

3. s.m. Typ b ausgewiesen. Siehe *CreatVerbForms* S. 188.

155) Für eblaitisch *šī-tum* ≈ gemeinakkad. *šittum* [AHw S. 1252] siehe die Korrespondenz mit sumer. *ū-di* und eblait. *na-a-um* ≈ arab. *naum* "Schlaf, Schlummer".

156) Gemäss *CreatVerbForms* S. 188. 157) AHw S. 316a.

158) Vgl. in Abs. (e) die Identifikation von *šanū* mit [d]ia, sodass, wie in anderen Fällen, das Epithet den Namen der Gottheit einfach ersetzt oder mit demselben zu einem festen, aber doch mit den Einzelbestandteilen austauschbaren und diesem gleichwertigen Ausdruck verschmilzt. Hinsichtlich von Ebla-Texten siehe z. B. die Besprechung der Namen *ia-ba'al-na-ma-lik* und *ia-ba'al-na-X* in *Ia-Yahweh* Abschn. II (d), und bezüglich anderer derartiger Vorgänge ist etwa an die variierenden Formen der Identifikation von *ahura* mit *Mazdā* zu denken, an die von *Phoibos* mit 'Apóllōn oder von *christós* mit 'Iēsoŷs. Siehe mein "*Mazdā Ahura - Ahura Mazdā - Auramazdā* = >>Lord Wisdom<<" = *Iranica Antiqua* 18 (1983) S. 199-220. Solche Verbindungen konnten dann zur Titelbildung für Gottheiten und bedeutende oder auch mythologisch verklärte Menschen führen [B. W.W. Dombrowski, "The Background of the Formula אֱלֹהִים כָּל הָאֱלֹהִים: Near Eastern Deities and their Epithets" = *Acta Antiqua Academiae Scientiarum Hungaricae* 31 (1985-1988 [erst 1992 erschienen]), S. 179-250].

159) *CreatVerbForms* S. 191.

160) CAD 1,2 S. 318-23, AHw S. 1471 f.

161) *Eblaitica I* Anm. 219.

161a *Bonechi nomi* S. 174.

162) Die im Eblaitischen öfters anzutreffende Vokalharmonie ist der assyrischen ähnlich oder sogar gleich, sie muss jedoch nicht mit dieser koinzidieren, siehe schon *Do Ebl* S. 220.

163) *Brugnatelli* S. 91. 164) AHw S. 248b und 387b. 165) AHw S. 989.

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PEOPLE PRONOUNCING SENTENCES IN COURT:
AMOS 5, 7-12. 16-17
AN ATTEMPT AT SOCIOLOGICAL IDENTIFICATION

The present study is an attempt to consider certain fragments of Biblical texts containing material on different social questions as examples of ancient sociological thought. I will concentrate on social structure (one aspect of sociological research) and will focus on Amos's contemporary opinion of the justice administrator's place within the social structure of the Northern Kingdom in the 8th century B.C.

It is necessary to note that the theoretical approach characteristic of the investigations in this paper is that of the socio-economic theory of ownership. In terms of which, ownership of goods (which enables the means of subsistence) together with the place of a given group within the social work division i.e. its type of occupation (e.g. agriculture, crafts, trade, credit) are crucial to the reconstruction of the social structure of society¹. If, for instance, people get their means of subsistence in a particular domain of production (e.g. agriculture) and their ownership relationship to these conditions of work is of a peculiar kind (e.g. the owners work alone without hiring anybody), they form a distinct social class (they are peasants).

Our attention will be focused on living conditions of those who judge as far as their situation is reflected in the text. A specific question of our investigation is: "Have we any hint in the Book of Amos which attests to the judges' acquiring, by virtue of their function, a significant part of their resources, inaccessible to other groups of society?" A positive answer to this question would enable us to recognize, in those responsible for legal matters, a separate social class, distinguished by the Prophet.

Only one text in the Book of Amos appears to refer to a category of citizens responsible for legal matters. They are evoked because of their wicked deeds²: "They hate him who reproves מוֹכִיחַ in the gate בִּשְׁעַר, and they abhor him who speaks the truth דֹּבֵר תְּמִים. Therefore because you trample בִּשְׁסֹכְכֶם upon the poor עַל דָּל and take from him exactions of wheat מִמֶּנּוּ בִּשְׁעַר הַטֹּר, and you have built houses of hewn stone וּמִשְׁאֲתֵלֶבֶר תִּקְחוּ, but you shall not dwell in them; you have planted pleasant vineyards כְּרַמֵּי-רִמֹּד, but you shall not drink their wine. For I know how many are your transgressions, and how great are your sins - you who afflict the righteous צַדִּיק, who take a bribe בִּשְׁעַר הַטֹּר, and turn aside the needy אֲבִיּוֹנִים in the gate בִּשְׁעַר הַטֹּר: 5, 10-12³. Vv 10-12 belong to a larger unit 5, 1-17 divided in many ways: 1-3; 4-6. 14f; 7. 10-12; 16f.(8f)⁴, 1-3; 4-6(7); 8(9); 10-17⁵, 1-3; 4-5; 6, 8-9; 7, 10;

11; 12, 16-17; 13; 14-15⁶⁾. The analysis of the complex structure of this unit is beyond the framework of this study. However, for the purpose of our investigation it is important to notice only that according to many interpreters v 7 is considered part of vv 10-12 because the motif of judgement appears in it: "O you who turn justice *משפט* to wormwood, and cast down righteousness *צדקה* to the earth!". H. W. Wolff explains the present position of v 7 despite its thematic connection with v 10 as the copyist's error⁷⁾. On the other hand, Weiss points to the literary integrity of vv 4-6, which supports in his eyes the opinion of the majority of scholars that v 7 is not a part of the same unit⁸⁾. Rudolph thinks that the current place of the verse is the result of a later insertion of vv 8f, which contributed to the isolation of v 7 from its continuation in v 10⁹⁾. Despite the fact that the majority of scholars recognize the connection between vv 7 and 10, in the middle of which were inserted vv 8-9, N. Rosel does not exclude the possibility that the verse is in its correct place. In the opinion of Rosel, the current location of v 7 fits its context, but he claims that at an earlier stage the passage might have been connected to v 10¹⁰⁾.

Section 5, 1-17 (like the rest of the Book) contains some material which does not originate from the Prophet himself. Scholars point particularly to vv 8-9; 13, 14-15 as secondary¹¹⁾. Despite this, the authenticity of the verses cited above is commonly accepted¹²⁾.

For the purpose of a better sociological interpretation of the passage from Amos a concise outline of the system of justice in Ancient Israel is necessary. The shortcomings of the source material make it difficult to reconstruct the system of courts and the way it operated in the Biblical era. Moreover, the archaeological records and the cuneiform inscriptions - additional sources of information about Ancient Israel - are, as R. Wilson states, "largely silent on the subject of the judiciary"¹³⁾. He also points to difficulties in dating the few Biblical texts which refer to court, and this question constitutes a serious obstacle to the understanding of subsequent stages in the development of the court system¹⁴⁾.

The opinion that there are some sources of judicial authority to be distinguished in the Bible is commonly shared. Firstly, the leader of the people pronounced judicial sentences throughout the Biblical period¹⁵⁾. He was the main judge¹⁶⁾. During the wandering through the desert, Moses fulfilled the role of an arbitrator (Exod 18, 13).

Subsequently Samuel (1 Sam 7, 16-17) and David (2 Sam 15, 2) performed the same duty. The combination of leadership with judicial function enables EM to state that it was not for nothing that the leaders of the people in the period before the monarchy were called *שופטים* "judges"¹⁷⁾.

Besides the leader, the sources mention a priestly judicial authority¹⁸⁾. Cases relating to worship, questions of purity (Lev 10, 10; Deut 33, 10; Ez 44, 23) and also some civil matters remained under their jurisdiction (Lev 5, 1-13; 21-22; 19, 20-21).

