

WISDOM AND LAW:

Adultery in Proverbs 1-9 and the Legal Texts of the Old Testament

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Abstract

The present thesis aims at clarifying the relationship of wisdom and law in the Old Testament, using adultery as main point of reference. Adultery is frequently referred to in the extant ancient Near Eastern texts, the legal texts of the Old Testament and Prov 1–9. The investigation of the treatment of adultery in ancient Near Eastern texts thereby provides the background on which similarities and differences to the Old Testament texts can be shown.

Both the ancient Near Eastern as well as the Old Testament legal texts agree on the death penalty for adultery. In contrast to Old Testament legal texts, the ancient Near Eastern texts in some instances grant the wronged husband the right to avert the death penalty. Moreover, the notion of sin plays no role in the treatment of adultery in the law collections of the ancient Near East – only a few texts outside of the legal corpus call adultery a ‘great wrong’. The Old Testament legal texts, however, label adultery as sin, polluting the whole land. The connection between adultery and sin arguably is a concept that reflects the Sinaitic covenant as framework for the legal texts of the Old Testament. Adultery displeases Yahweh since it is a sin that attacks both existing marriages as well as the covenant relationship with Yahweh.

Four out of ten lectures in Prov 1–9 deal with adultery, one of which explicitly calls adultery sin. The strong death language in connection with the warnings against adultery in Prov 1–9 should not be understood hyperbolically but literally, pointing to the death penalty as legal requirement and ultimate consequence of adultery. Although many scholars understand Prov 6:34f. as referring to individual revenge by the wronged husband, the text in my view rather points to a proper public trial, emphasising that there is no escape from judgment if adultery was committed. Prov 1–9 has affinities to deuteronomic concepts, like the internalisation of outward requirement, reflecting similarities in pedagogy. Moreover, several legal concepts are used in Prov 1–9: the promise of life, the promise of land and the offering of firstfruits. Finally, already Deut 4:5–8 at least partially equated wisdom and law which gives further reason to assume an established relationship in Prov 1–9 as well.

Wisdom and law are thus not two entirely separate streams. Both belong to the same sphere of thought, both reflect the same worldview. The most central assumption of this worldview is the fear of Yahweh. It is the present author’s opinion that the law reflects basic religious instruction, showing up boundaries that should not be crossed. Wisdom, however, builds upon that basic instruction and aims at living a successful life within these boundaries. Thus, Prov 1–9 presupposes the teaching of the Old Testament legal texts.

Author's Declaration

I declare that the work in this thesis was carried out in accordance with the regulations of the University of Gloucestershire and is original except where indicated by specific reference in the text. No part of this thesis has been submitted as part of any other academic award. The thesis has not been presented to any other educational institution in the United Kingdom or overseas.

Any views expressed in the thesis are those of the author, and in no way represent those of the university.

Signed

Tillmann Oliver Krüger

Date

24.12. 2005

To Ute

אשת נעורי

The fear of the Yahweh is the beginning of knowledge;
fools despise wisdom and instruction.

(Prov 1:7)

Preface

Over a period of more than four years, numerous people were involved in helping me to keep on track for the work on this thesis. I am grateful for their encouragement and love without which the present work would have been much more difficult if not impossible. I am afraid I cannot list all of those to whom I am greatly indebted.

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Hamburg, 24.12. 2005

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Abbreviations used¹

AB	Anchor Bible Commentary
ABD	<i>Anchor Bible Dictionary</i>
AnBib	Analecta Biblica
ANET	<i>Ancient Near Eastern Texts</i>
AOT	Apollos Old Testament commentary
AOAT	Alter Orient und Altes Testament
ATD	Altes Testament Deutsch
BDB	<i>BROWN-DRIVER-BRIGGS Hebrew and English Lexicon</i>
BETL	Biblioteca ephemeridum theologiarum lovaniensium
BHK	Biblia Hebraica, edited by KITTEL
BHS	Biblica Hebraica Stuttgartensia
<i>BiLi</i>	<i>Bibel und Liturgie</i>
BKAT	Biblischer Kommentar Altes Testament
BN	<i>Biblische Notizen</i>
BTB	<i>Biblical Theology Bulletin</i>
BThSt	Biblich-theologische Studien
BWL	<i>Babylonian Wisdom Literature</i>
BZAW	Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft
CBQ	<i>Catholic Biblical Quarterly</i>
CC	Continental Commentaries
CDA	<i>Concise Dictionary of Akkadian</i>
cf.	<i>confer</i> (compare)
ConBOT	Coniectanea biblica, Old Testament series
COS	<i>The Context of Scripture</i>
DANE	<i>Dictionary of the Ancient Near East</i>
ed(s).	editor(s)
<i>e.g.</i>	<i>exempli gratia</i> (for example)
EIN	Einheitsübersetzung
ESV	English Standard Version
ET	<i>Expository Times</i>

¹ Abbreviations for standard journals, dictionaries, biblical books and apocrypha follow *NIDOTTE*, vol. 1, xxvi-xlvi.

ET	English translation (if the ET differs from the Hebrew verse numbering)
<i>et.al.</i>	<i>et alii</i> (and others)
<i>etc.</i>	<i>et cetera</i> (and so on)
FAT	Forschungen zum Alten Testament
GK	(GESENIUS-KAUTZSCH) <i>Gesenius Hebrew Grammar</i>
GLHBANE	<i>Gender and Law in the Hebrew Bible and the Ancient Near East</i>
HALOT	<i>The Hebrew and Aramaic Lexicon of the Old Testament</i>
HANEL	<i>A History of Ancient Near Eastern Law</i>
HL	Hittite Laws
HUCA	<i>Hebrew Union College Annual</i>
<i>ibd.</i>	<i>ibida</i>
<i>i.e.</i>	<i>id est</i> (that is)
JAOS	<i>Journal of Ancient Oriental Studies</i>
JBR	<i>Journal of Bible and Religion</i>
JBTh	<i>Jahrbuch für biblische Theologie</i>
JETS	<i>Journal of the Evangelical Theological Society</i>
JJS	<i>Journal of Jewish Studies</i>
J-M	JOÜON-MURAOKA, <i>A Grammar of Biblical Hebrew</i>
JNES	<i>Journal of Near Eastern Studies</i>
JNSL	<i>Journal of Northwest Semitic Languages</i>
JSOT	<i>Journal for the Study of the Old Testament</i>
JSOTSup	Journal for the Study of the Old Testament Supplement Series
LE	Laws of Eshnunna
LH	Laws of Hammurabi
LL	Laws of Lipit-Ishtar
LU	Laws of Ur-Namma
lit.	literal(ly)
LXX	Septuagint
MAL	Middle Assyrian Laws
MSS	manuscripts
MT	Masoretic Text
n.	<i>nota</i> (reference to a footnote in a quoted work)
NCB	New Century Bible Commentary
NIB	New Interpreter's Bible
NIBC	New International Biblical Commentary

NICOT	New International Commentary of the Old Testament
<i>NIDOTTE</i>	<i>New International Dictionary of Old Testament Theology and Exegesis</i>
<i>NIWCD</i>	<i>The New International Webster's Comprehensive Dictionary of the English Language: Encyclopedic Edition</i>
NRSV	New Revised Standard Version
OBO	Orbis Biblicus et Orientalis
OTL	Old Testament Library
<i>RB</i>	<i>Revue Biblique</i>
RELB	Revidierte Elberfelder Übersetzung
<i>RES</i>	<i>Répertoire d'épigraphie sémitique</i>
<i>ResQ</i>	<i>Restoration Quarterly</i>
RSV	Revised Standard Version
<i>SAINÉ</i>	<i>The Sage in Israel and the Ancient Near East</i>
<i>SAIW</i>	<i>Studies in Ancient Israelite Wisdom</i>
<i>sic</i>	used to denote incorrect spelling in a quoted passage, in brackets: [<i>sic</i>]
<i>SJOT</i>	<i>Scottish Journal of Theology</i>
TBü	Theologische Bücherei
<i>ThR</i>	<i>Theologische Rundschau</i>
<i>TLOT</i>	<i>Theological Lexicon of the Old Testament</i>
<i>TMBCL</i>	<i>Theory and Method in Biblical and Cuneiform Law: Revision, Interpolation and Development</i>
TOTC	Tyndale Old Testament Commentaries
<i>TynB</i>	<i>Tyndale Bulletin</i>
<i>VT</i>	<i>Vetus Testamentum</i>
VTSup	Vetus Testamentum Supplement Series
<i>VuF</i>	<i>Verkündigung und Forschung</i>
WBC	Word Biblical Commentary
WMANT	Wissenschaftliche Monographien zum Alten und Neuen Testament
W-O	WALKE-O'CONNOR, <i>An Introduction to Biblical Hebrew Syntax</i>
<i>ZA</i>	<i>Zeitschrift für Assyriologie und vorderasiatische Archäologie</i>
<i>ZAW</i>	<i>Zeitschrift für die alttestamentliche Wissenschaft</i>

CHAPTER ONE:

INTRODUCTION

1.1 Introduction

This dissertation is a contribution to the scholarly debate about the relationship of wisdom and law.¹ The following section serves as an introduction, briefly outlining the current situation of the debate, summarising the main positions on the relationship of wisdom and law, briefly assessing these positions, sketching the thesis to be defended and the choice of the subject as well as methodological considerations. A short outline of the thesis at the end of this chapter will serve as signpost to the rest of the dissertation.

1.1.1 The Current Situation

For parts of the twentieth century the book of Proverbs lived in the shadow of research into the Pentateuch and the historical and prophetic books of the Old Testament. Though it was an object of comparative religious studies, especially in connection with the Egyptian *Instruction of Amenemope*, scholars concluded that the teaching of wisdom is an element foreign to the world of the Old Testament.² MCKANE labelled most parts of Proverbs as originally “mundane”³, BLENKINSOPP

¹ Throughout this thesis, ‘wisdom’ is used to describe a literary genre. It is commonly agreed among scholars that the book of Proverbs is the Old Testament wisdom book *par excellence*. Most scholars would regard Ecclesiastes and the book of Job as wisdom books as well and some would also add to the corpus of wisdom in the Old Testament so-called wisdom psalms (e.g., Ps 1, 32, 37 and 49) or other Old Testament passages that show ‘wisdom influence’, e.g. the Joseph narrative (Gen 37–50).

Likewise, ‘law’ is used throughout this thesis to describe the genre of legal texts. In case of the legal texts of the Old Testament, ‘law’ comprises of most parts between Exod 20 and Deut 26.

² See Walter BAUMGARTNER, *Israelitische und altorientalische Weisheit*, Tübingen: Mohr, 1933, 4, 10 and 24; Hartmut GESE, *Lehre und Wirklichkeit in der alten Weisheit*, Tübingen: Mohr, 1958, 2.

³ William MCKANE, *Proverbs: A New Approach*, London: SCM Press, 1970, 17.

called it “religiously neutral”⁴ and PREUB advised against preaching from Old Testament wisdom books altogether.⁵

The wisdom literature of the Old Testament did not play a big role in twentieth century syntheses of Old Testament theology either.⁶ In 1955, L.E. TOOMBS wrote:

“As long as Old Testament theology is represented exclusively in terms of history, institutions and cultus of the Hebrew people it will exclude the wisdom literature by definition.”⁷

The main reason for this conclusion is that the Old Testament wisdom books do not contain references to ancient Israel’s history, to the exodus and the covenant(s), to Moses, Joshua or David. King Solomon is mentioned only in three ascriptions in Proverbs 1:1, 10:1 and 25:1.⁸ This puts the book of Proverbs into striking contrast to the other books of the Old Testament.

Despite this contrast there has been an increase of publications on wisdom literature since 1990. This includes overviews to the area of wisdom in the Old Testament⁹ and the publication of five major English commentaries on Proverbs (or Proverbs 1-9) between 1997 and 2000.¹⁰ Thus, by the end of the twentieth century,

⁴ Joseph BLENKINSOPP, *Wisdom and Law: The Ordering of Life in Israel and Early Judaism*, The Oxford Bible Series, Oxford: Oxford University Press, 1983, 22.

⁵ Horst Dietrich PREUB, “Alttestamentliche Weisheit in christlicher Theologie?”, *Questions disputées d’Ancien Testament: Méthode et Théologie*, Brekelmans, C. (ed.), 1974, revised and enlarged edition [by M. Vervenne], Louvain: Leuven University Press, 1989, 171.

