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Pomegranates and Golden Bells

Studies in Biblical, Jewish, and
Near Eastern Ritual, Law, and
Literature in Honor of
Jacob Milgrom

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SOME ARCHAEOLOGICAL NOTES ON DEUTERONOMY

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Jacob Milgrom has devoted much of his career to the elucidation of the Pentateuch, and he is one of a handful of scholars who have realized and shown how fascinating its ritual laws can be. One of his best-known contributions to scholarship, for scholars and laymen alike, is his study of the *šīṣit*-tassels (Num 15:37–40, Deut 22:12), which explains the biblical prescription in the light of Near Eastern archaeology.¹ In the spirit of that study, the following notes are offered as an expression of esteem for all that I have learned from his work.

DEUTERONOMY 22:2

According to this verse, if one finds a stray animal and does not know who its owner is, or if the owner lives far away, “you shall bring it inside your house (*ʿel-tōk bētekā*)” and keep it until its owner comes and claims it. English translations have consistently avoided a literal translation of the Hebrew phrase *ʿel-tōk bētekā*. Representative translations are: ‘unto [not ‘into’] thine own house’ (KJV); ‘home’ (New JPSV); ‘home to your house’ (RSV); ‘to your own place’ (NAB); and most commonly, ‘home with you’

1. See J. Milgrom, *Numbers* (JPS Torah Commentary; Philadelphia: Jewish Publication Society, 1990) 410–14 and 516, n. 12 to Excursus 38.

(Moffatt, American Translation, JB, NIV, TEV). Of all the translations consulted, only the NEB renders literally 'into your own house'.

It is not hard to guess what motivated translators to avoid the literal translation: the idea of taking an animal into the house must have seemed absurd. However, in antiquity the idea would have been quite reasonable. In ancient Israel, in multistory houses, especially in villages, the ground floor often served as a stable for cattle. Such stables have been found in excavations at Ai, Lachish, Hazor, and elsewhere (see fig. 1).² The practice is reflected in 1 Sam 28:24, where Saul's medium has a calf in her house, and in *ʔAbot de Rabbi Nathan* 8, where Rabbi Hanina ben Dosa's son opens the door, lets their ass into the house, and feeds it.³ Houses of this type were still found in Palestinian villages in modern times. Hence, there is no reason to avoid translating Deut 22:2 literally, "You shall bring it inside your house." The lost animal is to be treated as well as one's own.

DEUTERONOMY 24:6

According to this verse, neither a complete handmill (*rēḥayim*) nor its upper stone (*rekeb*) may be distrained for an unpaid debt. The type of handmill to which the text refers is the "saddle quern," the type that was used throughout the Near East from Neolithic times through the Iron Age. It consisted of a pair of stones (hence the dual form of *rēḥayim*). The larger of the two, the lower stone (Heb. *šekeb*), was oval or rectangular in shape and usually slightly concave; it served as the grinding surface. Grain was placed on it and the smaller upper stone (*rekeb*), or grindstone, was rubbed back and forth across it to grind the grain into flour.⁴

The question arises why a creditor might take the upper stone alone. Macalister attributed this to the great size and weight of the lower stone that would prevent a creditor from carrying it off easily. Taking away only the upper stone, which was much lighter and easy to carry, would suffice to render the mill completely useless.⁵ Since distraint was used

2. See L. E. Stager, "The Archaeology of the Family in Ancient Israel," *BASOR* 260 (1985) 12–15.

3. Chap. 8, end, in S. Schechter (ed.), *Massekhet ʔAvot de-Rabbi Natan* (2d ed.; New York: Feldheim, 1887) 38, ref. courtesy of my colleague, Prof. Judah Goldin; trans. in Judah Goldin, *The Fathers according to Rabbi Nathan* (New Haven: Yale University Press, 1955) 53.

4. See G. Dalman, *Arbeit und Sitte in Palästina* (Gütersloh: Bertelsmann, 1928–42) 3.207–12; J. B. Pritchard, *ANEP*, fig. 149; R. Amiran, "The Millstone and the Potter's Wheel," *ErIsr* 4 (1956) 46–49 (Hebrew; English summary on p. v); H. N. Richardson, "Mill, Millstone," *IDB* 3.380–81. That *rekeb* refers to the upper millstone is confirmed by the cognate Akkadian *narkabu* with that meaning.