Another element of the judicial system which appears in the Biblical sources is "the appointed men" (see below in the context of court reform). Exod 18, 13-26 and Deut 1, 9-18 provide evidence for Moses's creating this institu-

tion. Exod 18, 22 tells us that they were established "to judge" (*ושפטו*). In Deut 1, 16 they are defined as "judges" (*שופטים*). In the light of this Biblical description, they were intended to relieve Moses from his duties leaving only particularly difficult cases to him. These judges are presented as *שרי אלפים* (leaders of thousands), *שרי מאות* (leaders of hundreds), *שרי המישים* (leaders of fifties), *שרי עשרות* (leaders of tens). Such a depiction is not so much of a system of civil jurisdiction by citizens as of an organization of military leadership in line with the perception of the military organization of the wandering Israelites. According to EM there is no doubt as to the military background of the above text. Knierim, quoted by EM, suggests that the definition of judges as "leaders" (*שרים*) of thousands was added during the monarchy and reflects the system of court organization introduced by the kings in fortified cities¹⁹⁾. Anyway, it is necessary to relate the above mentioned texts of Deut and Exod to military leaders who were also charged with judicial power. The opinion that the passages in question might be a reflection of the judicial system in Israel from the period of the settlement is absolutely wrong²⁰⁾.

Subsequently, the general assembly of the people (*העדה*) enjoyed judicial authority (Num 35, 24-25). This gathering was probably constituted of representatives of the people - the elders *זקני העדה* (Lev 4, 15). The elders seating in the gate of the city are clearly presented as judges in the old collection of laws in the Book of Deut: 19, 12; 21, 19; 22, 15; 25, 7-10. D. A. McKenzie stresses that precisely "judicial responsibility" was "one of the most important responsibilities of the council of elders"²¹⁾. Archaeological excavations carried out in some ancient cities in Israel corroborate the Biblical data on the gate as a place of the administration of the law. For instance, in Gezer, Dan, "in the internal structure of the gateway was the elaborated system of low plastered stone benches which ran around the three sides of all the rooms"²²⁾. The archaeologists digging in Gezer write: "From the first discovery of these benches, which continued to be rebuilt throughout the entire history of multiple-entryway gate, we were struck by the appropriateness of the setting to the familiar biblical phrase <judgment in the gate>, as well as its suitability for the more everyday functions of trade and neighborly discussion among the city fathers"²³⁾.

The elders, according to EM, represented judicious authority such as there existed. Nevertheless, we come across some texts talking about a court reform (Deut 16, 18-20). Its first measure concerned the appointment of "judges" (*שופטים*) and "officers" (*שוטרים*)²⁴⁾ in all gates (*בכל שעריך*). Warnings against transgressions of the rules of justice, directed to the new judges, are joined to this order (Deut 16, 18-19). The second injunction orders the erection of a central court for all the country at a place chosen by YHWH (Deut 17, 8-9). This instruction, like the former, is supplemented with an order to obey this highest court. With these innovations belongs also the ordinance concerning the presentation of witnesses in lawcourt proceedings, displaying through its language, some reformatory features (Deut 19, 17). According to EM the erection of the highest court could not be executed earlier than the period of monarchy. Some indications as to the history of the new institutions are contained in the Book of Chronicles (1 Chron 26, 29-32). Probably the functions of *שופטים* and *שוטרים* mentioned there were limited to the regulation of conflicts arising

in royal enterprises. The organization of the monarchical judgment system, in terms of its scope as well its power, developed significantly in the period of Jehoshaphat. The 2 Book of Chronicles reports an appointment of שופטים and שוטרים in all fortified cities of Jehuda הַבְּצֻרֹת (19, 5). This measure is supplemented, as in the former case, with warnings against transgressions of the rules of justice (19, 6-7). Subsequently, Jehoshaphat erected the highest court in Jerusalem; it was constituted of levites, priests and leaders of the people. He designated the highest priest (כֹּהֵן הָרֵאשִׁית) as responsible for the matters concerning YHWH, and the governor (נָגִיד) for matters of the king. Moreover, levites defined as שוטרים were put at the disposal of the functionaries mentioned above (2 Chron 19, 8-11).

According to EM there is no basis for doubting the historicity of the description included in the Book of Chronicles²⁵⁾. The creation of a system of courts and its unification through the erection of the highest court fits the historical situation of the kingdom and could be taken as a visible sign of its strengthening²⁶⁾. The existence of a tribunal in Jerusalem composed of royal officials is reflected, according to R. Wilson, in Jer 26, 7-24 and strengthened by Deut 17, 8-13; 19, 15-21²⁷⁾. Additional support for the historical accuracy of the account is provided by the reform of Pharaoh Horemheb (XIV c. B.C.). The Egyptian ruler appointed royal officials in all towns and supplemented his reforms with warnings against transgression of the laws. EM following Albright draws a parallel between the measures of Horemheb and those of Jehoshaphat²⁸⁾.

The accounts about the appointment of local judges in Chronicles are confirmed, according to Wilson, by some prophetic speeches: Isa 1, 21-26; Mic 7, 3. The same scholar finds confirmation for the institution of officially appointed judges in Deut 16, 18-20; 17, 2-7²⁹⁾. Some authors stress the point that the creation of royal jurisdiction does not supplant the traditional communal jurisdiction carried out in the gate. In the opinion of R. de Vaux the latter continued to exist alongside the former³⁰⁾. Z. Weisman warns against the claim that the reform of courts carried out by Jehoshaphat was connected with the replacement of the elders by official judges. Weisman's cautious opinion is an effect of his rigorous analysis of 2 Chron 19. According to him, the text tells only about the creation of a royal judicial system. The scholar emphasizes that it is not clear at all if there is a question of the elders' being replaced by functionaries of the king, as some interpreters maintain³¹⁾. Moreover, Z. Weisman remarks that in 2 Chron 19 Jehoshaphat is said to appoint שופטים only in fortified cities and by no means in all the settlements of his kingdom. That is why the text is lacking sufficient material to claim the replacement of the traditional system of courts by the royal system³²⁾.

However, some scholars deny the existence of the institution of appointed judges. Jurisdiction, according to them, is to be situated within clans organization³³⁾. Rütterswörder marks that, to be sure, some Biblical texts in which שופט occurs side by side with שר ("leader", "official") (Jes 1, 26; 3, 2f; Mi 7, 3) would seem to refer to state judges. Nevertheless, שרים might have performed some functions in courts by virtue of being royal functionaries, without a special appointment for that office³⁴⁾.

The discussion about appointment of judges by the king has not been resolved. Important as the problem of the historicity of such designation remains, its formal aspect is less crucial to a sociological perspective. The method of describing social structure adopted in the present study, as we have already noted, focuses on ownership relations. The application of this approach to the problem of judges, especially to the question if they were appointed or not, finds its expression rather in asking the question whether the judges were, e.g. private owners of land that they tilled alone, perhaps with the help of a few servants or hired workers or enjoyed great properties put at their disposal, as royal officials, on behalf of the king. From this point of view, the voice of Rütterswörder in the discussion has a unique value, especially when he points to the position of שר as a basis for fulfilling other functions including that of judging. In other words, the function of the kind of judge called שר, even if appointed, would be determined by his position as an official. Therefore his living conditions would be similar to those characteristic of other royal functionaries³⁵⁾.

Conforming to the theoretical point of view sketched above, economical details concerning the life conditions of people pronouncing sentences in court and referred to in Am remain at the centre of attention.

Before we start to deal with this focal point of this study, we shall present in a concise form some opinions about the sociological identification of Amos's addressees in Am, 5, 7, 10-12.