⁶ See C.H.H. SCOBIE, “The Place of Wisdom in Biblical Theology”, *BTB* 14/2, 1984, 43 and Richard SCHULTZ, “Unity or Diversity in Wisdom Theology? A Canonical and Covenantal Perspective”, *TynB* 48, 1997, 272.

⁷ Lawrence E. TOOMBS, “Old Testament Theology and the Wisdom Literature”, *JBR* 23, 1955, 195–196.

⁸ There are only very few scholars nowadays who take the Solomonic ascriptions as significant for determining the authorship of Proverbs. See, for example, Derek KIDNER, *The Proverbs: An Introduction and Commentary*, TOTC, London: Tyndale Press, 1964, 27; Andrew E. STEINMANN, “Proverbs 1-9 as a Solomonic Composition”, *JETS* 43, 2000, 659–674 and *NIDOTTE*, vol. 4, 1080f.

⁹ See, for example, Richard J. CLIFFORD, “Introduction to Wisdom Literature”, *NIB*, vol. 5, Nashville: Abingdon Press, 1997, 1–16; James L. CRENSHAW, *Old Testament Wisdom: An Introduction*, 1981, revised and enlarged edition, Louisville: Westminster/John Knox Press, 1998; Katharine J. DELL, ‘*Get Wisdom, Get Insight*’: *An Introduction to Israel’s Wisdom Literature*, Macon: Smyth & Helwys Publishing, 2000; idem, “Wisdom Literature”, *The Blackwell Companion to the Hebrew Bible*, PERDUE, Leo G. (ed.), Oxford: Blackwell Publishers, 2001, 418–431; LUCAS, Ernest C., *Exploring the Old Testament: A Guide to the Psalms & Wisdom Literature*, Downers Grove: InterVarsity Press, 2003; Roland E. MURPHY, *The Tree of Life: An Exploration of Biblical Wisdom Literature*, 1990, 3rd edition, Grand Rapids: Eerdmans, 2002.

¹⁰ These are, in alphabetical order: Richard J. CLIFFORD, *Proverbs*, Louisville: Westminster/John Knox Press, 1999; Michael V. FOX, *Proverbs 1–9: A New Translation with Introduction and Commentary*, ABC 18A, New York: Doubleday, 2000; Raymond C. VAN LEEUWEN, “The Book of Proverbs: Introduction, Commentary, and Reflections”, *NIB*, vol. 5, Nashville: Abingdon Press, 1997, 17–264; Roland E. MURPHY, *Proverbs*, WBC 22, Nashville: Thomas Nelson Publishers, 1998; Leo Garrett PERDUE, *Proverbs*, Interpretation: A Bible Commentary for Teaching and Preaching, Louisville: John Knox Press, 2000.

research into the Book of Proverbs and the phenomenon of wisdom in ancient Israel was receiving more and more attention.¹¹ This study, therefore, is in line with many other studies investigating specific characteristics of Israelite wisdom and relating them to the rest of the Old Testament as well as to ancient Near Eastern texts.

1.1.2 Summary of Main Positions on the Connection of Wisdom and Law

In my opinion, there are five main positions concerning the relationship of wisdom and law in the Old Testament. In the following summary, these will be sketched for clarification. Subsequently, an assessment of this summary leads to the formulation of the thesis to be defended in the present work.¹²

Position 1: There is No Connection between Wisdom and Law in the Old Testament

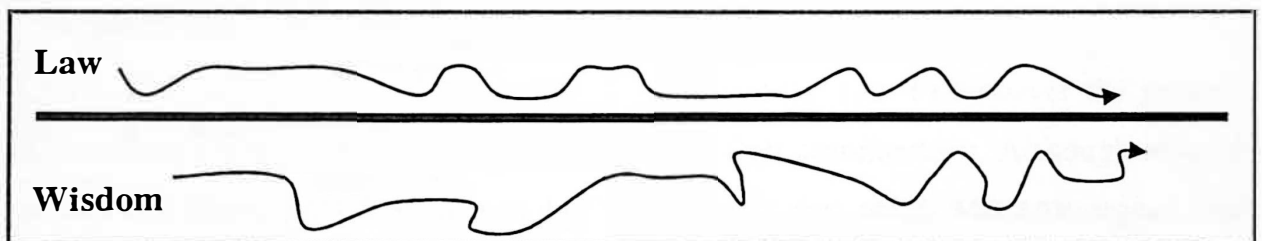


Diagram 1: No Connection between Wisdom and Law

Wisdom is understood as a fundamentally secular phenomenon. Therefore it cannot be expected to have a connection to the legal tradition of the Old Testament. Any attempt to bring it into theological mainlines (e.g. through a ‘Yahwistic re-interpretation’) is late and only supports the thesis of original secularity. Advocates of this view are MCKANE, PREÜB and – in a slightly revised form – MÜLLER and VON RAD.¹³

In his seminal commentary on Proverbs, MCKANE understands wisdom as a mainly secular genre, heavily influenced by Egyptian wisdom, which later underwent one or several theological redactions in order to bring the Old Testament wisdom texts more into theological mainlines. Thus, all verses that refer to Yahweh or show theological

¹¹ Already in 1979, Brevard S. CHILDS spoke of a “rebirth of interest in the wisdom literature”: Brevard S. CHILDS, *Introduction to the Old Testament as Scripture*, Philadelphia: Fortress Press, 1979, 547. Particularly the seminal work of Gerhard VON RAD, *Wisdom in Israel*, transl. Martin, James D., London: SCM, 1972 led to an upsurge of interest in wisdom, resulting in an ever growing number of publications in the field. See the survey on literature on Proverbs and Ecclesiastes by Ingo KOTTSIEPER: “Alttestamentliche Weisheit: Proverbia und Kohelet (I)”, *ThR* 67, 2002, 1–34, and “Alttestamentliche Weisheit: Proverbia und Kohelet (II)”, *ThR* 67, 2002, 201–237.

¹² See 1.1.4 THE THESIS TO BE DEFENDED.

¹³ MCKANE, *Proverbs*; Horst-Dietrich PREÜB, *Einführung in die alttestamentliche Weisheitsliteratur*, Stuttgart: Kohlhammer, 1987; Achim MÜLLER, *Proverbien 1–9: Der Weisheit neue Kleider*, BZAW 291, Berlin: de Gruyter, 2000; von Rad, *Wisdom*.

content are necessarily later than those which do not mention God or Yahweh at all.¹⁴ Proverbs 1-9 with its emphasis on the fear of Yahweh and many theological references is the latest part of the book, and was compiled to give a theological introduction to the whole book. According to MCKANE, a connection between wisdom and law is highly improbable for texts with such diverse backgrounds.

PREUß sharply divides between knowledge derived from observation and knowledge resulting from revelation. According to PREUß, Old Testament wisdom never had anything to do with the latter. Wisdom in Israel was the result of a well-educated class which had to a certain degree its own religion: one should not presuppose too easily that the cult or the history of Yahweh with his people is implied in the use of the name 'Yahweh'. Rather, many features of the religion of the wise have been taken over from the perception of God or the gods in other ancient Near Eastern nations.

MÜLLER uncovers different strata of development in order to discover the genesis of Proverbs 1-9 by providing a detailed form-critical commentary. Although several passages in Proverbs 1-9 seem to relate to deuteronomic texts, MÜLLER argues that they are too loosely connected to support a theory of direct borrowing. Because the 'formative redaction' of Proverbs 1-9 took place in the late Persian period, some deuteronomic influence is only to be expected. Apart from the passages which link wisdom and creation theology, the religion of Proverbs 1-9 is not the official religion but rather some sort of a private religiosity. Wisdom and law are not directly connected and remain to a great extent independent from each other.

VON RAD corrected some of his views on wisdom that he put forward in his Old Testament theology in his late work *Wisdom in Israel*. He understands wisdom as knowledge about the world which is in itself a secular occupation.¹⁵ This occupation was only possible because of Israel's strong knowledge of Yahweh. Proverbs 1:7 connects the fear of Yahweh with wisdom and knowledge and thus "contains in a nutshell the whole Israelite theory of knowledge."¹⁶ Thus, faith liberates knowledge. But this does not mean that the Decalogue is the ethical norm for wisdom teaching. VON RAD argues that the Decalogue is a late insertion into the Sinai pericope which was an early prophetic interpretation. Israelite wisdom was not influenced by the

¹⁴ A more recent advocate of this view is Rolf SCHÄFER, *Die Poesie der Weisen: Dichotomie als Grundstruktur der Lehr- und Weisheitsgedichte in Proverbien 1-9*, WMANT 77, Neukirchen-Vluyn: Neukirchener Verlag, 1999.

¹⁵ See VON RAD, *Wisdom*, 57.

¹⁶ *Ibd.*, 67.

Mosaic law but by an initial experience of Yahweh (as apparent in the fear of Yahweh) and its search was not for Yahweh himself but for the discovery of the created order. The self-revelation of creation – and thus the discovery of its inherent order – is the reason for the ongoing search for wisdom. Wisdom theology is first and foremost creation theology and thus a different ‘mode’ of revelation from that of the law. VON RAD differs from the rest of scholars in this section because he denies the confluence of wisdom and law at the time of the composition of Sirach.¹⁷

Position 2: Wisdom and Law Share the Same Source(s), but Developed Separately

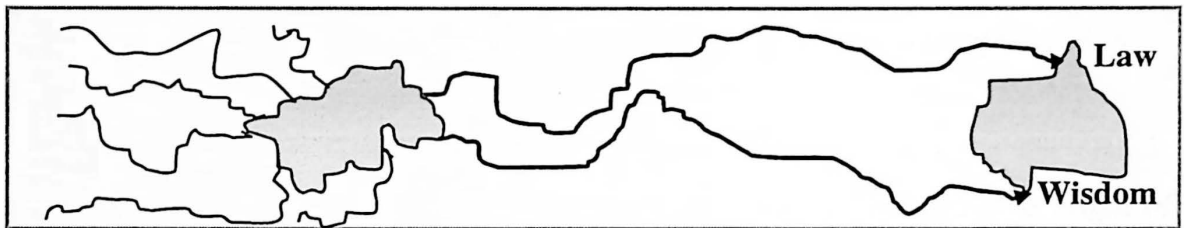


Diagram 2: Separate Development of Wisdom and Law

Wisdom and law share some of their sources, for example in tribal or clan wisdom. But they are to be understood as two separate streams which eventually flow together, somewhere between Deuteronomy and Sirach (2nd century BC). A connection between wisdom and law can only be expected in the very late parts of Proverbs and in the intertestamental wisdom literature like Sirach or the Wisdom of Solomon. Advocates of this view are BLENKINSOPP, GERSTENBERGER, HERMISSON, NEL and WEINFELD.¹⁸

BLENKINSOPP portrays wisdom and law as two separate streams which – having the same origin – eventually flow together. At the beginning law was an inheritance from Sumer as well as a specialisation of tribal wisdom. In a so-called primitive society proverbs serve to transmit collective values

“thus forming the basis of an agreed pattern of behaviour over against which the conduct of an individual can be judged. We should therefore not be

¹⁷ *Ibd.*, 247.

¹⁸ BLENKINSOPP, *Wisdom and Law*; Erhard GERSTENBERGER, *Wesen und Herkunft des 'apodiktischen Rechts'*, WMANT 20, Neukirchen-Vluyn: Neukirchener Verlag, 1965; Hans-Jürgen HERMISSON, *Studien zur israelitischen Spruchweisheit*, WMANT 28, Neukirchen-Vluyn: Neukirchener Verlag, 1968; Philip Johannes NEL, *The Structure and Ethos of the Wisdom Admonitions in Proverbs*, BZAW 158, Berlin: de Gruyter, 1982; VON RAD, *Wisdom*; Moshe WEINFELD, *Deuteronomy and the Deuteronomical School*, Oxford: Clarendon, 1972.

surprised to discover connections between proverbial wisdom and the early stages in the development of a legal tradition.”¹⁹

GERSTENBERGER develops the view that the order of the clan and its ethos, transmitted by the clan chief, forms the origin of both wisdom and law. The wisdom admonitions and the legal commandments are substantially identical. GERSTENBERGER also holds that Yahwism was a late feature in Israel. Thus, the old clan ethos never fully connected with Yahwism and then only quite late. In Proverbs 1–9, the fear of Yahweh was flowing together with the order of the clan. There is ‘law’ to be found outside of the covenant with Yahweh, for example within the wisdom literature. These ‘laws’ are to be traced back to the clan ethos and were brought only later into the sphere of Yahwism.