5. See R. A. S. Macalister, *The Excavation of Gezer 1902–1905 and 1907–1909* (3 vols.; London: Murray, 1912) 2.35–36; cf. B. Mazar et al., *Views of the Biblical World*

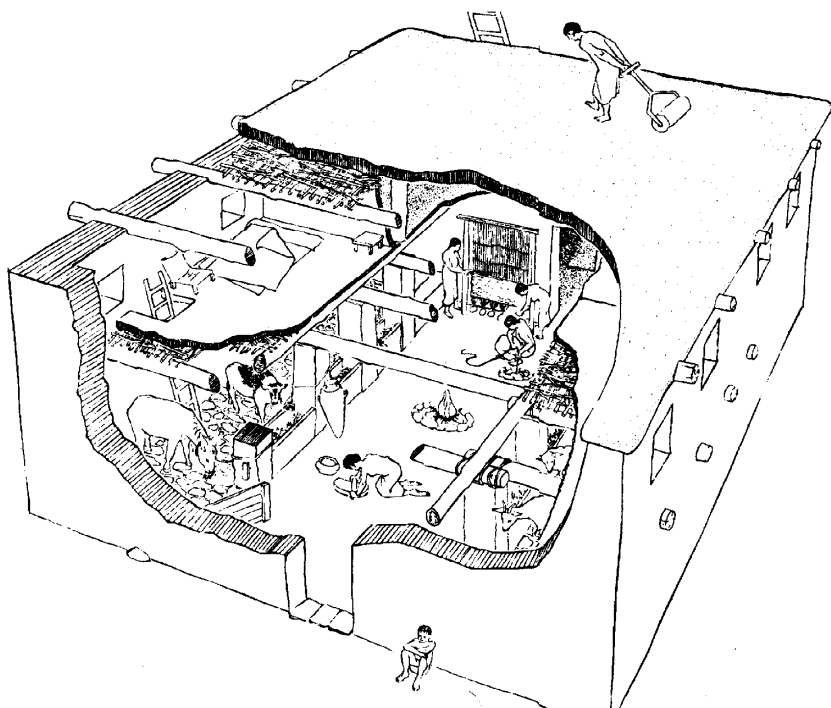


Figure 1. Iron Age Israelite Pillared House. Drawing by Giora Solar and Sherrell Medbery, according to reconstruction by Lawrence E. Stager ("The Song of Deborah: Why Some Tribes Answered the Call and Others Did Not," *BAREv* 15/1 [1989] 60–61).

primarily as a means of pressuring debtors to repay their debts, rather than to satisfy the debts, this was sufficient for the creditor's purpose.

It was difficult to evaluate Macalister's explanation because he did not indicate how much millstones weighed. To solve this problem, several millstones in the University Museum of the University of Pennsylvania were weighed by members of the museum's staff. Five stones of this type are presumed to come from Beth Shemesh, although they bear

(Ramat Gan: International, 1958) 1.281 (the latter comment is accompanied by a picture illustrating Deut 24:6 but showing a Bedouin woman using a revolving mill of the type used only in later times; the comment notes, however, that the usual form of such millstones in biblical times is shown elsewhere, on pp. 138 and 209). I am grateful to Mrs. Miriam Tadmor, Curator Emerita of the Israel Museum, Jerusalem, for advice on the subject.

no identifying numbers or marks. Three are lower stones and they weigh, respectively, 90 lbs., 20 lbs. 6 oz., and $10\frac{3}{4}$ lbs. The other two are upper stones and they weigh, respectively, 4 lbs. 10 oz. and $4\frac{1}{2}$ lbs.⁶ A sixth, certainly from Beth Shemesh (locus 316), is in a display case and could not be weighed; it is a lower stone of roughly the same size as the 90-lb. stone. The museum also has an 80-lb. lower stone from Egypt, from the New Kingdom Period (ca. 1550–1080 B.C.E.). Since it is inscribed, it may not have been for everyday use.⁷

These results show that the weight of the lower stones varied greatly but that some were so heavy they could only have been taken away with great difficulty. Unless a creditor had decided before going to his debtor's home that he would seize a millstone and therefore went equipped with a wagon, he could not have carried off stones weighing 80 or 90 pounds. Even a 20-lb. stone could not have been carried a great distance without at least a pack animal. Under such circumstances, disabling the set by distraining the upper stone alone would have been the more practical course.

One more factor contributed to the effectiveness of seizing the upper stone alone. Neither stone could be replaced easily. Millstones were normally made of basalt, which is not found naturally in most parts of Israel. Although there are scattered sources in Samaria and the Negev, the main, if not exclusive source of basalt used in millstones was in the area around Lake Tiberias and in Transjordan.⁸ A person whose upper stone had been distrained could not simply replace it from a nearby field. He would have to buy one that had been shipped from elsewhere, an inconvenient expense for a person who could not pay his debts.