A preliminary task to be done is to point to some elements in the fragment of Amos's prophecy hinting at a judicial setting of the passage. It has been generally accepted that in our fragment a traditional local tribunal is at issue. Wolff states: "The expression <in the gate> בַּשַּׁעַר shows that in the whole of v 12 it is the local judiciary proceeding which is in view as in 5: 7 + 10"³⁶⁾. Rudolph states that justice in the gate remains at the centre of vv 7, 10-12³⁷⁾. Moreover, there is another word referring to the same context, namely מוֹכִיחַ - "the one who reproves"³⁸⁾. Seeligman notes that the stem of this word had originally a technical and legal meaning but in the course of its development has enlarged its semantic scope³⁹⁾. מוֹכִיחַ (Hiph. partic. יִכְחֹל) "obviously refers to the one who oversees the procedure"⁴⁰⁾.

In the light of the Biblical contexts it can be concluded that מוֹכִיחַ denotes "both judge or mediator and the parties involved"⁴¹⁾. Since in Am 5, 7, 12 judges are accused of perverting justice, מוֹכִיחַ cannot refer to a judge (cf Isa 29, 21) but to "someone who demands justice, whether by making an accusation (cf Jb 40, 2; Ez 3, 26) or by defending his own cause"⁴²⁾.

The next term which belongs with the same context is דוֹבֵר תְּמִימִים - "one who testifies fully". He must be sought in the circle of witnesses⁴³⁾. A particularly important expression, which will be treated in a more detailed way in the further part of the chapter, is לקַח כֶּפֶר (lit. [those] "taking ransom") related by Wolff to those "whose task was to determine which party is in the right" but who by taking כּוֹפֵר declare the innocent guilty and the guilty innocent⁴⁴⁾.

The terms mentioned above, as well as the whole of their context, contributed to a commonly shared opinion about "judges" as addressees of Amos's

rebuke. However, this general consensus is not without some slight differences between authors as to the interpretation of the social background of the people referred to in the verses⁴⁵. Although Rudolph states, on the one hand, that in v 7 judges are meant⁴⁶, and that v 12 complements vv 7 and 10⁴⁷ (which amounts to asserting that all of them have one and the same subject), on the other, he does not claim explicitly that the transgressors in question in v 12 are precisely arbitrators, which N. Rosel makes clear in his commentary⁴⁸. On the basis of Mayes's explanation of v 7 the reader can only indirectly grasp the idea that the author limits the guilt described in this verse to people deciding in judicial procedure: "Because the court was the primary instrument for controlling and repairing the integrity of the social fabric, the righteousness of its members was crucial"⁴⁹. Wolff maintains that מוכיח the "one who reproves" was "the one in the circle of the elders who determined which party was in the right"⁵⁰. As to v 12, Wolff associated it with those who decided in legal matters⁵¹. From the following sentence of Sh. Paul one can get the impression that Amos accuses in the whole unit only one group, defined by the scholar with a very fluent term, namely - the "wealthy class" or "upper class", when he postulates that v 12 should be seen "as an integral part of the prophet's detailed description of the offenses of the wealthy class against the defenseless population of northern Israel". The addressees of v 12 belong to the "upper class" and are the agents "of corrupt judicial practices". Paul's way of commenting on v 12 reflects his opinion that people pronouncing sentences in שער were members of the "upper class"⁵². Weiss stresses that in v 7 instead of representatives of judicial authority, "בעלי המעמד" - "the people of status" are rebuked for turning justice into wormwood⁵³. The scholar emphasizes that in v 10 the same group as above remains the object of the prophet's critique, accused now of hating מוכיח⁵⁴. It should be noted that in the opinion of Weiss the same category of people is attacked by Amos also in v 11 when he states that the guilty in vv 7, 10, 11b are "בעלי השררה והרכוש" - "the rulers and the owners"⁵⁵. As to v 12, Weiss interprets it as referring to judges. However, at the end of his comments on section 5, 7, 10-12 he brings all those criticized by Amos to a common denominator, namely the "upper class". It is worthwhile to report the opinion of M. Fendler. According to her judges are attacked by the prophet in v 12. Nevertheless, she remarks that only local and non-appointed administrators of justice are at issue⁵⁶.

This short survey illustrates that scholars are divided in their opinions as to the sociological identification of the people meant in Am 5, 7, 10-12. But despite these differences, "judges", members of the "upper class" or "judges-owners" recur constantly in the above mentioned commentaries.

There are no obstacles to agreeing with the majority of scholars that in the passage under discussion the administrators of justice are at issue. However, in our opinion vv 5, 7, 10, 12 taken individually one by one are not equal with respect to the concentration of evidence revealing that they are addressed exactly to "judges". It should be noted that at the first stage of the analysis we excluded v 11 from our investigation because it is very controversial. We shall devote to it a separate part in this study in order to decide if this verse can be associated at all with arbitrators.

The accusation contained in the phrase: ללענה משפט וצדקה לארץ הניחו ("who turn justice to wormwood, and cast down righteousness to the earth!") could be addressed in the Bible to any man or group acting against justice. We maintain this since the rejection of משפט וצדקה, although referring in some contexts to deficiencies in judicial proceedings (as we learn from Jer 22, 15-16 and Ez 18, 8), several times designates a great variety of wicked deeds. An excellent illustration of the latter is provided by Ez 18, 1-9: worship on the mountains, sexual impurities, detention of the pledge, oppression, the robbery (cf Jer 22, 3), usury, iniquity. On the other hand, fulfillment of וצדקה finds its expression in giving bread to a hungry man and in covering a naked person (Ez 18, 7), in protecting a widow, an orphan and a foreigner (Jer 22, 3). An additional argument for a lack of basis to argue that the combination משפט וצדקה would be limited to the acts of arbitrators in courts are the prophet's appeals to other social circles: the king, his officials (עבדיו), all the people (העם) when Jeremiah demands from them to do משפט וצדקה (Jer 22, 2).

The same remark must be applied to v 10. Those who hate מוכיח ("one who reproves") are not necessarily "judges". The best illustration of different possible social categories implied in this combination is provided by Isaiah 29, 21 where "those who lay a snare for one who reproves (מוכיח) in the gate (בשער)" is used in parallel with such general qualifications as אדם ששקדיו און ("those who make one sin") and "who watch to do evil". To be sure they are also said in the same context to לטות בתורו צדיק ("turn aside him who is in the right") but because of lack of additional elements testifying to a judicial procedure in this passage, we are not allowed to ascribe the guilt in question to "judges".

While vv 7 and 10 taken individually cannot be associated directly with arbitrators, v 12 seems to attest that exactly this category of the population is addressed. The central expression which points to "judges" being at issue here is the accusation of taking "ransom" (לקחי כפר). The term כפר designates an amount of money delivered to substitute for the corporal punishment of a guilty man⁵⁷. Although the word is associated with judicial proceedings⁵⁸, yet it does not prove by itself that those who accept the ransom are "judges". The Book of Covenant provides us with the best evidence for refuting such a supposition. We learn from Exod 21, 30 that כפר is given by the owner of an aggressive ox which has killed a person. This compensation substitutes for the sentence of death which has been passed on the owner of the ox: ככל אשר-יושת עליו ("If a ransom is laid on him, then he shall give for the redemption of his life whatever is laid upon him"). We can assume that in this context the כפר may have been given to a member of the family of the killed.

In contrast to the single word כפר, the whole expression לוקחי כפר seems to refer to arbitrators, especially when it appears in a warning addressed to the members of the עדת (assembly) against taking a כפר (ransom) for life from a killer who acted deliberately: "Moreover you shall accept no ransom for the life of a murderer, who is guilty of death; but he shall be put to death. And you shall accept no ransom כפר תקרו for him who

has fled to his city of refuge, that he may return to dwell in the land before the death of the high priest." (Num 35, 31-32). In the light of the context we see that the judicial authority placed in the hands of the עֹדֵה, which we have already mentioned in the introduction, makes it a potential taker of the כּוֹפֵר and consequently the liberator of a guilty man.