HERMISSON refutes GERSTENBERGER’s thesis because the setting of the clan is nowhere presupposed in Proverbs. Therefore, clan wisdom cannot be the origin of Israelite proverbs. According to HERMISSON, the *Sitz im Leben* of wisdom literature is to be seen in wisdom schools that co-existed with temple schools. Both school types were loosely connected in the early beginnings (the monarchical period) and became later on mixed up, probably just before the Exile, but most possibly only thereafter. The literary output of this union is to be seen in Deuteronomy, the wisdom psalms and finally in Sirach. Thus, wisdom and law were always loosely connected which becomes evident in Proverbs 11:1,²⁰ the religious terminology (‘the righteous’) and the formulations of the apodictic law that found their expression in some proverbs.

According to NEL, there are a number of admonitions in Proverbs 1–9 which are motivated with reference to the Torah or sayings connected with it. He concludes that this accordance of wisdom counsel and Torah-commandments is part of a theological re-interpretation of wisdom which took place from the Persian period onwards.²¹ This explains why Deuteronomistic promises are attached to wisdom admonitions in Proverbs 1–9. But this does not mean that the relationship of wisdom and law starts with the Persian period until they are fully identified in Sirach. Rather, wisdom and law are to be understood as the two sides of the same coin:

¹⁹ BLENKINSOPP, *Wisdom and Law*, 17.

²⁰ HERMISSON sees a clear parallel to Deuteronomy 25:13–16 but is not sure about the direction of the relationship (from Deuteronomy to Proverbs or from Proverbs to Deuteronomy): HERMISSON, *Studien*, 70.

²¹ See NEL, *Structure and Ethos*, 88.

“On the one hand we have the categorial [*sic*] promulgation of the will of God in the law and on the other hand the revealed created order of Jahweh [*sic*] in the wisdom literature.”²²

The fear of Yahweh is thus the framework in which wisdom is realised and in which wisdom and law connect theologically.

WEINFELD understands Deuteronomy as the literary output of sapiential scribes. He deviates from the rest of the scholars in this section assuming that wisdom and law were two separate and autonomous disciplines that eventually merged in the book of Deuteronomy in the seventh century BC. Deuteronomy is dependent on wisdom teaching, since the wisdom movement antedates the book of Deuteronomy.²³ Thus, Deuteronomy and the wisdom literature share the same source, being both formulated by sapiential scribes.

Position 3: Wisdom Is of Oral Origin, thus Differing from the (Written) Law

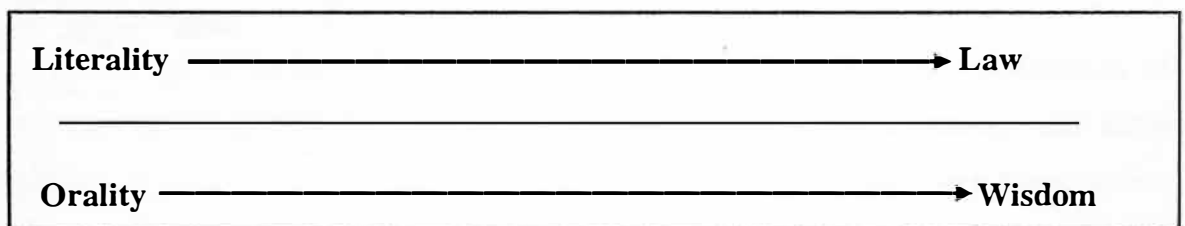


Diagram 3: Wisdom Is of Oral Origin, thus Differing from the (Written) Law

Wisdom is rooted in popular or folk wisdom which is of oral nature. Since law tends to get fixed literarily, the two are to be seen independently from each other. Advocates of this view are WESTERMANN and GOLKA.²⁴

Both WESTERMANN and GOLKA reject the thesis of the school as *Sitz im Leben* for wisdom (as propagated by HERMISSON²⁵). WESTERMANN locates it in the oral sayings of the village community, whereas GOLKA assumes it in the tribal society of Israel during the period of the Judges. Both also show up parallels between Proverbs and African popular proverbs.

GOLKA refutes the claim that there had been a class of ‘wise men’ in Israel and considered the family as primary educational setting, not a school system as in

²² *Ibd.*, 96.

²³ See WEINFELD, *Deuteronomy and the Deuteronomistic School*, 260.

²⁴ See Claus WESTERMANN, *Roots of Wisdom: The Oldest Proverbs of Israel and Other Peoples*, Edinburgh: T&T Clark, 1995; Friedemann W. GOLKA, *The Leopard’s Spots: Biblical and African Wisdom in Proverbs*, Edinburgh: T&T Clark, 1993.

²⁵ See HERMISSON, *Studien*.

Egypt. Originally proverbs were transmitted orally in family and tribe. According to GOLKA, the paucity of legal proverbs in the book of Proverbs is due to the extensive collection of laws in the Pentateuch:

“The reason for this is the relatively early introduction of writing in Israel. Once it has become possible to transmit legal norms in writing, the use of legal proverbs is somewhat pointless ... because written transmission is generally regarded as safer.”²⁶

Position 4: Wisdom and Law Are Connected

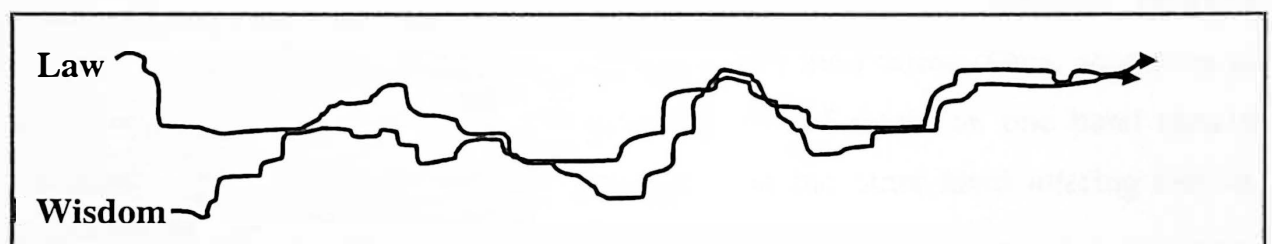


Diagram 4: Wisdom and Law Are Connected

Although there are many different ways to understand the exact relationship of wisdom and law, this option holds that there was some relationship and some contact, at least after the Exile. The sages were Israelites and therefore a connection of wisdom and law in one way or the other is to be expected. Obviously, the extent to which both are connected and the way of the relationship – from wisdom to law or from law to wisdom – are objects of debate. Proponents of this view are L. BOSTRÖM, DELKURT, ROBERT and SKLADNY.²⁷

L. BOSTRÖM argues that Proverbs is genuinely theological. An antithesis between empirical knowledge and revelation does therefore not exist in the Old Testament. The theology of wisdom is to be understood as complementary to the rest of the Old Testament, including the Pentateuch. He emphasises that in most instances the similarities between the book of Proverbs and the other parts of the Old Testament are greater than to extrabiblical wisdom texts.

DELKURT describes the book of Proverbs as theological, even where it does not mention the name of God. God is nearly always referred to by his revealed name,

²⁶ GOLKA, *The Leopard's Spots*, 87.

²⁷ See L. BOSTRÖM, *The God of the Sages: The Portrayal of God in the Book of Proverbs*, ConBOT 29, Stockholm: Almqvist & Wiksell, 1990; Holger DELKURT, *Ethische Einsichten in der alttestamentlichen Spruchweisheit*, BThSt 21, Neukirchen-Vluyn: Neukirchener Verlag, 1993; André ROBERT, “Les attaches littéraires bibliques de Prov. I-IX”, *RB* 43, 1934, 172–204; 344–365 and *RB* 44, 1935, 374–384; 502–525; Udo SKLADNY, *Die ältesten Spruchsammlungen in Israel*, Göttingen: Vandenhoeck & Ruprecht, 1962.

Yahweh, which must have been taken from other historical traditions since Proverbs does not contradict statements about Yahweh and faith in other Old Testament passages. There are many connections to these, especially to the Prophets, Deuteronomy and the Psalms. Thus, the measure for ethical behaviour in the book of Proverbs is the will of Yahweh, the God of Israel.

ROBERT is concerned with showing up literary connections between Prov 1–9 and other parts of the Old Testament. He compares the teaching of the parents (or sages) with the Torah noting that the first had also been understood as holy and worthy of respect. Although Proverbs 1–9 is some sort of an ‘own Torah’, it is entirely in line with the Decalogue. Furthermore, ROBERT discovers many parallels between Proverbs 1–9 and Deuteronomy, Isaiah, Jeremiah or the Psalms. Thus, according to ROBERT, Proverbs 1–9 is a genuine Israelite piece of work, on one hand clearly connected to the ancient Israelite tradition and on the other hand uttering similar concepts, yet in a distinct way.

Finally, SKLADNY acknowledges the influences of Egyptian wisdom on the wisdom in Israel but argues that it is impossible to explain Israelite wisdom from extrabiblical influences only. SKLADNY understands prophecy and wisdom as corner pillars of the Israelite society and sees manifold relations of wisdom texts to legal texts (especially to the Book of covenant) as well. According to SKLADNY, the authority of the wisdom teachers is derived from the authority of Yahweh and wisdom is to live in the order of Yahweh in everyday life.

Position 5: The Law Is the Source for Wisdom

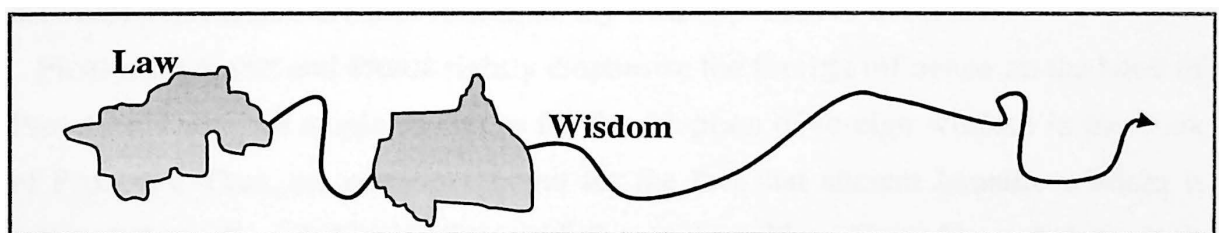


Diagram 5: The Law Is the Source for Wisdom

This view holds that the Old Testament law antedates wisdom and that wisdom thus drew on the legal tradition, generally presupposing it in its teaching. Advocates of this view are MIHALIK and WEEKS.²⁸

²⁸ See Emmerich MIHALIK, *Das mosaische Gesetz als Quelle des salomonischen Spruchbuches*, unpublished dissertation, University of Vienna, 1946; Stuart WEEKS, “Wisdom in the Old Testament”, *Where Shall Wisdom Be Found? Wisdom in the Bible, the Church and the Contemporary World*, BARTON, Stephen C. (ed.), Edinburgh: T&T Clark, 1999, 19–30.

MIHALIK supposes an early date for the Pentateuch and finds it improbable for the compiler of Proverbs to have been ignorant of it. Although he does not find any direct quotations from the Mosaic law in Proverbs, he spots out many allusions to pentateuchal passages. This stands in contrast to several international sources mentioned *explicitly* in Proverbs (as the proverbs of Agur and Lemuel). According to MIHALIK, this contrast results from the primary audience's aversion to the Mosaic law and its interest in wisdom as a new and international genre. The compiler of Proverbs was wise and God-fearing, using the new genre to teach the law through the outlook of wisdom. Thus wisdom becomes the vehicle by which the compiler of Proverbs tried to bring the audience back to the law.²⁹ MIHALIK emphasises that though the form of Proverbs might be international, its content is genuinely Israelite.