6. This information was kindly provided by Ms. Maude de Schauensee, Keeper of the Iranian and Mesopotamian Collections (letter of August 13, 1989).

7. E-13628. This information comes from my colleague, Prof. David O'Connor, Curator of the Egyptian Section of the University Museum. A much older set from Abydos is dated to the First Dynasty (early third millennium B.C.E.); the lower stone weighs 40 lbs. 9 oz. and the upper 5 lbs. 5 oz. (museum numbers E-6934 A and B). Two smaller stones from the same site weigh, respectively, 11 lbs. 8 oz. and 4 lbs 12 oz. (E-15017 and E-15016), but according to O'Connor they may have been used for other purposes, such as pounding ochre, rather than grinding grain.

8. See Efraim Orni and Elisha Efrat, *Geography of Israel* (3d ed.; New York: American Heritage, 1971; Jerusalem: Israel Universities Press, 1973) 6, 57, 95, 96. This provenance is confirmed by more recent studies, as yet unpublished, by O. Williams-Thorpe and R. S. Thorpe: "Geochemistry and Trade of Eastern Mediterranean Millstones from the Neolithic to Roman Periods," by both authors, and an analysis of millstones from Tel Migne-Ekron by O. Williams-Thorpe. Prof. Seymour Gitin, Director of the W. F. Albright Institute of Archaeological Research, Jerusalem, was kind enough to show me the latter paper; it is cited with the author's permission.

DEUTERONOMY 25:1-4

The juxtaposition of Deut 25:1-3 and 4 represents the type of seeming non sequitur that has made the structure of the laws of Deuteronomy so difficult to explain. Verses 1-3 limit the number of blows that a court might impose in sentencing a man to flogging, whereas v. 4 prohibits muzzling an ox while it is threshing. Abarbanel saw the two laws as sharing the theme of compassion, toward the criminal and toward the threshing ox. Somewhat similarly, S. Kaufman sees the two laws as part of a series prescribing fairness to one's fellow. He understands the juxtaposition of criminals and animals as part of an intentional arrangement of the series to descend from the highest to the lowest type of fellow, as judged by socioeconomic criteria.⁹ Compassion and fairness are very general common denominators that do not relate to the specific nature of the acts in question. Much closer to the mark, in my view, is A. Rofé's observation that these two laws and one in the immediately preceding group (24:20) all involve types of beating: the olive harvesters' beating of the olive tree (root *hbt*), the flogging of the criminal (root *nkh*), and the oxen's hooves trampling on the grain (root *đđš*).¹⁰

Archaeological evidence suggests an explanation that is close to Rofé's view, with one modification: rather than the oxen's hooves beating on the grain, the key factor in the location of v. 4 is that the drivers strike the oxen with staffs and switches to prod them. Pictures of such scenes in Egyptian art show the visual image that threshing shared with flogging in particular: a man standing over the threshing animals and striking them with a staff or switch, just as floggers would stand over a criminal to beat him with a staff or whip.¹¹ Hence it seems likely that a common visual image accounts for the juxtaposition of the laws in Deut 24:20-25:4.

DEUTERONOMY 32:34

In this verse God says that the punishment that he has in store for Israel's enemies is "sealed up in [his] storehouses." The term 'sealed up' (*hātum*) has elicited no comment in modern commentaries.¹² Since English 'sealed' most commonly means 'closed tightly', the English reader misses the concrete meaning conjured up by Hebrew *hātum*. Hebrew

9. S. Kaufman, "The Structure of the Deuteronomic Law," *Maarav* 1 (1979) 141.

10. A. Rofé, *Introduction to Deuteronomy: Part I and Further Chapters* (Jerusalem: Akademon, 1988) 168 (Hebrew); Eng. trans., "The Arrangement of the Laws in Deuteronomy," *ETL* 64 (1988) 275-76.