Although, the basic meaning of כּוֹפֵר is "ransom", "price of life"⁵⁹, the word is given also a different meaning, namely - שוּחַד - "bribe". Scholars who justify this meaning point to Prov 6, 35 where both terms occur parallel to each other: "He will accept no compensation כּוֹפֵר, nor be appeased though you multiply gifts שוּחַד". In Am 5, 12 the word שוּחַד is given precisely this signification⁶⁰. כּוֹפֵר with the intention of שוּחַד occurs also in 1 Sam 12, 3 in the framework of Samuel's farewell speech. His question whether he has taken כּוֹפֵר from anyone's hands is given a negative answer from the Israelites assembled round him. This declaration testifies to Samuel's integrity during his office of שופֵט. On the opposite side, the use of שוּחַד as closely connected with the perversion of the law by arbitrators is reflected in the story of Samuel's sons: "Yet his sons did not walk in his ways, but turned aside after gain שוּחַד ויטוּ מִשְפָּט they took bribes and perverted justice ויטוּ אַחֲרֵי הַבָּצֵעַ ויִקְחֻ" (1 Sam 8, 3)⁶¹. It is worth-while to note that in 1 Sam 8, as well as in Am 5, 12 the verb לקַחַת שוּחַד - "to take" כּוֹפֵר and שוּחַד respectively, corresponds to the verb להִטְוֶה - "to distort" to which is related מִשְפָּט (1 Sam 8, 3) and אֲבִינִים ("the poor in the gate") (Am 5, 12) are related as direct objects.

Because in our passage כּוֹפֵר may be identified with שוּחַד, it seems desirable to look at the contexts in the Bible in which the word שוּחַד occurs. Such an operation would enable us to verify whether this word has, like כּוֹפֵר, a judicial field as its Sitz im Leben, and particularly whether it refers to people pronouncing sentences in the gate as the takers. The survey (23 places) demonstrates that indeed the sphere of judgment is the natural context of the term. The expression שוּחַד לקַחַת ("to take a bribe") comes parallel with "abhor judgment", generally without specifying the categories of people oppressed in that way: Deut 16, 19; 1 Sam 8, 3; Mic 3, 11. On the other hand "not to take a שוּחַד means" to pass the right judgment" with reference to particular groups such as orphans and widows: Deut 10, 17-19; Jes 1, 23; Exod 23, 8. In other places שוּחַד is presented as an instrument of condemnation of the innocent: Exod 22, 12. Those who do it are cursed: Deut 27, 25. The warnings addressed to judges against taking שוּחַד are striking in 2 Chron 19, 7. Isaiah rebukes those who justify a wicked man for a שוּחַד and condemn the righteous צַדִיקִים 5, 22-23. A disapproval of שוּחַד, on the one hand, and a prize of the righteous effecting of justice on the other, are expressed in Prov 21, 14. As a frequent motif there occurs the blessing of those who refrain from taking שוּחַד and act justly: Jes 33, 15; Ps 15, 5. The assertion that שוּחַד makes people blind appears in Exod 23, 8.

Although שוּחַד כּוֹפֵר occurs mostly as a component of judicial proceedings, there are two places in which שוּחַד comes within the context of political relations⁶². Namely, the gift of silver and gold taken from the house of God and sent by Achaz to Tiglat-Pileser is called a שוּחַד (2 Kgs 16, 7-9) and so is a similar offering transmitted by king Asa to Ben-Hadad, ruler of Syria (1 Kgs

15, 18-19). However, as Tadmor and Cogan show, the use of the term in the context of international relations is quite unusual. The Biblical writer designated those gifts with the name שוּחַד in order to express his disapproval of those gestures. By stressing the exceptional use of the term שוּחַד in the Book of Kings, Cogan and Tadmor strengthen the common opinion that שוּחַד belongs indeed with the judicial context. On that basis we are allowed to maintain that also its receivers in Am 5, 12 are "judges". The fact that the administrators of justice are implied in v 12, casts light on the addressees of vv 7 and 10, which taken separately, as we have remarked above, might refer to different social circles acting against justice. The former allows to recognize in the latter the same subject - i.e. "judges". This connection finds its expression in the opinions of those scholars who maintain that v 12 is an illustration or concretisation of vv 7 and 10.

Nevertheless their definition represents a serious problem from the sociological point of view. It should be noted that the notions which scholars propose in order to characterize the addressees of Amos's condemnations lack theoretical precision, especially concerning the concept of the "upper class" they use. A main deficiency of such an intuitive application of this category consists in its ability to denote very different social groupings, including high officials. Thus it fails to describe with accuracy the social structure of Ancient Israel. Contrary to what is commonly imagined, the notion of class in terms of the economic-sociological theory of ownership that we have adopted in this study has a very specific meaning. As we have already mentioned, the way of getting means of subsistence in relation to ownership is crucial for determination of social classes.

This theoretical perspective applied to the problem of the sociological identification of the "judges" directs our attention to the details of the text connected with the economic life conditions of the people pronouncing sentences in court.

At the very beginning we would like to stress the fact that we are interested precisely in Amos's vision of social structure. In other words, one can ask, "Does the prophet provide us with elements enabling us to ascertain that in his eyes the arbitrators constitute a distinct social class enjoying goods not available to other categories of society?"

So far the unique item pointing out to the economic aspect of the arbitrators' life is precisely the כּוֹפֵר/שוּחַד they are accused of taking. If this gift significantly contributed to, e.g., a luxurious way of life not accessible to others, we would recognize in the לִוְיָהּ כּוֹפֵר a separated social class. Nevertheless, we are not in a position to define either in the light of Am 5, 7, 10, 12 or on the basis of other biblical texts any material consequences of accepting שוּחַד reflecting its volume.

There are only a few texts which can hint at a certain significance of שוּחַד because sometimes it is listed along with important material goods. The best illustration is to be found within the context of Samuel's farewell speech, mentioned earlier. כּוֹפֵר in the meaning of שוּחַד occurs here side by side with the basic movables from the appropriation of which Samuel distances himself:

"Whose ox have I taken *את-שור ימ לקחתי*? Or whose ass have I taken *ומייד מי לקחתי* כפר? Or whom have I defrauded *מחיר* ("price") and *כסף* ("silver") in (Mic 3, 11). While *ראשי ירושלים* ("the chiefs of Jerusalem") are accused of judging for *שוחד* ("priests") are rebuked because of teaching for *מחיר* and *נביאים* ("prophets") are condemned for accepting *כסף* as reward for their oracles. Moreover, in Ezek 22, 12 *שוחד* occurs in juxtaposition to not only in Ancient Israel but also in the entire ancient Near East. Even if the texts reported above might cast light on the importance of *שוחד*, these pieces of information are too scanty, so that they cannot serve as the basis for an interpretation of the material significance of *שוחד* in Am 5, 12. That is why we are not in a position to determine whether those who sat in the gate for judgment acquired, by means of pronouncing unjust sentences, an extra gain available only to them and in a measure enabling them to enjoy goods inaccessible to other social circles. There have been some attempts to see in *כופר* a special legal reward rendered to judges. However, the evidence for this assumption is lacking⁶³. This is the reason why the term cannot be taken as an indication of a special source of subsistence peculiar to arbitrators.

The scarcity of information concerning the economic life conditions of people pronouncing sentences in courts directs our attention to v 11: *בושסכם*: *לכן יען* Therefore because you trample *על דל* upon the poor *ממנו* houses of hewn stone, but you shall not dwell in them; you have built *בתי גזית* pleasant vineyards, but you will not drink their wine". The Prophet accuses in it a group of people of oppressing a needy man and extorting from him *לבר* They will be punished in the following way: They will not dwell in houses of hewn stone *בתי גזית* they have built and they will not drink wine from delightful vineyards *חמד* they have planted. If this verse referred to the "judges" with whom we have dealt until now, we would get a piece of information illuminating, partly at least, the material conditions of the existence of people sitting in the gate for judgment. Such a possibility might be considered if indeed, v 11 were an integral part of the whole unit i.e. 5, 7.10-12. Precisely, this question is much discussed in literature and because of its relevance to the topic of this study, the relation of the verse to its context will be treated below.