WEEKS argues in his article "Wisdom in the Old Testament" that the term 'wisdom tradition' is misleading. According to WEEKS, there is no such thing as a wholly separate school of thought labelled 'wisdom'. Although the three wisdom books in the Old Testament, Proverbs, Ecclesiastes and Job, share features with similar works in other ancient nations, their content is in line with the teaching of the Torah. Thus, the exhortations in Proverbs 1–9 are "exhortations to live life according to the Torah."³⁰

1.1.3 Assessment of the Different Positions

Due to the complex and composite structure of wisdom – both regarding its origins and its content – the five main positions on the connection of wisdom and law in the Old Testament all have a valid point.³¹ In a short summary, I would like to assess the different positions in order to formulate my own approach to the issue.

Firstly, MCKANE and PREUß rightly emphasise the foreign influence on the book of Proverbs. There are ample examples for the adoption of foreign wisdom in the book of Proverbs. Thus, we need to account for the fact that ancient Israelite wisdom is connected to the wisdom tradition of the ancient Near East. Nevertheless, it is important to note that foreign wisdom was always stripped of its foreignness – especially in view of religious ideas – and thus integrated into the worldview of

²⁹ See MIHALIK, *Das mosaische Gesetz*, 98.

³⁰ WEEKS, "Wisdom in the Old Testament", 26.

³¹ The different proposals for a setting of Proverbs reflect the composite structure of wisdom as well. See my comments in 4.1.4 THE SETTING OF PROVERBS 1–9.

ancient Israelite wisdom.³² Moreover, it is difficult to maintain with PREUB that ancient Israel's wisdom had its origin solely in the wisdom tradition of the ancient Near East, thus supposing for wisdom a different concept of 'God' than in the rest of the Old Testament.³³

Secondly, it is irrefutable that the ancient Israelite legal tradition is also connected to the ancient Near Eastern legal tradition because they share many common concerns and concepts, as we will see in the treatment of adultery in ancient Near Eastern law and the legal texts of the Old Testament. Furthermore, there definitely is an explicit equation of wisdom and law at the time of Ben Sira (Sir 24), although this equation does not originate with Ben Sira.³⁴ Moreover, it seems plausible that there was some sort of educational setting in which the lectures took place, although I would not necessarily use the designation 'wisdom school' for it, as HERMISSON does. It is evident that the 'father' has experience and wisdom which he can pass on. This, then, makes him a wisdom teacher. In my view, the family – and thus the clan or the tribe as well – seems to be a very likely setting for the origin of the lectures in Prov 1–9. Thus, GERSTENBERGER's and HERMISSON's claims might not be as far off from each other as they are presented.

VON RAD is right when he states that even for wisdom there must have been an initial experience of Yahweh since the fear of Yahweh is presupposed by Prov 1–9. Nevertheless, this experience does not have to be different from the experience of Yahweh outside of the wisdom tradition. Thus, I agree with NEL in his assumption that wisdom and law are like the two sides of the same coin. Although they might look quite different, they still belong to each other.

Thirdly, WESTERMANN and GOLKA rightly show up the parallels between African folk wisdom and the wisdom of Proverbs. An oral folk origin is most probable for many of the pithy and short sayings³⁵ which are pieces of timeless advice that can be found in many societies – even in illiterate ones.³⁶ On the other hand, the proverbs as

³² In his treatment of Prov 22:17–23:11, STEIERT points out that although Proverbs certainly has borrowed from Amenemope, it has not taken over its distinctive religious ideas which would have been foreign to the ancient Israelites. See Franz-Josef STEIERT, *Die Weisheit Israels - ein Fremdkörper im Alten Testament? Eine Untersuchung zum Buch der Sprüche auf dem Hintergrund der ägyptischen Weisheitslehren*, Freiburger Theologische Studien 143, Freiburg: Herder, 1990, 201.

³³ See PREUB, "Das Gottesbild der älteren Weisheit". Obviously, his view is quite extreme and to my knowledge was not taken up by any recent scholar.

³⁴ See Leo G. PERDUE, "Cosmology and the Social Order in the Wisdom Tradition", *SIANE*, 462. PERDUE argues that Psalm 19 and 119 equate wisdom and law. See my comments in **5.3.5 THE PARTIAL EQUATION OF WISDOM AND LAW IN DEUTERONOMY 4:5–8**.

³⁵ These are predominantly found in Prov 10ff.

³⁶ See GOLKA, *The Leopard's Spots*, 15.

we have got them collected in the book of Proverbs have a literary setting and function within this setting.³⁷ It is difficult to maintain that all proverbs derive from an oral folk wisdom since a fair number of proverbs reflect a rather urban setting or presuppose inside knowledge of the royal court.³⁸

Fourthly, ROBERT rightly points out many literary parallels between Old Testament wisdom and the rest of the Old Testament. Thus, SKLADNY concludes the outlook of wisdom in the Old Testament testifies to an innerbiblical coherence. Therefore, both L. BOSTRÖM and DELKURT emphasise that Proverbs is genuinely theological and thus reject the thesis of a later theologisation of wisdom.

Fifthly, MIHALIK convincingly argues that the Torah influenced ancient Israelite wisdom, although I would not agree with his thesis that the original audience was fed up with the Torah and needed a different way to get involved with it again. The main problem with MIHALIK's view lies in his presupposition that ancient Near Eastern wisdom was necessarily new to the ancient Israelites. In my view, this might have resulted from the debate over the influence of *Amenemope* in MIHALIK's days rather than from the fact that wisdom was a new phenomenon in ancient Israel since wisdom is as old as mankind. However, I agree with WEEKS that the teaching of the Torah influenced the teaching of wisdom – and especially Prov 1–9. This leads directly to the formulation of my thesis.

1.1.4 The Thesis to Be Defended

The assessment made in the previous section looked at the different positions' strengths and hinted at my own position. In my view, positions 4 and 5 are most helpful to shed light on the connection of wisdom and law in the Old Testament. This connection is first and foremost an *innerbiblical* connection. Although wisdom in the Old Testament shares many features of its ancient Near Eastern counterpart, it is deeply rooted in the ancient Israelite worldview.³⁹ Wisdom and law are like the two sides of the same coin,⁴⁰ even though they do have slightly different objectives: the legal texts of the Old Testament show up boundaries that should not be crossed in order to guarantee the stability of the ancient Israelite community of faith, whereas the book of Proverbs – and Prov 1–9 in particular – tries to show up how to live a

³⁷ See especially Knut HEIM, *Like Grapes of Gold Set in Silver: An Interpretation of Proverbial Clusters in Proverbs 10:1-22:16*, BZAW 273, Berlin: de Gruyter, 2001.

³⁸ See FOX, *Proverbs 1–9*, 9f.

³⁹ For a detailed discussion of the concept of worldview see 5.2 WORLDVIEW.

⁴⁰ See NEL, *Structure and Ethos*, 96, although I would not put the formative redaction of Prov 1–9 in the Persian period. See my short discussion in 4.1.3 THE DATE OF PROVERBS 1–9.

successful life within these boundaries. Prov 1–9 therefore presupposes the teaching of Old Testament law. This thesis will be tested by comparing the treatment of adultery in the legal texts of the Old Testament with its treatment in Prov 1–9. It finds further support in chapter 5, in a brief description of additional connections between Prov 1–9 and the legal texts of the Old Testament.

1.2 The Choice of the Subject

1.2.1 The Choice of an Innerbiblical Study

Wisdom was a common phenomenon in the ancient Near East. After the discovery of parallels between the Egyptian *Instruction of Amenemope* and Proverbs 22:17–24:22 in the 1920s, many scholars worked on the relationship between ancient Israel’s wisdom and that of her neighbouring countries. Thus, for a long time the emphasis in research was not on innerbiblical but on extrabiblical parallels.⁴¹

Apart from the universalism of wisdom the question remains how wisdom was integrated in the Old Testament and how it relates to other parts of the Old Testament. I assume that the people who ‘produced’ books like Proverbs were Israelites living in the same country as the prophets and the priests with whom they had more in common than with sages from other countries. They spoke the same language, had the same king and may have even lived in the same city or village. They were not strangers but people of the same nation. As MURPHY puts it: they had “an approach to reality which was shared by all Israelites in varying degrees.”⁴²

In the current work, I would like to turn attention to the concept of this shared approach to reality, this shared worldview.⁴³ It might prove to be as important to our understanding of Israel’s wisdom as all parallels to the ancient Near Eastern sages’ works – be they formal or in content. Although chapter 2 is dedicated to the ancient Near Eastern treatment of adultery – which serves as a point of comparison to the treatment in the legal texts of the Old Testament and in Prov 1–9 –, this study focuses primarily and deliberately on the innerbiblical relationship between wisdom and law with consideration of the concept of worldview.

⁴¹ See DELKURT, *Ethische Einsichten*, 13.

⁴² Roland E. MURPHY, “Wisdom - Theses and Hypotheses”, *Israelite Wisdom: Theological and Literary Essays in Honor of Samuel Terrien*, Gammie, John G., Walter A. Brueggemann, W. Lee Humphreys and James M. Ward (eds.), New York: Scholars Press, 1978, 39.

⁴³ See 5.2 WORLDVIEW.

1.2.2 The Choice of Proverbs 1–9

Prov 1–9 forms the introduction to the wisdom book *par excellence* in the Old Testament. These nine chapters belong to the genre of instruction, containing long speeches and discourses – which I call ‘lectures’ in this dissertation⁴⁴ – by a teacher of wisdom or personified wisdom herself. Thus, formally Prov 1–9 differs from the rest of the book of Proverbs where short proverbial sayings prevail.⁴⁵ Furthermore, Prov 1–9 is the allegedly youngest part of the book of Proverbs.⁴⁶ Since it constitutes a self-contained literary unity, it seems justifiable to concentrate on these chapters alone in order to investigate the relationship of wisdom and law.

On the other hand, Proverbs 1–9 does not differ significantly from the rest of Proverbs. Otherwise it could hardly serve as an introduction to it. It is like an overture to an opera, already mentioning themes and topics in order to get its audience acquainted with them:

“The rhetorical effect of these nine chapters of speeches set the context for the book as a whole by building a view of the world in which the rest of Proverbs is to be interpreted. In this way Proverbs 1-9 provide the reader with an interpretive key for the whole.”⁴⁷

The same ambivalence of differentiation and resemblance holds true for the relationship between Prov 1–9 and the legal corpus of the Old Testament. Prov 1–9 differs from it because it belongs to wisdom literature, because it is not embedded in a historical framework and because it is mainly individualistic in its appeals.⁴⁸ The notion of the nation Israel does not occur in Prov 1–9.

Apart from these differences, Prov 1–9 has many parallels to the legal texts of the Old Testament. Deuteronomy has a similar pedagogic outlook, for example.⁴⁹ The similarities in content are so striking that scholars spoke of a dependency⁵⁰ although

⁴⁴ In calling the instructions/teachings “lectures” I follow FOX, *Proverbs 1–9*, 45.

⁴⁵ Many scholars would also add that Prov 1–9 differs *in content* from the rest of the book because it is more ‘theological’ in outlook.

⁴⁶ Although the exact date of Prov 1–9 remains somewhat unclear, I nevertheless provide a short discussion in 4.1.3 THE DATE OF PROVERBS 1–9.

⁴⁷ Craig BARTHOLOMEW, *Reading Proverbs with Integrity*, Grove Biblical Series B 22, Cambridge: Grove Books, 2001, 9f. Cf. VAN LEEUWEN who calls Proverbs 1–9 the “interpretive ‘frame’” for Proverbs 10–29: VAN LEEUWEN, “Proverbs”, NIB, vol. 5, 24 and also FOX who calls it the “hermeneutical preamble to the rest of the book”: FOX, *Proverbs 1–9*, 346.

⁴⁸ In my view, this individualism reflects the pedagogical setting of Prov 1–9 as instruction of a ‘father’ to his ‘son’.

⁴⁹ See my discussion in 5.3.4 THE PEDAGOGY OF PROVERBS 1–9 AND DEUTERONOMY.

⁵⁰ For example, WEINFELD, *Deuteronomy and the Deuteronomical School*, 244–281. HERMISSON, *Studien*, 70, sees a direct relation between Proverbs 11:1 and Deuteronomy 25:13–16.

no agreement has been reached as to the direction of it (from Prov 1–9 to Deuteronomy or the opposite direction?). Thus PLÖGER speaks of the “Nähe der weisheitlichen Anweisungen zu den von der Tora herkommenden Direktiven.”⁵¹ And BLENKINSOPP argues that categoric law as reflected in the Decalogue is analogous to the instructions and admonitions of the sage.⁵² These thematic parallels provide the starting point for this dissertation and will be referred to in different passages.

