attributed to the Christian Testament book of Hebrews by Vanhoye (1963: 37-49; cf. Guthrie 1994: 14).

in part by empire formation—envisioned a more drastic liberation from the evils of the world, with a sense both among those oppressed and among the more sensitive human beings among the oppressors that the world is fundamentally out of joint (cf. Buss 1988: 218-19). Many Eastern mystics went so far as to turn against sexuality. Both radicalizing and domesticating transcendence, Christianity located the eschatological event paradoxically in the present and Mahayana Buddhism found nirvana in samsara. With the rise of more democratic governments, in which citizens have some control over the state, there has been a move again toward a more ordinary social perspective; many now look toward more moderate and down to earth steps than either Hosea or Jesus envisioned. Many of the currently oppressed, to be sure, continue to look for a radical reordering of the world.

In association with the political development described stands the phenomenon that patriarchal organization has been well-nigh universal in cultures that are preserved in writing. A major reason for this fact appears to be that males are especially suited biologically (if only because they do not bear or nurse children) to fight the wars that set up royal organization, which is also aided by writing.[24] Only relatively recently has a patriarchal social structure been extensively challenged. Criticism of the anti-female violence expressed in Hosea is one version of this new challenge. It is, then, appropriate to articulate a theory of Scripture in terms of a long-range view.

The development of writing had an impact on religion in several important ways. One was that it gave to previously oral expression a crystallized form in 'Scripture'.[25] In this respect, Scripture represents continuity with an earlier form of faith. Another was that writing contributed to discontinuity, that is, to changes in social structure, by supporting hierarchies at first and later on challenges to them.

One of the discontinuous aspects of Scripture is the fact that a widespread attitude during relatively early stages of writing attributed potentially 'magical' power to a written text. In Protestantism, this attitude was heightened, as print brought texts into private homes. What is happening now is a recognition that Scripture needs to be seen in terms of its dynamic structure and its location in large-scale history. While one

24. A pre-patriarchal state is controversial, especially in regard to details, but is nevertheless likely in some form (thus Frymer-Kensky 1992: 80). The use of writing was helpful, although not necessary, for kingship. Probably also relevant is that wars fought with metallic equipment required physical strength and mobility, so that patriarchy may have become stronger from the Bronze Age on.

25. Although the Hindu canon existed for a long time only in oral form, it is quite possible that the presence of writing in the culture stimulated a precise transmission of word, so that even this oral canon was in a sense 'scriptural'.

cannot simply replace Scripture—history is in some sense cumulative—one needs to make sure that the text does not take the place of, but points toward, ultimate reality.

In order to see the long-range significance of Scripture it is necessary to combine a macrohistorical perspective with a structural one. Such a combination finds expression in a comparative view. Indeed, it is difficult to gain a good understanding of a canon as a canon without that broader vision. Perhaps an approach should not be called 'canonical' without it, just as it would be odd to call an approach to the Bible 'social' or 'literary' if a knowledge of non-biblical societies or literatures did not stand in its background.[26]

A comparative view of a canon can deal not only with the attitude of veneration that is extended towards a sacred writing[27] but, more importantly, with the ways in which scriptures or oral canons deal with basic issues. Significant similarities between different scriptures as well as between the position of a given scripture and a viewpoint to be taken in the present probably lie not so much in exactly what is said as in the relation of what is said to a problem that needs to be addressed.[28] For instance, defense of the weak—which is a relation—may occur repeatedly and may have continuing importance, although it may take different specific forms.

A major comparability is that receptivity plays an important role for religious canons.[29] (In fact, receptivity toward the authority of scriptures as objects is often confused with receptivity toward that which the scriptures present.) In the Hebrew Scriptures—including Hosea—receptivity is symbolized by the linguistic form of God speaking to human beings. This has ethical implications, for ethics involves an openness to the other. Specifically, Hosea, like other Hebrew prophets, pictured the future salvation as a divine gift. Most forms of Hinduism, Buddhism and Daoism similarly emphasize non-assertion or receptivity. Indeed, it is likely that this dimension continues to be important.

The reality to which one is receptive can be quite vague, not something that one can 'master'. Thus, in part under the influence of Daoism,

26. An older relevant study is a 1927 dissertation by H.M. Buck (see his 1969 essay).

27. This aspect is stressed in a number of fine discussions; lacking, however, in most comparative studies is a consideration of the contents of canon as they are formed in major genres.

28. Saussure, who coined the well-known terms 'synchronic' and 'diachronic', also used the term 'panchronic', applicable in his view only to relations (1916: I/III, vii, 2); would 'transchronic' be better?

29. Buddhism, a quasi-atheistic religion, may seem to form an exception, but Buddhism rejects self-assertion by holding that there is no 'self'.

Buber said that the I-Thou relation has no specific describable content. In Hosea, the threatening words which God is expressly represented as speaking are more figurative, emotional and general than other words (Buss 1969: 61-62). This absence of specificity corresponds to some extent to the lack of detailed content in much of the mysticism that is embodied in several Eastern canons.[30]

Moving into these large issues does not, of course, mean the end of controversy. However—unlike many microhistorical ones—they are interesting in the sense that some of us want to know answers to the questions they raise.

In sum, a canonical approach, then—to be complete—needs to be both structural and historical, especially macrohistorical. Specifically, a structural perspective indicates that Hosea both complements and stands in some tension with other parts of the Bible, including the Song of Songs.[31]

30. Hosea also presents non-divine speech with specific content. This phenomenon supports a view that Buber's early understanding of the I-Thou relation needs to be modified, as was indeed done by Buber subsequently (see *CFT*, 54)

31. This conclusion may also find favor with the honoree, who has been interested in the canon as well as in prophecy. A broad orientation toward the history of religion is also in his purview.

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