Wolff states that there are many scholars who believe v 11 to be an immediate continuation of v 10⁶⁵. Wolff himself disagrees with this view. The first reason given by him is the juxtaposition of two causal conjunctions: *לכן יען*: "Therefore because" at the very beginning of the verse. It is worth-while to mention that *לכן* occurs separately 196 times in the BH while *יען* alone occurs 97 times. The combination in Am 5, 11 represents a hapax legomenon. Thus, notes Wolff, it is improbable that *לכן יען* functioned at the oral stage to connect v 10 and v 11. The second objection to see v 11 as connected originally to v 10 is the use of the third person in accusations formulated in vv 7 and 10 while in v 11 the second person is employed. Moreover, Wolff points to the

differences of theme in vv 7, 10 and v 11: "The oracle in 7+10 charges breach of justice where as v 11 is a judgment on demanding taxes from the poor". Additionally, v 11 beginning with *יען* and followed, on the one hand, by a reproach and on the other, by an announcement of punishment "forms in itself a completely rounded unit". Wolff concludes his arguments by the statement that *לכן* is a literary device "connecting the independent oracles of vv 7+10 and v 11"⁶⁶. Rudolph also considers v 11 as originally independent. For him v 12 starts a new section containing an accusation with a corresponding punishment in v 16. Therefore, the calamity evoked in v 11 is intended exclusively for the guilty mentioned in that verse i.e. to those who ruin the needy *דל* and take *משאת-בר* from him⁶⁷.

Although there are objections, summed up above, to relate the reproaches and predictions of punishment in v 11 to "judges", it seems desirable, since some scholars claim that Amos addresses both verses to the same group of people, to analyse in a more detailed way the content of v 11. The key difficulty of the verse is the word *בושסכם* - a hapax legomenon in the Bible. There are many ways to explain this form. Fleischer writes that before Rudolph the interpretation of Wellhausen was commonly accepted, according to which *בושסכם* is a correction of an unusual way of writing *בושכם* with a preservation of the corrected letter *ש*⁶⁸. Therefore, the verb *בוש* = "to trample down" would be the basis for *בושסכם*⁶⁹. Fleischer mentions the modification of this opinion represented by some scholars who perceive *בושסכם* not as a corrected *qal* but a prescribed *pol'el* form *בוטסכם*.

Another way of explaining this word was proposed by Torczyner. In his view it is associated with the Akkadian *šabāšu šibša eqli* = "to take rent from the field"⁷⁰. In the opinion of Fleischer, there are serious difficulties involved in both proposals, first from the morphological point of view. To be sure, there is an advantage in deriving *בושסכם* from *בוט* because it explains, at least, the order of consonants: *ב*, a sibilant plus an inserted *ו* (regarded by Fleischer as the mater lexionis); but, on the other hand, the explanation of the disturbing *ש* by assuming that *ט* - corrected *ש* - was placed after *ש* is not convincing. As to the second solution - the interpretation of *בושסכם* with the help of Akk. *šabāšu* is not satisfying either, because in order to adopt it a metathesis of the two root letters must be assumed. The metathesis of this kind would either have happened very early (which is hardly probable, as in Ugaritic we have already the Akkadian order of root letters), or be the effect of a copyist's error. Additionally, the derivation of *בושסכם* from *šabāšu* would require a change of a sibilant, which is doubtful because in Ugaritic *šbš/ṭbš* the final root letter *š* is kept⁷¹.

Moreover, neither the traditional way to explain *בושסכם* nor that of Torczyner are satisfying from the syntactic point of view. As concerns the former, it must be noted that the verb *בוט* and the other Hebrew verbs connected with the meaning of "crush" never occur with the preposition *על* - "upon"⁷². On the contrary, *בוט* requires a direct object⁷³. A similar remark can be made with respect to *šabāšu* the occurrence of which with *על* is unattested.

The next obstacle of a syntactic nature to the discussed reading of šabāšu arises from the fact that this verb has the meaning "to impose taxes" only in connection with the technical term šibšu - "straw tax" as the direct object. Fleischer states that, to be sure, in Akkadian it is possible to come across the noun šibšu without a corresponding verb, but šabāšu always demands šibšu or a comparable object. That is why, in order to explain בושסכּם on the basis of šabāšu it would be necessary to accept that this verb in Am 5, 11 adopted a meaning which it has in Akkadian only in combination with a particular object⁷⁴⁾.

As concerns the critique of the both proposals from the content point of view, Fleischer expresses his objections as follows. The first difficulty comes out from the general and doubtful opinion that both parts of the verse are parallel - מִשְׁאֵת-בַּר תִּקְחוּ מִמֶּנּוּ - בּוֹשְׁסֵכֶם עַל דָּל - which consequently assumes that the person of דָּל is implied also in the second half of the verse. Therefore, the traditional approach comes across a difficulty in deriving בּוֹשְׁסֵכֶם from בּוֹשׁ: how to explain the fact that one can still get taxes from an annihilated man (Toten)?

As concerns Torczyner's conception treating both above-mentioned parts of the verse as identical, the use of šabāšu causes a serious problem. In Akkadian records from the Neo-Assyrian period the term šibšu = "straw tax" occurs alongside nusāhu - "corn tax"⁷⁵⁾. On this basis one could see in מִשְׁאֵת-בַּר the Hebrew equivalent of nusāhu. Thus the two parts of the verse would not be identical as Torczyner maintains but would refer to different kinds of taxes.

Another question connected with the critique of the proposal regarding its content concerns the nature of these taxes. The adherents of Torczyner's conception take over also his point of view on the meaning of šibšu as "leasing". The greatest objection to accepting the above interpretation is that šibšu in the meaning of "leasing" payment is attested only in the Kassite period (1530-1160) and not in Neo-Assyrian era (883-612). This is the reason why šibšu may not have existed in the meaning of "leasing" in the epoche of Amos. As to šibšu and nusāhu in the Neo-Assyrian era, they designate, according to Postgate quoted by Fleischer "regular taxes on all cultivated land" (both in Assyria proper and in the provinces), unless it was specifically exempted"⁷⁶⁾. Moreover, the taxes were collected on a special category of land: "The texts of all periods with the possible exception of the Neo-Babylonian do not indicate that an individual beneficiary had any direct control over the land whose revenues were assigned to him as šibšu"⁷⁷⁾. Therefore, if בּוֹשׁ were a Neo-Assyrian loanword, it would refer not to private leasing but to governmental taxes and the terms בָּשָׁם and מִשְׁאֵת-בַּר might denote the Israelite tax system. As concerns the possible adoption route of this loanword, Fleischer thinks that it might have been taken over from the Mesopotamian world with Canaanites or Arameans as intermediaries. However, because of lack of corresponding terms in Canaanitic and Aramaic this hypothesis remains very doubtful. The same scholar indicates another way of explaining the conceivable Akkadian origin of the loanword. It would reflect the taxes rendered to Assyrians after their conquest of the Northern Kingdom. This hypothesis can be strengthened by a Neo-Assyrian text mentioning the province of Samaria in the context of collecting

nusāhu, which occurs elsewhere parallel to šibšu. In the light of the hypothesis, Amos would condemn in v 11 a situation in which the taxes imposed by Assyrians instead of being covered by the rich are forced on the poor. The main weakness of this solution consists in its lack of conformity with the flourishing period of Jeroboam II, in which Amos lived. To accept the hypothesis would mean to deny the authenticity of the verse as originating from Amos himself and to shift its creation to the period of the first mass deportation from Samaria in 733⁷⁸⁾.