Thus, the Old Testament legal texts propagate a certain theology and Prov 1–9 is the allegedly most theological part of the Book. Moreover, wisdom and law clearly merged in Sirach at the beginning of the second century BC: keeping the law *is* wisdom.⁵³ This raises the question what the relationship between wisdom and law looked like a few centuries earlier. Therefore, it seems very reasonable to take Proverbs 1–9 as a point of comparison for the current work.

1.2.3 The Choice of Adultery as Point of Comparison

Adultery is probably not the first subject that comes to one’s mind when reflecting upon the relationship of wisdom and law. The relationship between Prov 1–9 and the legal tradition of the Old Testament has not been the object of intensive research so far. Nevertheless, it seems to be a good starting point to take parts of the wisdom book *par excellence* (Proverbs) and a law case which is prominent in the legal texts of the Old Testament (adultery) in order to take a closer look at the relationship between wisdom and law. This choice is further supported by the prominence of adultery in Prov 1–9.⁵⁴ In addition to this, the whole area of sexual relations is a prominent theme in both ancient Near Eastern law codes and Egyptian wisdom instructions,⁵⁵ providing an excellent textual base for comparison. And in the New Testament, adultery is mentioned twice in connection with the Decalogue,⁵⁶ thus placing the mention of adultery within the context of Old Testament law.

For many scholars, a profane wisdom is inconceivable in ancient Israel because the split between the sacred and the secular spheres seems to be “suspiciously

⁵¹ Otto PLÖGER, *Sprüche Salomos (Proverbia)*, BKAT 17, Neukirchen-Vluyn: Neukirchener Verlag, 1984, xxxvii.

⁵² See BLENKINSOPP, *Wisdom and Law*, 81.

⁵³ See especially Sir 24.

⁵⁴ Out of 256 verses in chapter 1-9, 69 verses deal with the subject of adultery (2:16–19; 5:1–23; 6:20–35 and 7:1–27, making up 27%). See CHAPTER 4 for a detailed discussion.

⁵⁵ See CHAPTER 2 for a detailed discussion of these texts.

⁵⁶ Rom 13:9 and James 2:11.

modern”.⁵⁷ If this is true, then one needs to ask how the relationship between wisdom and law could be described and which – primarily literary – reasons we find for that very relationship. The warnings against adultery in the legal corpus and Prov 1–9 seem to be a good test case for it.

1.3 Methodological Considerations

1.3.1 Thematic Considerations

The main aim of this thesis is to enrich the scholarly discussion about Old Testament wisdom through a close look at the relation of wisdom and law. I am not concerned with the connection of wisdom and *cult* – which would rather point to the relationship of Old Testament wisdom, the legal texts and the prophets⁵⁸ – but with wisdom and *law*, exemplified in the relationship between Prov 1–9 and the legal tradition of the Old Testament. This relationship will be the main theme throughout this thesis.

1.3.2 Exegetical Considerations

A thorough exegesis with special attention given to the literary context forms the backbone of this dissertation. This is not commonplace in wisdom research, as Roland MURPHY states: “Hypothetical views on the origins, growth, and nature of Israelite wisdom abound, to the neglect of sober analysis of what the biblical wisdom books intend to say.”⁵⁹ Similarly, GOLKA advises to “stick strictly to the facts mentioned in the Old Testament” rather than working with “ideologically based hypotheses.”⁶⁰

Concerning the textual base, I work mainly with the MT as rendered in the BHS which will be complemented by ancient versions wherever necessary. In a few instances, the LXX is referred to as well, in the Göttingen edition of RAHLFS. It should be noted, however, that the LXX of Proverbs is highly tendentious and thus rather reflects the early *Wirkungsgeschichte* of the text than a Hebrew *Vorlage* which has a claim to be original, compared to the MT.⁶¹ Reference works for textual

⁵⁷ L. BOSTRÖM, *The God of the Sages*, 36. Cf. VON RAD, *Wisdom*, 61.

⁵⁸ See Alexander B. ERNST, *Weisheitliche Kultkritik: Zur Theologie und Ethik des Sprüchebuches und der Prophetie des 8. Jahrhunderts*, BThSt 23, Neukirchen-Vluyn: Neukirchener Verlag, 1994.

⁵⁹ MURPHY, *Proverbs*, xxvii.

⁶⁰ GOLKA, *The Leopard's Spots*, 35.

⁶¹ For excellent investigations of the LXX of Proverbs see Johann COOK, *The Septuagint of Proverbs – Jewish and/or Hellenistic Proverbs? Concerning the Hellenistic Colouring of LXX Proverbs*,

criticism are Emanuel TOV's and Ellis R. BROTZMAN's.⁶² Reference concordances are LISOWSKY⁶³ and *BibleWorks 5.0*.⁶⁴ The primary base for ancient Near Eastern texts are HALLO's new compilation and Martha T. ROTH's edition of law collections from the ancient Near East.⁶⁵ For more fluent reading, I put the ancient Near Eastern texts on adultery – excluding biblical passages because they are easily available – into an appendix.⁶⁶ A second appendix contains exegetical statistics for the discussion of the texts in chapters 4 and 5.

1.3.3 Hermeneutical Considerations

VAN LEEUWEN writes about the scholarly debate on Woman Wisdom and the cosmic context created in Prov 1–9: “One’s hermeneutical approach ... greatly influences one’s reading of the evidence and the conclusions drawn from it.”⁶⁷

In my view, it is important to be aware of hermeneutical postulates. This neither means that they cannot be altered nor that there is only one kind of hermeneutics that could be applied to our field of research nor that there is something like a ‘hermeneutical free-zone’. But a basic awareness of primary assumptions is the basis of successful research. I agree with SILVA:

“I take it as a valid assumption that the interpreter approaches any text with a multitude of experiences (‘filed away’ with some degree of coherence) that inform his or her understanding of that text. I further assume that it is impossible for the interpreter to evaluate the text without the point of reference provided by those presuppositions. But I believe just as strongly that the interpreter may *transcend*, though not eliminate, that point of

Leiden: Brill, 1997 and Emanuel TOV, “Recensional Differences between the Masoretic Text and the Septuagint of Proverbs”, *Of Scribes and Scrolls: Studies in the Hebrew Bible, Intertestamental Judaism, and Christian Origins. Presented to John Strugnell*, ATTRIDGE, H.W., J.J. COLLINS and T.H. TOBIN (eds.), Lanham: University Press of America, 1990, 43–56.

⁶² Emanuel TOV, *Textual Criticism of the Hebrew Bible*, Minneapolis: Fortress, 1992; Ellis R. BROTZMAN, *Old Testament Textual Criticism: A Practical Introduction*, 3rd printing, Grand Rapids: Baker Books, 1998.

⁶³ Gerhard LISOWSKY, *Konkordanz zum Hebräischen Alten Testament*, 2nd edition, Stuttgart: Deutsche Bibelgesellschaft, 1981. LISOWSKY's base text is the MT as reproduced by the BHK. Since 1993, there is a 3rd edition available that holds about 300 corrections and has got the same base in the BHK text. [See http://www.bibelonline.de/de/search.html?product_show=158 (last time accessed 24.12.2005).]

⁶⁴ *BibleWorks 5.0.38s*, Big Fork, Montana: Hermeneutika, 2002.

⁶⁵ William W. HALLO and K. Lawson YOUNGER, Jr. (eds.), *The Context of Scripture: Canonical Compositions, Monumental Inscriptions and Archival Documents from the Biblical World*, 3 vols., Leiden: Brill, 2003; Martha T. ROTH, *Law Collections from Mesopotamia and Asia Minor*, 2nd edition, Atlanta: Scholars Press, 1997.

⁶⁶ See APPENDIX 1.

⁶⁷ VAN LEEUWEN, “Proverbs”, NIB, vol. 5, 27.

reference. This can be done not by assuming that we can set aside our presuppositions in the interest of objectivity, but rather by a conscious *use* of them.”⁶⁸

What, then, are my basic hermeneutical presuppositions? They are twofold:

1.3.3.1 Paying Attention to the Genre and the Form of the Text

The recognition of specific genres and forms builds up the framework within which wisdom texts as well as legal texts are to be interpreted.⁶⁹ I follow STUART in his distinction between “larger literary types (genres) and smaller, specific individual types (forms).”⁷⁰ My main interest is thereby not the historical development of forms (*Formgeschichte*) nor the determination of the original life setting (*Sitz im Leben*) of a passage, but rather the identification of specific genres and forms. Since “the meaning depends on the genre”⁷¹, paying attention to genre and forms is part of a sound exegesis and should be part of any literary analysis.

1.3.3.2 Paying Attention to the Canonical Shape of the Text

It seems to me that some scholars fear that an analysis of a biblical book in its final form would be the return to pre-critical days. To this reproach (who wants to go back into the 17th century?) a short reply seems to be justified:

1. First of all, there is no such thing as *the* correct method in biblical study which is true for both the historical critical method and a method that reads texts in their final form as “literary works of art”.⁷² Thus BARTON proposes to see each method “as a codification of intuitions about the text which may occur to intelligent readers.”⁷³ Such an understanding would bring the methods pursued back into the spheres of comparison and discussion.
11. CLINES lucidly points out that historical criticism investigates a different object from a canonical critical approach: the goal of historical criticism is to

⁶⁸ Moisés SILVA, *Biblical Words and Their Meaning: An Introduction to Lexical Semantics*, Grand Rapids: Zondervan, 1983, 148. (italics his)

⁶⁹ See David J.A. CLINES, “Methods in Old Testament Study”, ROGERSON, John (ed.), *Beginning Old Testament Study*, revised edition, London: SPCK, 1998, 46f.

⁷⁰ Douglas STUART, *Old Testament Exegesis: A Handbook for Students and Pastors*, 3rd edition, Louisville: Westminster John Knox Press, 2001, 119f.

⁷¹ John BARTON, *Reading the Old Testament: Method in Biblical Study*, 1984, 2nd edition, London: Darton, Longman & Todd, 1996, 18.

⁷² CLINES, “Methods in Old Testament Study”, 35.

⁷³ BARTON, *Reading the Old Testament*, 5.

reconstruct events lying *behind* certain texts. Thus “its focus is not the biblical text and its goal cannot be the interpretation of the biblical text.”⁷⁴

- iii. The historical critical method works mainly diachronically, “its practitioners lack the means to do justice to the Book [*i.e.* the Bible] currently in our possession as a synchronic, systemic entity.”⁷⁵ In order to take the texts as an entity seriously, a different method needs to be employed. Otherwise one arrives like MÜLLER at the seemingly odd statement that Prov 1–9 is a wonderfully crafted piece of literature – *after* having fragmented that very piece in over 250 pages.⁷⁶

Thus, the historical critical method is not more supreme than any other method. When it comes to a text like Proverbs 1–9 we have no hint about its historical context apart from the ascriptions in Prov 1:1, 10:1 and 25:1. It seems to be really difficult to work historically critically with a text like this that is not even embedded in a historical narrative or any other historical framework. In my view, it is adequate to approach such a text from a mainly literary perspective, taking the texts seriously rather than inquiring for their alleged development.

Since the task of this dissertation is primarily a literary one, for it seeks to investigate legal concepts in a non-legal genre – *i.e.* the genre of instruction in Proverbs 1–9 –, its main thrust is synchronic because it is not so much concerned with the history of redactions or the analysis of different sources but with the text in its final, canonical shape.⁷⁷ I am not at all saying that this is the only valid approach to investigate the relationship of wisdom and law. But since the present comparative study is primarily theological in nature, the focus on the final form of the biblical texts and thus their message seems more appropriate than the investigation of different textual (sub-)strata which illuminate diachronically how they might have come into being.

⁷⁴ CLINES, “Methods in Old Testament Study”, 44. For a detailed critique of the historical critical method see Jon D. LEVENSON, *The Hebrew Bible, the Old Testament, and Historical Criticism*, Louisville: Westminster/John Knox Press, 1993.

⁷⁵ LEVENSON, *The Hebrew Bible*, xiv.

⁷⁶ See MÜLLER, *Proverbien 1–9*, 282f. and 314.