11. Cf. J. B. Pritchard, *ANEP*, figs. 89, 122 row 6.

12. But see J. Guttmann, "ʔōšār," *EM* 1 (1950) 166.

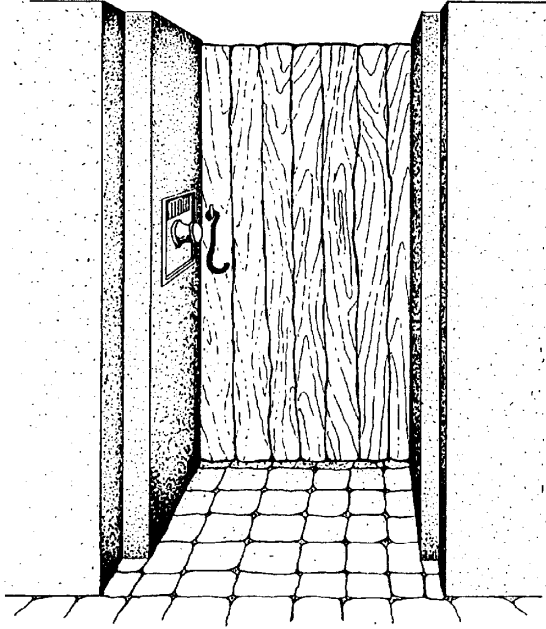


Figure 2. Reconstruction showing door with hook latch and knob in door jamb, from temple of Inanna at Nippur (from Richard L. Zettler, "Sealings as Artifacts of Institutional Administration in Ancient Mesopotamia," *JCS* 39 [1987] 212).

ḫātum, like English 'sealed', originally meant that an object was closed with clay or some other medium stamped by someone's signet. Pertinent to the present context is the fact that storerooms were often closed with clay stamped with the seal of the king or the official in charge of them and could not be opened without their permission. The Palestinian Talmud, for example, describes the sequence in which the king and other officials accompanying him sealed and unsealed the treasury.¹³

The practice of sealing storerooms is attested archaeologically from rooms in the temple of Inanna at Nippur in the period of the Third Dynasty of Ur (twenty-first century B.C.E.), from Mari in the Old Babylonian Period (first part of the second millennium B.C.E.), and elsewhere.¹⁴

13. Y. Šegal. 5:2/3, 49a.

14. Abraham Malamat, "Door-Sealings in the Mari Palace: A Textual-Archaeological Correlation," *Erlsr* 18 (1985) 325-30 (Hebrew with English summary); "Doorbells at Mari: A Textual-Archaeological Correlation," *Cuneiform Archives and Libraries: Papers read at the 30^e Rencontre Assyriologique Internationale, Leiden, 4-8 July, 1983* (ed. K. R. Veenhoff;

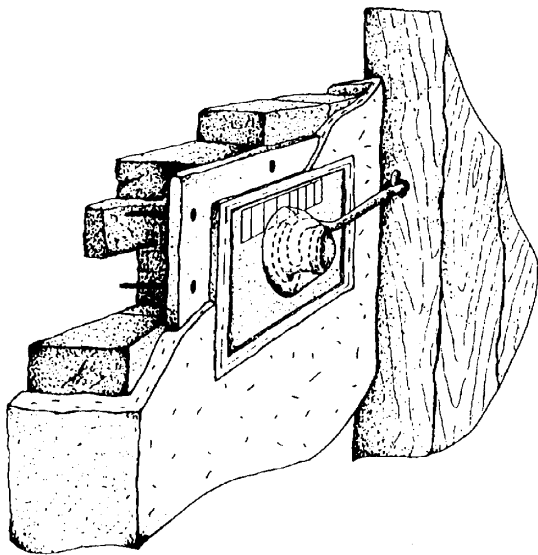


Figure 3. Cut-away showing closed hook latch and knob covered with clay sealing (from Richard L. Zettler, "Sealings as Artifacts of Institutional Administration in Ancient Mesopotamia," *JCS* 39 [1987] 213).

The doors to storerooms were closed with latches, one end of which was attached to the door; the other end was then connected to a knob or a peg protruding from the outer doorpost. In some cases the latch was a metal hook, the open end of which was lowered over the knob or peg. In others it was a cord, and its end was coiled over the knob or peg. The hooked or coiled end and the knob or peg to which it was attached were then covered with clay, and the clay was then stamped with the seal (see figs. 2–3). Anyone opening the door would have to break the clay sealing to open the latch. A seal found broken would indicate that an unauthorized person had opened the door, since an authorized person, with access to the seal, would have replaced the broken sealing with a new one after leaving the room.

In Deut 32:4, 'sealed' is not necessarily meant literally. Like its English counterpart, the term may be used in the derived sense of 'closed tightly, secured' (see Cant 4:12). Since the entire passage is metaphoric,

Istanbul: Nederlands Historisch-Archaeologisch Instituut te Istanbul, 1986) 160–67; Richard L. Zettler, "Sealings as Artifacts of Institutional Administration in Ancient Mesopotamia," *JCS* 39 (1987) 212 (the latter reference courtesy of Avigdor Hurowitz).

and *hātum* is parallel to *kāmus* ‘gathered, stored’, it probably means simply that punishment is stored up securely, waiting for the day when God will use it. But in an age when storerooms were sealed, the literal meaning would not have been far beneath the surface, and the attentive listener or reader would have noticed it.¹⁵

15. I am grateful to Prof. S. Gitin for several helpful comments on this paper.