I agree with Fleischer's legitimate critique of both proposals with an attempt at illuminating the word בּוֹשְׁסֵכֶם. Yet, there is still one, another way to clarify this form, namely that proposed by T. Fenton. He follows the suggestion of Ginsberg who explains it by the Ugaritic words in the "Legend of King Keret": ṣm.ʿl. dl.= "those who despoil the child of the poor"⁷⁹⁾. Fenton proposes a definite solution to this problem. He explains "that when the passages are compared it becomes clear that this word in its original form was the infinitive construct of the verb šss (not šsy), "to plunder", with the preposition "b" prefixed. This scholar suggests that these three words from Ugaritic were originally found in the Hebrew text. Fenton does not see any difficulty in assuming that the ʿl of the consonantal text should be taken for ṣl. Moreover, there is no special objection to equating Ugaritic ṣš/y and Hebrew šss/y on the basis of the shift laws in the North-West Semitic languages⁸⁰⁾. The word יַעַן - "because of" Fenton explains as a gloss to illuminate the meaning of ב (b) which, once incorporated, may have led to the assumption that b was a root letter of the following word⁸¹⁾. The לָכֵן (therefore) originates from the editor of the Book of Amos and serves as a connective between vv 10 and 11⁸²⁾.

Fenton's proposal has an advantage over the previous solution, first of all because it leaves unchanged the root letters order. Besides, the expression "because of your despoiling the needy" better fits the context as in the second part of the verse a transgression against someone's right of property is at issue: וּמִשְׁאֵת-בַּר תִּקְחוּ מִמֶּנּוּ ("and you take from him exactions of wheat").

The examination of the word בּוֹשְׁסֵכֶם has afforded us deep insight into the content of v 11. More particularly it has revealed the absence of any hint which would point to violating the rules of judicial processes. This is the reason we can exclude judges as possible addressees of Amos's rebuke in v 11. Nevertheless, the analysis of the content leaves us with an open question as to the sociological identity of the transgressors accused in it.

Because the illumination of this problem may cast light also on the economic life conditions of arbitrators, it is worth-while to pay attention to some details of the verse. The addressees of Amos are attacked for robbing דָּל ("a needy man"). Thus, they will not dwell in בְּתֵי גִיִּית ("houses of hewn stones"). To what degree this detail may be important from a sociological point of view e.g. be testifying to a high living standard becomes clear if we reflect that constructions of hewn stone were erected mainly in the framework of royal enterprises. Biblical sources mention ashlar masonry used in the construction of the Temple: 1 Kgs 5, 31; 6, 36; 7, 9, 11-12; Ezek 40, 42; 1 Chron 22, 2. Despite this, in Amos we have an allusion to private buildings of hewn stone. The single additional Biblical reference to constructions of perhaps the same

kind is to be found in Isaiah's doom against the Northern Kingdom: "The bricks (לבנים) fallen, but we will build with dressed stones (רגזית בננה);" Isa 9, 9⁸³. On the other hand, archaeological excavations do not provide us with evidence for ashlar masonry in private buildings in the Iron Age. Only public constructions of that kind have been discovered: "Ashlar masonry was used extensively in the main palaces (Samaria, Jerusalem, Ramat Rachel) in some provincial royal residences (at tenth century B.C., Megiddo), at royal ritual centres (such as that of Dan, and to some extent, in other official buildings, such as at the gate to the citadel at Hazor"⁸⁴). Y. Shiloh notes the contrast between public buildings with ashlar masonry and private houses of field stone in Megiddo⁸⁵. It is worth-while to note that in view of deficiency of archaeological evidence concerning private houses built of hewn stone, the passages mentioned above are unique testimonies of this kind of construction in Israel in the Iron Age. It should be noted that both Biblical allusions to constructions containing ashlar masonry (Am, Isa) refer to the Northern Kingdom. The lack of archaeological information is not equal to the thesis that private houses of hewn stones had not been built in the period of Amos. Therefore we cannot exclude the possibility that בתי גזית in Am 5, 11 refers to such houses built at the expense of the needy דל, which the context points to. However, taking into account the lack of archaeological evidence, the connection of these houses with the royal area in Samaria should also be considered. Such a suggestion would mean at the same time that those who despoil the needy and take from him exactions of wheat are royal officials living in the capital.

An additional element testifying to an exceptional wealth of Amos's addressees in v 11 may be the presentation of their vineyards as כרמי חמד "vineyards of delight". There are some places in Am in which the word כרמים occurs (4, 9; 9, 14), but each time without this additional epithet. One can suppose that they were planted on particularly fertile soil, as the parallel terms שדי-חמד ("pleasant fields") and גפן-פורייה ("fruitful vine") (Isa 32, 12) would hint. Therefore, the owners might have got excellent wine from them and thus make good profit.

The robbing of the needy to a degree enabling the robber construct houses of hewn stone and to plant pleasant vineyards, on the one hand, and the lack of a basis for ascribing the guilt to arbitrators, on the other, cast light on the place of the latter within the social structure. It becomes clear that the כופר/שורח they are accused of taking does not, at least in the eyes of Amos, bring in great wealth like despoiling of the דל. A similar opinion of the Prophet is implicit in the depiction of the punishment intended for justice administrators. Their guilt corresponds to the calamities outlined in vv 16-17⁸⁶: "Therefore thus says the Lord, the God of hosts, the Lord: <In all the squares בכל-רחבות there shall be wailing; and in all the streets חוצות they shall call, 'Alas! alas!' They shall call the farmers to mourning and to wailing those who are skilled in lamentation, and in all vineyards בכל-כרמים there shall be wailing, for I will pass through the midst of you>". The description of the punishment suggests that it will be painful to all the people, that is not only to those who take כופר i.e. arbitrators. The lamentation will be heard everywhere in the town. According to Wolff the word רחבות "denotes the more spacious

areas where people can assemble, such as before the gate, at the sanctuary, or upon the local threshing floor". In contrast to them, חוצות "the narrow streets" refers to the space outside the houses - the lanes⁸⁷. The lamentation will be heard also in all the vineyards without any particular trait testifying to their special quality. Through all that one gets an impression, that the arbitrators belong with the majority of the population who lived mainly on the land (4, 4-13) and share their common lot. Therefore, the fact they take כופר/שורח does not find an expression through the external traits of wealth, as was the case with those who despoiled the needy. The enjoyment of a surplus of goods as a consequence of ownership of great possessions is still more striking in the case of royal officials rebuked in some of Amos's oracles (3; 4; 6).

Amos's presentation of people pronouncing sentences in court enables us to draw a general conclusion: the judgement in the שער is not depicted by him as a source of luxury goods - one of the most significant manifestations of private ownership. Thus the Prophet does not provide us with criteria enabling us to define the arbitrators as a distinct social class. The details on arbiters given by Amos, as well as their position in relation to other social circles, indicate that they owned the land which they cultivated like a majority of Israelites.

The study raises one important question for further research: that of the relation between ownership and the function in court. It appears that the people sitting in the gate in order to pass judgment were charged with this duty as a consequence of their having achieved the social position of owners of land (cultivated by them). The Book of Proverbs (31) provides us with an excellent example of the relation between a certain material standard and a honorable place in the gate. It should be noted that Biblical scholars show an intuitive understanding of the relation between ownership and judgement when they define Amos's addressees in v 12 in terms of "the upper class".

This work is an invitation to investigate other Biblical material to see whether other social classes were involved in making decisions concerning the course of justice. We have already seen, in the context of discussing the function of appointed judges, that royal officials were also charged with that duty. The possibility that the socio-economic position of arbitrators was not always the same raises the problem of social differentiation within this category of people. Therefore, a very important question is awaiting an answer: "Did other social classes charged with judicial authority acquire significant material gain by virtue of their function, or did they not, like the arbitrators in Am 5, 7. 10. 12?"

NOTES

¹ S. Kozyr-Kowalski, *Klasy społeczeństwa a ekonomiczno-socjologiczne pojmowanie własności*; "Kultura i Społeczeństwo" 28 (1984), nr 1, s. 15.