⁷⁷ See CHILDS, *Introduction* and Rolf RENDTORFF, *Der Text in seiner Endgestalt: Schritte auf dem Weg zu einer Theologie des Alten Testaments*, Neukirchen-Vluyn: Neukirchener Verlag, 2001.

1.4 Outline of this Study

The current study's main subject of comparison is adultery. Thus, chapters 2–4 deal with adultery. Chapter 2 investigates the phenomenon in legal as well as wisdom texts of the ancient Near East in order to give the wider context for the biblical discussion. I thereby follow SIMKINS: "The differences between the Bible and other ancient Near Eastern literature can only be understood from within the context of their similarities."⁷⁸ Chapter 3 looks at adultery in the legal corpus of the Old Testament, whereas chapter 4 scrutinises the warnings against adultery in Prov 1–9. Chapter 5 investigates further connections between Prov 1–9 and the legal texts of the Old Testament in order to support my main thesis of a connection of wisdom and law. Finally, chapter 6 summarises the findings, pointing out areas for further research.

⁷⁸ Ronald A. SIMKINS, *Creator and Creation: Nature in the Worldview of Ancient Israel*, Peabody: Hendrickson, 1994, 89.

CHAPTER TWO:

“IF A MAN...”

Adultery in the Ancient Near East

2.1. Introduction

2.1.1 Adultery in the Law Collections of the Ancient Near East

Adultery is as old as marriage and family. It is a universal phenomenon that can be found in any society. Since the family was very important in the ancient Near East, adultery is treated quite frequently in ancient Near Eastern texts, most notably in each of the major law collections: the laws of Ur-Namma (LU), the laws of Eshnunna (LE), the laws of Hammurabi (LH), the Middle Assyrian laws (MAL) and the Hittite Laws (HL).¹ Thus, adultery is treated frequently in the law collections of the ancient Near East. Unusually, we do not have one single law collection from ancient Egypt.² The reason for this remains unclear.³ This lack cannot be solely explained by the fact that the Egyptians used papyrus for writing, a material much more perishable than the clay tablets used in the rest of the ancient Near East up until the first millennium

¹ Following ROTH, I do not use the term ‘law code’ which would describe a comprehensive, codified set of laws but rather ‘law collections’, a term that more precisely reflects the nature of these legal texts. See ROTH, *Law Collections*, 1–10. The abbreviations of the law collections also follow ROTH (see *ibid.*, xiv).

² See Walter KORNFELD, “L’adultère dans l’orient antique”, *RB* 57, 1950, 105 and Richard JASNOW’s articles on law in the Old, Middle and New Kingdom in *A History of Ancient Near Eastern Law*. JASNOW discusses legal principles in different documents (contracts, letters, royal edicts etc.). For all three periods there is no “law code” preserved: Richard JASNOW, “Old Kingdom and First Intermediate Period”, *HANEL*, vol. 1, 93; “Middle Kingdom and Second Intermediate Period”, *HANEL*, vol. 1, 255 and “New Kingdom”, *HANEL*, vol. 1, 289. Joseph MANNING has shown that this is true even for the youngest, the Demotic period (from 650 BC until 250 AD): See Joseph G. MANNING, “Demotic Law”, *HANEL*, vol. 2, 821. In contrast to MANNING, WESTBROOK mentions the late Demotic ‘Legal Code of Hermopolis’ [= P. Mattha] that suggests at least a similar literary and scholarly tradition in Egypt: Raymond WESTBROOK, “The Character of Ancient Near Eastern Law”, *HANEL*, vol. 1, 8 n.6 and 11.

³ It is remarkable that there are no law collections in Assyria or Babylonia which derive from the 1st millennium BC either. See Johannes RENGGER, “Noch einmal: Was war der ‘Kodex’ Hammurabi – ein erlassenes Gesetz oder ein Rechtsbuch?”, *Rechtskodifizierung und soziale Normen im interkulturellen Vergleich*, H. Gehrke (ed.), Tübingen: Gunter Narr, 1995, 50.

BC.⁴ The question remains why there were no steles or other monumental inscriptions listing a set of laws reflecting the will of the law-giver for his people.⁵ Maybe this is due to the role of the Egyptian king who represents the sun-god *Re* and realizes the *Ma'at*,⁶ or to the lack of a *science of lists* which was quite prominent in Mesopotamia.⁷ Although there are no extant Egyptian law collections, adultery was looked upon as an offence in ancient Egypt, and was dealt with in a few texts which will also be discussed in the course of this chapter.⁸

2.1.2 Definition of Adultery in the Ancient Near East

There are quite a few studies dealing with adultery in the ancient Near East, mostly investigating both ancient Near Eastern and Old Testament texts.⁹ Adultery in the ancient Near East can be defined as “consensual sexual intercourse by a married woman with a man other than her husband.”¹⁰ This definition has several aspects, all of which are important for our understanding of adultery in the ancient Near East: firstly, the act has to be *consensual*, that is, both parties have to agree to sexual intercourse.¹¹ Secondly, adultery is connected to *sexual intercourse* – LH describes it with the verb *itūlum/lutūlum* (“to lie with”).¹² Thirdly, the treatment of adultery in the

⁴ Jan ASSMANN, *Herrschaft und Heil: Politische Theologie in Altägypten, Israel und Europa*, Frankfurt: Fischer Verlag, 2002, 178; see WESTBROOK who notes that records from Egypt are tiny until the Hellenistic period due to “accidents of preservation”: WESTBROOK, “Character”, 5.

⁵ For a recent collection of inscriptions from ancient Egypt see HALLO, *COS*, vol. 2, 5–67.

⁶ ASSMANN mentions a text which clarifies the role of the king. He realizes *Ma'at* because she represents *Re*. See ASSMANN, *Herrschaft*, 37f. He describes ancient Egyptian law as incarnate to Pharaoh. Still this is not a satisfying answer to the question why there are no written traces of legal literature, apart from royal edicts. ASSMANN assumes that the Egyptians – in comparison with the Mesopotamians – probably had no corresponding level of abstraction. Cf. ASSMANN, *Herrschaft*, 183.

⁷ Apart from king lists the style of a science of lists which is so prominent in Mesopotamia is absent from the extant ancient Egyptian texts. For Egyptian king lists see HALLO, *COS*, vol. 1, 68–73; for a description of the Mesopotamian science of lists – albeit only in connection with LH – see Jean BOTTÉRO, “The ‘Code’ of Hammurabi”, *Mesopotamia: Writing, Reasoning and the Gods*, Bottéro, J. (ed.), Chicago: University of Chicago Press, 169–179.

⁸ E.g., *The Two Brothers* and *The Instructions of Any*. For the texts, see APPENDIX 1.

⁹ E.g., KORNFIELD, “L’adultère”, 92–109; S. LOEWENSTAMM, “The Laws of Adultery in Biblical and Mesopotamian Law”, *AOAT* 204, 1980, 146–153; Manfred HUTTER, “Das Ehebruch-Verbot im altorientalischen und alttestamentlichen Zusammenhang”, *BiLi* 59, 1986, 96–104; Raymond WESTBROOK, “Adultery in Ancient Near Eastern Law”, *RB* 97, 1990, 542–580; and more recently, Sophie LAFONT, *Femmes, droit et justice dans l’Antiquité orientale: Contribution à l’étude du droit pénal au Proche-Orient ancien*, OBO 165, Fribourg: Editions Universitaires, 1999, 29–91.

¹⁰ WESTBROOK, “Adultery”, 543. See also Eckart OTTO, *Theologische Ethik des Alten Testaments*, Stuttgart: Kohlhammer, 1994, 41.

¹¹ It seems to me that rape is considered by the ancient Near Eastern texts as a sub-category of adultery since it is understood as an offence against the husband (see LU §6). Apart from MAL A §55, which deals with the rape of an unbetrothed maiden, all other legal texts mention force of the man as a mitigating circumstance for the wife who is not sentenced with the death penalty but goes free. See LH §130; MAL A §12 and HL §197a. Cf. Deut 22:25–27.

¹² See LH §§129–132.

ancient Near East focuses on *married* women. Hence, the adulterer does not commit adultery against his own wife – if married – but always against the husband of the woman with whom he had sexual intercourse.¹³ As we shall see in the course of this chapter, the activity or passivity of women in connection with adultery receives special attention in the law collections. For example, if it could be proven that a woman initiated adultery with another man, the man was free but she was subject to the death penalty.¹⁴

2.1.3 Marriage in the Ancient Near East

Since adultery is by definition connected with marriage, it seems appropriate to provide an overview of the institution of marriage as understood in the ancient Near East.¹⁵ Although marriage customs varied throughout the centuries and in different regions of the ancient Near East, there still are a few shared characteristics. Firstly, marriage was the normal form of cohabitation of men and women throughout the ancient Near East. “Monogamy was the norm, but a man was allowed to take a second wife if the first did not bear children.”¹⁶ Secondly, getting married usually involved a process that went through at least three phases. The first phase consisted of a formal agreement between two families. This agreement was fixed by a marriage contract,¹⁷ either in written form or orally, sealed by the payment of the *terḥatum*, the ‘bride money’, paid by the groom or his family. The *terḥatum* did not constitute a purchase of the bride but rather served as a compensatory gift from the groom’s family to the bride’s family, mainly for the loss of the capacity for work of the woman and her potential of bearing children.¹⁸ OTTO disagrees with this view because he cannot see that the *terḥatum* was legally binding.¹⁹ In my view, the *terḥatum* was part of the marriage contract and therefore had legal value.²⁰ The size

¹³ See Hans Jochen BOECKER, *Recht und Gesetz im Alten Testament und im Alten Orient*, 1976, 2nd revised and enlarged edition, Neukirchen-Vluyn: Neukirchener Verlag, 1984, 92.

¹⁴ See LU §7.

¹⁵ For further overviews see, for example, DANE, Bienkowski, Piotr and Alan Millard (eds.), London: British Museum Press, 2000, 191 and Victor H. MATTHEWS, “Marriage and Family in the Ancient Near East”, *Marriage and Family in the Biblical World*, Campbell, Ken M. (ed.), Downers Grove: InterVarsity Press, 2003, 6–16.

¹⁶ DANE, 191.

¹⁷ See, for example, LE §§27 and 28: the marriage is only legal *after* the contract is made.

¹⁸ See Millar BURROWS, *The Basis of Israelite Marriage*, American Oriental Series 15, New Haven: American Oriental Society, 1938, 72.

¹⁹ See OTTO, *Theologische Ethik*, 52.

²⁰ I follow MATTHEWS who speaks of a “transfer of legal responsibility”: MATTHEWS, “Marriage and Family”, 10.

of the *terhatum* depended on the virginity of the bride²¹ and the wealth of the families. After the *terhatum* was paid it could still last several years until the couple actually married. Within this period of betrothal – that has also been called ‘inchoate marriage’ – the future wife already belonged to her husband. Therefore, if someone abducted her and had sex with her, it was considered adultery – as if the marriage had already been consummated.²² The second phase of an ancient Near Eastern marriage consisted of the marriage ceremony, lasting from five to seven days.²³ Very little is known of marriage ceremonies in the ancient Near East, probably because they were a common good known to everyone in the particular culture and thus did not need to be described.²⁴ The third and final phase of the establishment of marriage in the ancient Near East was the physical consummation in the sexual union. This consummation was normally accompanied either by witnesses²⁵ or some other sort of testimony, like a blanket with blood stains, testifying to the fact that the bride was still a *virgo intacta*.²⁶

The bride normally received a dowry from her father as well, the size of which appears to have been greater than the *terhatum*.²⁷ MATTHEWS points out that the dowry consisted of the share of property the bride received from her family.²⁸ The dowry was only given in full when the marriage had been consummated, in some cases even later when the first child was born.²⁹ The dowry had two main functions: it served as an “economic incentive to establish the marriage bond” and was intended

²¹ See DANE, 191.

²² The fornicator was punished with the death penalty. See LU §6, most probably referring to an inchoate marriage, since the woman is called the “virgin wife of a young man” and LE §26.

²³ See DANE, 191. It is uncertain if the marriage ceremony was a public feast. MATTHEWS mentions that the groom brought some of his friends and his parents to the ceremony which was held by the bride’s family. The wealthier the family, the longer was the ceremony. In this sense, it was a public procedure. Cf. MATTHEWS, “Marriage and Family”, 11.