² In the Bible, questions connected with social structure are occasionally raised. They appear because of particular problems of the time. Therefore we hear about particular groups very often, in the context of either a critique, or a defence.

³ I quote the Biblical passages according to R.S.V.

Revised Standard Version, Collins Fontana Books, London 1952.

⁴ W. Rudolph, *Joel, Amos, Obadja, Jona*, G. Mohn, Gütersloh 1971, [=KAT 13/2], p. 116.

⁵ N. Rosel, *Amos*, Hoca'at Ah, Israel 1990, Hebrew, p. 131-162.

⁶ H. Wolff, *Joel and Amos*, Fortress Press, Philadelphia 1977, pp. 231-234.

⁷ *Ibid.*, p. 233.

⁸ M. Weiss, *The Book of Amos*, Magnes Press, Jerusalem 1992, (Hebrew), p. 144.

⁹ W. Rudolph, *op. cit.*, p. 195.

¹⁰ N. Rosel, *op. cit.*, p. 142-143.

¹¹ H. Wolff, *op. cit.*, p. 231.

¹² *Ibid.*, p. 231.

¹³ Robert R. Wilson, *Israel's judicial system in the preexilic period*, "The Jewish Quarterly Review", 74, No. 2 (October 1983), p. 230.

¹⁴ *Ibid.*, p. 230.

¹⁵ Encyclopaedia Miqra'it [=EM], vol. V, p. 628, The Bialik Institute, Jerusalem 1955-1976 (Hebrew); R. de Vaux, *Ancient Israel, Its Life and Institutions*, London 1986, p. 152.

¹⁶ None the less, one should note the difference of opinion expressed by G. Ch. Macholz on the broadness of the royal jurisdiction till the early monarchy period only when David and Solomon personally decided the outcome of trials. Von Georg Christian Macholz, *Zur Geschichte der Justizorganisation in Juda*, ZAW 84 (1972), p. 314.

¹⁷ EM, V, p. 628; The term שופט denotes in the Bible before the monarchical period either a judge in a juristic meaning, or a leader. Similarly, the verb שפט contains both aspects, namely: "to judge" and "to lead" EM, VII, p. 577.

¹⁸ EM, V, p. 628-9, R. de Vaux, *op. cit.*, p. 152.

¹⁹ EM, V, p. 629.

²⁰ *Ibid.*, p. 629.

²¹ D. A. McKenzie, *Judicial procedure at the town gate*, "VT" (14) 1964, p. 110; R. de Vaux, *op. cit.*, p. 152.

²² W. G. Dever, H. Darrell Lance, Reuben G. Bullard, Dan P. Cole, Anita M. Furshpan, John S. Holladay, Jr. Joe D. Seger, Robert B. Wright, *Further excavations at Gezer 1967-1971*, "The Biblical Archaeologist" vol. 34, (1971), 4, p. 115.

²³ *Ibid.*, p. 115.

²⁴ The notion שופט is late. It does not denote a specific function but is a general title e.g. "ruler", "taskmaster". The phenomenon of indeterminate titles is known also in Akkadian, e.g. šapiru which may designate "ruler", "administrator", "commander" EM, VII, p. 534; R. de Vaux explains that the root štr means "to write" in Akkadian and several other semitic languages, but the šotrim were not mere scribes, for they are distinguished from them in 2 Chron 34, 13. They seem to have been court clerks and, more generally, clerks attached to judges cf Deut 16, 18; 1 Chron 23, 4; 26, 29; R. de Vaux, p. 155.

²⁵ EM, V, p. 630.

²⁶ *Ibid.*, 630.

²⁷ R. Wilson, *op. cit.*, p. 245-246. Also F. Crüsemann shares the opinion about the historicity of the tradition ascribed to Joshaphat, as to the erection of the supreme court in Jerusalem. F. Crüsemann, *Das Bundesbuch - Historischer Ort und institutioneller Hintergrund*, SVT vol. 40, Leiden 1988, p. 37.

²⁸ EM, V, p. 630.

²⁹ R. Wilson, *op. cit.*, p. 245-246. Relation between Deut 19, 18-20 and 2 Chron 19, 4-7; see also R. de Vaux, *op. cit.*, p. 153.

³⁰ R. de Vaux, *op. cit.*, p. 154.

³¹ Z. Weisman, *People and King in Biblical Jurisdiction*, By Hakibbutz Hameuchad Publishing House Israel 1991, (Hebrew), p. 190; cf the similar opinion of H. J. Boecker as to the system of courts in ancient East: "Speaking quite generally, the justice of elders must go back to a development stage prior to the king's justice. But it was not suppressed by the latter". Hans J. Boecker, *Law and the administration of justice in the Old Testament and ancient East*, Augsburg Publishing House, Minneapolis 1980, p. 26.

³² Z. Weisman, *op. cit.*, p. 192.

³³ Macholz quoted by Rüterswörden: U. Rüterswörden, *Die Beamten der israelitischen Königszeit*, Stuttgart 1985, p. 112.

³⁴ *Ibid.*, p. 112-113.

³⁵ One is, of course, invited to go further (which remains, however, beyond the scope of this study) and ask a question about internal social differentiation of the class of royal functionaries.

³⁶ H. Wolff, *op. cit.*, p. 248.

³⁷ W. Rudolph, *op. cit.*, p. 185.

³⁸ H. Wolff, p. 246; cf N. Rosel, p. 149; Rudolph, pp. 197-199; J. Mayes, *Amos. A commentary*, SCM Press, London 1969, p. 93.

³⁹ I. I. Seeligman, *Zur Terminologie für das Gerichtsverfahren im Wortschatz des Biblischen Hebräisch*, "VT" (16), p. 266

⁴⁰ *Theological Dictionary of the Old Testament*, p. 66.

⁴¹ *Ibid.*, p. 66.

⁴² *Ibid.*, p. 66.

⁴³ H. Wolff, *op. cit.*, p. 246, W. Rudolph, *op. cit.*, pp. 197-199, cf: "the one who pronounce the truth" N. Rosel, *op. cit.*, p. 149.

⁴⁴ H. Wolff, *op. cit.*, p. 248; N. Rosel, *op. cit.*, p. 152; J. Mayes *op. cit.*, p. 97.

⁴⁵ It seems necessary to add that sometimes the scholar's position upon the sociological identity of Amos's addressees in particular verses is not stated. Silence on that question is in itself revealing.

⁴⁶ W. Rudolph, *op. cit.*, p. 197; cf the same opinion Sh. Paul, *A commentary on the Book of Amos*, ed. by F. M. Cross, Fortress Press, Minneapolis 1991, p. 166.

⁴⁷ W. Rudolph, *op. cit.*, p. 199.

⁴⁸ N. Rosel, *op. cit.*, p. 152.

⁴⁹ J. Mayes, *op. cit.*, p. 93.

⁵⁰ H. Wolff, *op. cit.*, p. 246.

⁵¹ *Ibid.*, p. 248.

⁵² Sh. Paul, *op. cit.*, p. 174.

⁵³ M. Weiss, *op. cit.*, p. 145.

⁵⁴ *Ibid.*, p. 146.

⁵⁵ *Ibid.*, p. 148.

⁵⁶ M. Fendler, *Zur Sozialkritik des Amos*, "Evangelische Theologie", 33 (1973), p. 44.

⁵⁷ EM, IV, p. 232.

⁵⁸ B. Lang characterises כפר as "Rechtbegriff" *ThWAT*, b. II, p. 315.

⁵⁹ Other meanings of *ThWAT*, EM.

⁶⁰ *BDB*, *KBL* and commentaries to Amos.

⁶¹ Cf other places with the combination לקחת שוחד: Exod 23, 8; Deut 10, 17-19; 17, 19; 27, 25; 2 Kgs 16, 8; Ezek 22, 12; Ps 15, 3; Sh. Paul notes that "<lequ>, the Akkadian interdialectal and semantic equivalent of Hebrew לקח should be cited as also employed in the context of accepting gifts and bribes", Sh. Paul, *op. cit.*, p. 174.