²⁴ The same is true for the Old Testament. For a description of the marriage ceremony see MATTHEWS, “Marriage and Family”, 10f.

²⁵ MATTHEWS mentions an official, the *susappinu* who probably served as a witness to the consummation and the wife’s virginity: cf. MATTHEWS, “Marriage and Family”, 10.

²⁶ Cf. Deut 22:15. For an account of the practice of the “blood-stained garment” up until the 20th century AD, see Raphael PATAI, *Sex and Family in the Bible and the Middle East*, New York: Doubleday Dolphin Books, 1959, 66–70. See also 3.2.4.1 DEUTERONOMY 22:13–21.

²⁷ See LH §164: “If his father-in-law should not return to him [*i.e.*, the husband] the bridewealth, he shall deduct the value of her bridewealth from her dowry and restore (the balance of) her dowry to her father’s house.” The extant law collections do not fix a sum for the dowry. In my view, this results from the fact that the dowry represented a part of the father of the bride’s inheritance (fields, orchards etc., see LH §178) which would not be paid out. A few law texts mention cases where no dowry had been given to the bride, see LH §176b and Neo-Babylonian Laws §12: ROTH, *Law Collections*, 116 (LH) and 147. Thus, it is probable that only wealthier families could afford to endow their daughter(s) with a dowry.

²⁸ See MATTHEWS, “Marriage and Family”, 13.

²⁹ This could also apply for the last instalment of the *terhatum*, see DANE, 191.

“to protect the bride’s property should her husband die or the marriage end in divorce.”³⁰

Thus, marriage in the ancient Near East was clearly defined. It came into existence through a legally binding contract between two families, was celebrated in a more or less public ceremony and was consummated in the physical sexual union of the newly-weds right after the ceremonies had taken place. Therefore, adultery in the ancient Near East was understood as the breaking of a marriage contract, “a violation of the marriage agreement”.³¹

2.1.4 Outline of Chapter 2

This chapter is divided into two parts. Firstly, I am going to take a close look at the very nature of ancient Near Eastern law in order to achieve a solid understanding of what ‘law’ meant in ancient Near Eastern times. This understanding will be important for the rest of this study, in the context of the ancient Near Eastern texts as well as point of reference for the legal texts of the Old Testament. Secondly, I am going to discuss different concepts of adultery in ancient Near Eastern texts in order to tie the findings together for comparison with the textual evidence of the Old Testament in chapters 3 and 4. The investigation of ancient Near Eastern texts on adultery enables us thereby to notice similarities to and differences from their Old Testament counterparts. Thus, it serves as point of reference and comparison throughout the current work.

2.2 The Nature of Ancient Near Eastern Law

Obviously, it is difficult – if not impossible – to describe *the* nature of ancient Near Eastern law as if it were a somewhat monolithic body of texts. Nevertheless, it is important to take a close look at it in order to deal with it in an appropriate way since some scholars work with a very modern understanding of (codified) ‘law’ in their investigations of ancient Near Eastern law. Thus, this part of chapter 2 is written to establish an understanding of ‘law’ within the framework of the ancient Near Eastern legal texts. As reference point I take the most famous law collection, **LH**. It is preserved almost complete³² on a stele excavated 1901–1902 at the site of Susa in

³⁰ MATTHEWS, “Marriage and Family”, 14.

³¹ *Ibd.*, 27.

³² ROTH mentions a gap of only 7 columns out of 51 and fills the gaps in her edition with parts from duplicate manuscripts (see ROTH, *Law Collections*, 74).

Southern Iran (now in the Louvre in Paris) and many scholars have written about it, “the longest and best preserved of this genre of documents.”³³ Besides the excellent textual basis, LH was recopied for a long period of time serving for centuries as a scribal ‘textbook’.³⁴

2.2.1 Different Views on the Nature of LH

The discovery of the stele at the Susa site triggered a series of studies on LH.³⁵ Basically, the scholarly discussion about the nature of LH – and ancient Near Eastern law in general – is divided into three different views: the first understands it as a monumental inscription, commemorating the greatness of King Hammurabi. The second looks upon it as an academic, scientific treatise with a somewhat descriptive nature. The third view sees in LH a normative legal force, being rather *prescriptive*. After giving an overview of the different positions mentioned above, I am going to argue for my own position, a middle position between the descriptive and the prescriptive view.

2.2.1.1 LH Is a Commemorative Inscription

Several scholars emphasise the fact that prologue and epilogue of LH radiate the self-advertisement of Hammurabi.³⁶ A few lines from the prologue might suffice as proof:

“I am Hammurabi, the shepherd, selected by the god Enlil ... the capable king ... discerning king, obedient to the god Shamash ... the one who is steeped in wisdom ... the judicious one, the noble one ... the pure prince ... the king who gives life to the city of Adab ... lord of kings ... wise one, the organizer, he who has mastered all wisdom ... who proclaims truth, who guides the population properly ... the pious one, who prays ceaselessly for the great gods...”³⁷

LANDSBERGER calls this “stilistischen Bombast”.³⁸ And RENGER speaks of LH as a commemorative inscription that should keep alive for posterity the memory of the just king Hammurabi.³⁹ On the other hand PREISER emphasises that although self-

³³ BOTTÉRO, “The ‘Code’ of Hammurabi”, 159.

³⁴ See DANE, 176.

³⁵ For an overview and a concise discussion of research into the nature of LH (until 1995) see RENGER, “Noch einmal: Was war der ‘Kodex’ Hammurabi?”, 27–59.

³⁶ See, for example, ASSMANN, *Herrschaft und Heil*, 179f.; William HALLO, *COS*, vol. 2, xxii and RENGER, “Noch einmal: Was war der ‘Kodex’ Hammurabi?”, 51f.

³⁷ ROTH, *Law Collections*, 77–80.

³⁸ LANDSBERGER, “Die babylonischen Termini für Gesetz und Recht”, 221.

³⁹ See RENGER, “Noch einmal: Was war der ‘Kodex’ Hammurabi?”, 51f.

praise was part of the poetic framework of LH and other law collections, it also had a sociological function: it showed the care of the king for an administration of justice that protects the weak.⁴⁰ It is noteworthy that both LU and LL have prologues as well in which the particular king claims his concerns for the weak and declares that he established justice for his people.⁴¹ As in LH, the prologues begin with the connection of the king to the gods who made both Ur-Namma and Lipit-Ishar to be kings. Furthermore, both LU and LL are written in first-person style. Therefore, I understand the prologue and epilogue of LH (which is the youngest of all three law collections) as taking up the same literary devices. In my view, the purpose of the prologues is fourfold:

- (1) To establish the divine origin of the king's office (and thus, his authority).
- (2) To show that the king was obedient to his god's commands.
- (3) To emphasise that the king is a just king, full of care for his people.
- (4) To underline the following legal texts' authority.

Though it is obvious that prologue and epilogue of LH are full of Hammurabi's self-advertisement, it would be too restricted to understand it solely as serving to keep alive Hammurabi's fame in the generations to come. The fact that monumental inscriptions like the stele with LH found at Susa served to spread the fame of a king and reflected his power does not rule out the possibility of LH being a collection of legal texts which at least served as a model for local courts and judges. And this is the position of the protagonists of the descriptive view.

2.2.1.2 LH Is Descriptive

Right after its discovery, LH was classified as 'law code'.⁴² Several renowned scholars have objected to this interpretation and adopted the view that LH is descriptive in nature.⁴³ They understand LH in the context of Mesopotamian list science, as "a 'work of science devoted to the exercise of justice.'"⁴⁴ Raymond

⁴⁰ See Wolfgang PREISER, "Zur rechtlichen Natur der altorientalischen 'Gesetze'", *Festschrift für Karl Engisch zum 70. Geburtstag*, Bockelmann, Paul, Arthur Kaufmann and Ulrich Klug (eds.), Frankfurt am Main: Verlag Klostermann, 1969, 31.

⁴¹ See ROTH, *Law Collections*, 15–17 [LU] and 24–26 [LL].

⁴² See KRAUS, who took the thesis of LH as "Gesetzbuch" as starting point for his article: F.R. KRAUS, "Ein zentrales Problem des altmesopotamischen Rechts: Was ist der Kodex Hammurabi?", *Genava* 8, 1960, 283.

⁴³ See, for example, Jean BOTTÉRO, "The 'Code' of Hammurabi", 156–184; KRAUS, "Ein zentrales Problem", 283–296; Eckart OTTO, "Aspects of Legal Reforms and Reformulations in Ancient Cuneiform and Israelite Law", *TMBCL*, 160–196; Raymond WESTBROOK, "What is the Covenant Code?", *TMBCL*, 15–36.

⁴⁴ BOTTÉRO, "The 'Code' of Hammurabi", 179; cf. KRAUS, "Ein zentrales Problem", 289: "Werk der altbabylonischen wissenschaftlichen Literatur".

WESTBROOK specifies this view, giving exact details on how this work of science came into being:

“For jurisprudence, the starting point was a legal case, perhaps a real case that had been judged by a court [...] or a fictitious case invented for the sake of argument. Preferably it was a case that involved some delicate or liminal legal point that would provide food for discussion and throw into relief more commonplace rules. The case was then stripped of all non-essential facts (e.g., names of the parties, circumstances not relevant to the decision) and turned into a theoretical hypothesis, with its legal solution. Details of the hypothetical circumstances were then altered to create a series of alternatives, for example, that would change liability to non-liability, or would aggravate or mitigate the penalty. That series of variations around a single case formed a scholarly problem, which could be used as a paradigm for teaching or for further discussion.”⁴⁵

According to this view, the ancient law collections are not ‘law’ in the modern sense but rather serve as a model. BOTTÉRO differentiates further: “A law applies to details; a model inspires – which is entirely different.”⁴⁶ He claims to find no trace of the organisation of justice or of criminal law in LH.⁴⁷ I personally find his argument unconvincing. Although on the one hand BOTTÉRO shows quite lucidly that LH is part of the Mesopotamian science of lists that is also characteristic of medical texts,⁴⁸ on the other hand he employs an understanding of codified law that is too modern and thus overlooks how legal texts might have functioned in the ancient Near East:

“The law code of a land is first of all a complete collection of the laws and prescriptions that govern that land: ‘the totality of its legislation’ (*Trésor de la langue française*, V, 975, A:3).”⁴⁹

Thus BOTTÉRO rejects LH as ‘law’ for the reason of its fragmentary content, its illogicality and its ineffectiveness.⁵⁰ In my view, it is problematic to use a dictionary that is solely devoted to the French language of the 19th and 20th centuries⁵¹ in order to explain the function of (allegedly codified) law in ancient Mesopotamia. Furthermore, BOTTÉRO is also employing a linguistic mistake:

⁴⁵ WESTBROOK, “Character”, 18.

⁴⁶ BOTTÉRO, “The ‘Code’ of Hammurabi”, 167.

⁴⁷ Cf. *ibid.*, 161. In our view, it seems more appropriate to claim that LH does not *reflect* an organisation of justice and criminal law as we understand it today.

⁴⁸ See *ibid.*, 169–184.

⁴⁹ *Ibid.*, 161. See *ibid.*, 162, where he defines law “according to the [*i.e.* modern] dictionaries”.

⁵⁰ Cf. *ibid.*, 162.

⁵¹ The full title of the dictionary is “Trésor [*sic*] de la Langue Française: Dictionnaire de la Langue de XIX^e et du XX^e Siècle (1789–1960)”: “Trésor de la langue française”, *Britannica 2002 Deluxe Edition CD-ROM*, 1994–2002, Britannica.com Inc.