⁶² M. Cogan, H. Tadmor, *Ahaz and Tiglath-Pileser in the Book of Kings: Historiographic Considerations*, "Biblica" (60) 1979, pp. 491-508. However, there are two other places in the Bible where, according to EM, שוחד has a quite specific meaning without any hint at a judicial context: Prov 17, 8; 21, 14. The term is given a positive connotation here. EM, VII, p. 618-619.

⁶³ Some scholars attempt to see כופר as legal fees given to the judge in order to cover his discomfort, as might appear in the light of one record from Nuzi. A woman complains in it that she gave sheep as a bribe <ana tati> to the judge so that he would act in her favour in the case of a field that she claimed from her counterpart. Nevertheless, the judge did not accomplish what she had requested. Moreover, he refused to give her back the sheep. S. Löwenstamm does not accept the opinion of J. J. Finkelstein that the text is concerned with legal fees. He stresses the fact that in records from Mesopotamia payments of that kind are totally lacking <EM, VII, p. 619>. Although Lang also mentions such a possibility to explain כופר, yet he finds that the basis for this statement is missing (*ThWAT*, p. 316).

⁶⁴ It is very difficult to determine what שמא־בר consisted in. The word משא־בר is given different meanings: "uprising", "utterance", "burden", "portion" BDB. BDB renders משא־בר in our passage as "exacted or enforced gift from inferior". The word is very often translated: "a grain tax" Sh. Paul, *op. cit.*, p. 157; "grain tax" H. Wolff, *op. cit.*, p. 230; "tribute of corn" J. Mayes, *op. cit.*, p. 90; "Getreideabgaben" W. Rudolph, p. 194; "exaction of grain" William R. Harper, *A critical and exegetical commentary on Amos and Hosea*, Edinburgh 1960, p. 119.

⁶⁵ H. Wolff, p. 233.

⁶⁶ *Ibid.*, p. 233.

⁶⁷ W. Rudolph, *op. cit.*, p. 186.

⁶⁸ G. Fleischer, *Von Menschenverkäufern, Basankühen und Rechtsverkehren*, Athenaum Verlag, Frankfurt am Main 1989, p. 164; בושסכס is supposed to be a qal form.

⁶⁹ G. Fleischer, *op. cit.*, p. 164; Sh. Paul lists other places in the Bible where the roots .ב.ו.ס. and .ב.ו.ס. occur with the same meaning - "to trample": Isa 14, 25; 63, 6; Ps 60, 14, Sh. Paul, *op. cit.*, p. 172.

⁷⁰ G. Fleischer, *op. cit.*, p. 164; Torczyner's point of departure is the assumption of identity between בושסכס and משא־בר. He first of all looked for a term parallel to משא־בר and then attempted to explain in what way the developed form בושסכס - parallel to *šabašu*, bequeathed in BH could arise in Am 5, 11, G. Fleischer, *op. cit.*, p. 16. This assumption is rather doubtful since the word משא־בר occurs in the Bible in the meaning of "tax" only very late (The Book of Chronicles) and then in the context of taxes rendered to the Temple (2 Chron 24, 6, 9).

⁷¹ G. Fleischer, *op. cit.*, p. 165-166.

⁷² *Ibid.*, p. 166.

⁷³ Sh. Paul, *op. cit.*, p. 172-173.

⁷⁴ G. Fleischer, *op. cit.*, p. 167.

⁷⁵ "The word... is known only in nA. It is derived from nasāhu with which it is regularly used, and which is known from other nA contexts to have the meaning «raise (money, etc.)», «exact». J. N. Postgate, *Taxation and conscription in the Assyrian empire*, Biblical Institute Press, Rome 1974, p. 186.

⁷⁶ G. Fleischer, *op. cit.*, p. 169-170.

⁷⁷ J. Ellis, quoted by Fleischer, *op. cit.*, p. 170.

⁷⁸ G. Fleischer, *op. cit.*, p. 172-173.

⁷⁹ T. Fenton, *Ugaritica - Biblica*, "Ugarit Forschungen" 1 (1969), p. 65.

⁸⁰ "If the pristine root was *ts the shift s>š after t in the Ugaritic might be compared with the regular š>t before t, and if it was *ts the š would naturally have been dissimilated in Hebrew to avoid the creation of a root-morpheme *ššš/y after the North-west Semitic shift t>š", *Ibid.*, p. 65.

⁸¹ This view appears to be supported by the Targum whose reading implies a Hebrew text with both ya'an and b (the preposition), and the verb šss (halap b'mibbaz'kon miskenayya: halap = ya'an, b' = b' and mibbaz'kon = šuss'kem). *Ibid.*, p. 66.

⁸² See note 66 above.

⁸³ The passage which is, perhaps, a popular proverb reflects the people's confidence in the face of the calamity announced. Through this saying, they manifest their making light of the losses which will result from the invasion, probably Assyrian. G. Buchanan Gray, *The Book of Isaiah, I-XXXIX, A critical and exegetical commentary on the Book of Isaiah*, Edinburgh 1912, p. 183.

⁸⁴ A. Mazar, *Archaeology of the Land of the Bible*, ABRL, Doubleday, New York 1990, p. 472.

⁸⁵ "Such masonry appears in stratum IVB-VA in most of the public buildings, in contrast to the private dwellings built of field stone". Y. Shiloh, *The protoaeolic capital and Israelite Ashlar Masonry*, QEDEM 11, Jerusalem 1979, p. 57.

⁸⁶ M. Weiss, *op. cit.*, pp. 151-152.

⁸⁷ H. Wolff, *op. cit.*, p. 249; M. Weiss, *op. cit.*, p. 150.

MACIEJ KUŚ

ON THE ORIGIN OF THE NAME HAUSA: A SLAVIC ANALOGY

Several theories have been postulated in order to explain the origin of the Hausa nation and its name. The aim of this short paper is to present a brief critical review of them and offer a new suggestion with reference to the solution to the problem.

The vast and comparatively fertile plains of Hausaland always attracted attention not only of their neighbours and nomadic pastoralists but also various adventurers searching for an easy prey, or being in need to seek a refuge. The sedentary, peaceful peasant society of this land has frequently been invaded, looted, subjugated to the neighbouring political powers and often visited by various groups of immigrants who contented themselves with acquiring a place to live and sometimes obtaining an important position amongst the local ruling elite. Such newcomers from far and near melted in the local society adding new elements to its culture, thus resulting in development of the multi-ethnic Hausa nation which is united by cultural rather than tribal bonds.

Many migrations into Hausaland have been recorded in historical documents or, in the case of the events very remote in the past, have their legendary transmissions. The oldest migrations are said to be from the Near East. We can mention here, for instance, the Gobirawa traditions of origin,¹ the Kisra migration² and the Bayajidda legend.³ These traditions and similarity of words *Hausa* and *Habasha* 'Abyssinia' lay at the base of the hypothesis that the name *Hausa* is a corrupt form of the name of the founders of the Hausa states having come from Ethiopia.⁴ Unfortunately, in no legend Ethiopia is mentioned as a starting point of the migrants' wanderings. Moreover, *habesh* is an Arabic word meaning 'mixture' and the Ethiopians never called themselves by such a name. Thus this etymological deduction is not easily acceptable.

Flora Shaw-Lugard, as early as 1905, suggested that the name of the Hausa nation might be derived from an ancient Egyptian king named Housal, a servant of Astarte.⁵ It has been recognised for some time that some of the old Hausa rites resemble those of Astarte, but practically the same rites were to be seen at Carthage and other places, so the derivation is rather doubtful.

In 1908, C. W. Orr wrote erroneously that the correct designation of the "Hausa race" was *Habe*,⁶ but next year he retreated of that view and reported