“An indirect but solid proof [for the fact that the Mesopotamians had no idea of absolute principles and laws, TK] is that there is not a single word, neither in Akkadian nor in Sumerian, to render what we understand by *principle* or by *law* in the scientific or in the juridical sense.”⁵²

I agree with Sophie LAFONT who writes:

“L’absence d’un terme ne signifie pas pour autant l’inexistence de l’institution qu’il recouvre. Le mot ‘mariage’ n’existe pas en akkadien: devra-t-on utiliser des périphrases pour désigner cette institution abondamment attestée dans les sources? Si aucun assyriologue ne répugne à parler de ‘mariage’, pourquoi censurer l’emploi de ‘loi’ alors même que son existence peut être techniquement constatée?”⁵³

This is a universal linguistic rule: the absence of a word or a technical term in a certain language does not prove that the concept behind it does not exist. Thus, if there is no word for ‘law’ in Akkadian one would need to investigate all phrases (and their contexts) that describe legal practice and/or principles. In my view, LH clearly depicts itself as a judicial work. For example, there are two words that describe legal practice and legislation in LH: *kittum* and *mīšarum*.⁵⁴ Although both can have a variety of meanings, in the context of LH it makes most sense to see their primary reference to the establishment of truth and justice:

“When the god Marduk commanded me to provide just ways for the people of the land (in order to attain) appropriate behaviour, I established truth and justice [*kittam u mīšaram*] as the declaration of the land, I enhanced the well-being of the people.”⁵⁵



Diagram 6: Head of the Stele of LH, Musée de Louvre, Paris

The Louvre stele itself hints at a juridical context. On top of the stele is the picture of Hammurabi standing in front of Šamaš, the god of justice.⁵⁶ The king in the ancient

⁵² *Ibid.*, 178.

⁵³ LAFONT, *Femmes, droit et justice*, 7.

⁵⁴ For further reference, see RENGER, “Noch einmal: Was war der ‚Codex‘ Hammurabi?”, 47 and B. LANDSBERGER, “Die babylonischen Termini für Gesetz und Recht”, *Symbolae ad iura orientis antiqui pertinentes Paulo Koschaker dedicatae, quas adiuvante Th. Folkers ediderunt J. Friedrich, J.G. Lautner*, Leiden: Brill, 1939, 219–234. LANDSBERGER’s article is to my knowledge the only one treating the lexical fields of ‘justice’ and ‘law’ in Akkadian in some depth.

⁵⁵ ROTH, *Law Collections*, 80f.

⁵⁶ Photography from the Louvre by RMN/H. LEWANDOWSKI. BOTTÉRO and KLÍMA see Hammurabi and Marduk, the patron god of the city of Babylon, on top of the stele (BOTTÉRO, “The ‘Code’ of Hammurabi”, 157; Josef KLÍMA, “La perspective historique des lois hammourabiennes”, *Comptes*

Near East was seen as the supreme judge, upholding justice on behalf of the gods he represented.⁵⁷ The king's authority was derived from the authority of his god. Šamaš was the sun-god *and* the god of justice.⁵⁸ He appears in LH in both 'functions', in the prologue three times as (sun-) god and in the epilogue as 'great judge' (*dayyānum rabium*).⁵⁹ Hammurabi calls himself several times 'king of justice' (*šar mišarim*):⁶⁰

“These are the just decisions [*dīnāt mišarim*] which Hammurabi, the able king, has established and thereby has directed the land along the course of truth and the correct way of life... Let any wronged man who has a lawsuit come before the statue of me, the king of justice [*šar mišarim*], and let him have my inscribed stele read aloud to him, thus may he hear my precious pronouncements and let my stele reveal the lawsuit for him... May any king who will appear in the land in the future, at any time, observe the pronouncements of justice [*awât mišarim*] that I inscribed upon my stele.”⁶¹

Hammurabi himself wrote letters to his officials in which he decided in legal matters or delegated legal cases to local judges or other officials.⁶² In the epilogue of LH he claims for himself to “provide just ways for the land” (*mātam uštēšer*). Even the protagonists of the descriptive position – like KRAUS, BOTTÉRO, OTTO and WESTBROOK – would agree with the fact that LH reflects judgments by the ‘great judge’: “Was wir die Gesetze Ḫammu-rabis nennen, waren für ihn selbst und für die Babylonier Rechtssprüche des königlichen Richters.”⁶³ Now the question that arises from here is if the judgments of the ‘supreme judge’ Hammurabi were of *normative* value or not. RENGER lists three reasons why proponents of the descriptive position would not take LH as law(s) in the normative sense:⁶⁴

rendus de séance de l'Academie des Inscriptions et Belles Lettres, Paris, 1972, 305 n. 1), whereas ROTH (*Law Collections*, 73) and the *Encyclopedia Britannica* (“Stela”, *Britannica 2002 Deluxe Edition CD-ROM*) favour Šamaš. I follow their interpretation.

⁵⁷ See DANE, 175; cf. Horst KLENGEL, *Kulturgeschichte des alten Vorderasien*, Berlin: Akademie-Verlag, 1989, 177.

⁵⁸ See DANE, 263f.

⁵⁹ See ROTH, *Law Collections*, 76f. and 137.

⁶⁰ *šar mišarim* is as title employed in the epilogue of LH: in column xlvii twice, and in column xlix (see ROTH, *Law Collections*, 134–6). It is noteworthy that the *Concise Dictionary of Akkadian* translates *mišaru(m)* as “‘justice’ {NĪG.SI.SÁ} 1. of deity, esp. Šamaš”: CDA, Black, Jeremy, Andrew George and Nicholas Postgate (eds.), 2nd (corrected) printing, Wiesbaden: Harrassowitz, 2000, 212.

⁶¹ *Ibd.*, 134f.

⁶² See KLENGEL, *Kulturgeschichte*, 177.

⁶³ KRAUS, “Ein zentrales Problem”, 288.

⁶⁴ See RENGER, “Noch einmal: Was war der ‘Kodex’ Hammurabi?”, 31. Arguments abridged and translated by the present author.

1. LH does not conform to contemporary contracts.
2. LH is nowhere quoted as source of law or to justify a judgment.
3. LH does not cover all conceivable legal institutes or those dealt with in contemporary documents.

Diagram 7: Arguments against LH as Law Collection

- **Reason 1: LH Does Not Conform to Contemporary Contracts**

BOTTÉRO mentions in connection with costs of labour that “contracts regularly state sums that are two times higher on the average [as outlined in LH, TK].”⁶⁵ This is not a convincing contradiction at all: firstly, it could well be that LH expresses *minimum* wages and therefore does not conform to contemporary contracts.⁶⁶ Secondly, as SNELL has pointed out, it is difficult to set standard wages once and for all because they are dependent on the actual economy and on social status.⁶⁷ Thirdly, it might be the reason for the very existence of these contracts that they state sums that are higher than laid out elsewhere in order to *guarantee* higher wages. Moreover, PETSCHOW has shown lucidly that there are more correspondences between LH and contemporary contracts than is apparent at first glance.⁶⁸

- **Reason 2: LH Is Nowhere Quoted as Source of Law or to Justify a Judgment**

LANDSBERGER takes the lack of quotations from LH in contemporary contracts and court documents as proof of the fact that justice was not administered through written law ‘codes’.⁶⁹ Similarly, WESTBROOK points out that the absence of references to the law collections in contemporary evidence gives a “very powerful”⁷⁰ argument from silence because in contrast royal decrees are referred to in contemporary legal practice. How can the non-citation of the ancient Near Eastern law collections – in contrast to the quotation of royal decrees – be interpreted?

In my view, an argument from silence should never have an establishing, but only a supporting function. WESTBROOK himself mentions that there was an “explosion of

⁶⁵ BOTTÉRO, “The ‘Code’ of Hammurabi”, 164.

⁶⁶ Cf. ROTH, *Law Collections*, 6.

⁶⁷ See Daniel C. SNELL, *Life in the Ancient Near East, 3100-322 B.C.E.*, New Haven and London: Yale University Press, 1997, 130.

⁶⁸ See H.P.H. PETSCHOW, “Beiträge zum Codex Hammurapi”, ZA 76, 1986, 24ff.

⁶⁹ See LANDSBERGER, “Die babylonischen Termini für Gesetz und Recht”, 227 and 232. For two possible exceptions see KRAUS, “Ein zentrales Problem”, 292.

⁷⁰ WESTBROOK, “Character”, 19.

citation”⁷¹ in the Hellenistic and Greek periods and a noticeable change in the way texts were cited or referred to from the seventh century BC onwards. He lists Demosthenes (*Against Aristocrates*, 51) and the Mishna (*Ketubot*, 3:5) as examples for the practice of citation in classical antiquity.⁷² In my view, it is difficult to take these as proof since Demosthenes was born more than 1,400 years after Hammurabi⁷³ and the Mishna was redacted by Judah ha-Nasi around AD 200.⁷⁴ Thus, to expect the practice of quoting in ancient Near Eastern texts seems to be an anachronism because exact quotations and the general use of quotes appear only much later, in the 1st millennium BC.

Rather than explaining why the law collections were not quoted in contemporary contracts one could also ask why the royal decrees were quoted. In my view, the reason for the very existence of royal decrees’ references in contemporary contracts could lie in the fact that they *add* something to the common legal tradition. It should not be overlooked that both the royal decrees and the law collections stem from the same source: the king as supreme judge. Both are concerned with legal provisions, with the establishment of justice and order for the king’s subjects. Hence, it seems difficult to postulate a major difference between the two.

Martin BUSS gives yet another possible explanation for the absence of citations in actual legal practice in the ancient Near East. He distinguishes between natural law, “an intrinsic morality based on the presence of inner connections between participants in reality”, and positive law, expressing “a law-giver’s free will, independent from others.”⁷⁵ If the ancient law collections reflected natural law,⁷⁶ they would probably not be cited in legal cases because the legal codes would be considered formulations “of proper law to which the court also has direct access in the social process.”⁷⁷ The strength of this approach is its consideration of social realities that might be quite different from ours today. But its weakness— as BUSS

⁷¹ *Ibd.*, 20.

⁷² See Raymond WESTBROOK, “Cuneiform Law Codes and the Origins of Legislation”, *ZA* 79, 1989, 214. Of course, the Old Testament quotes other biblical passages as well, with the classical formulation כִּכְתוּב (‘it is written’). See, for example, Josh 8:31; 1 Kings 2:3; 2 Kings 23:21; 2 Chron 23:18; 31:3. But this does not necessarily prove the practice of quoting in the 3rd and 2nd millennia BC.

⁷³ 384 BC, to be precise. See “Demosthenes”, *Britannica 2002 Deluxe Edition CD-ROM*.

⁷⁴ See “Judah ha-Nasi”, *Britannica 2002 Deluxe Edition CD-ROM*.

⁷⁵ Martin J. BUSS, “Legal Science and Legislation”, *TMBCL*, Bernard M. Levinson (ed.), Sheffield: Sheffield Academic Press, 1994, 88.

⁷⁶ BUSS’s thesis finds support by BOTTÉRO who emphasises that Mesopotamian law “is essentially an unwritten law”: BOTTÉRO, “The ‘Code’ of Hammurabi”, 181.

⁷⁷ BUSS, “Legal Science”, 89.

himself admits⁷⁸ – lies in the highly probable circumstance that the contrast between natural and positive law would have been foreign to the ancient mind. Nevertheless, BUSS's approach is valuable because it allows for knowledge of the primary audience that can be taken for granted. This is also acknowledged by WESTBROOK: "the [law] codes assume more knowledge than they reveal."⁷⁹

Therefore, it seems difficult to take an argument from silence – a silence that could well result from common knowledge – in order to explain the nature of LH. That LH is nowhere quoted is thus not a convincing argument for it not being a law collection.

Reason 3: LH Does Not Cover All Conceivable Legal Institutions or Those Dealt with in Contemporary Documents

In my view it is more than difficult to claim that LH should cover all legal institutions or achieve completeness in the cases discussed.⁸⁰ It is paradigmatic for laws that they strive for perfection but seldom reach it because they constantly need to adapt to new (social) circumstances. Why, then, should an ancient collection of 'laws' be complete and cover all legal aspects?

HUGENBERGER writes that ancient Near Eastern law "is predominantly concerned with the unusual and difficult, not with what could be assumed."⁸¹ It makes perfect sense that contemporary documents and contracts deal with different cases because they were not dealt with in the extant written law collections and in the oral tradition. As already indicated, the reason for their very existence could well lie in the fact that they *add* something to the common legal tradition. In my view, the incompleteness of the law collections and the gaps contained in them are to be understood in the context of their very nature. LH, for example, never was a law code but a *collection* of laws. As such, it was never meant to be exhaustive and reflected only a certain choice of subjects. Therefore, gaps are only to be expected. Moreover, it has to be questioned if the strive for completion assumed by some scholars does not derive from a modern understanding of 'scientific treatises'.

⁷⁸ See *ibid.*, 90.

⁷⁹ Raymond WESTBROOK, *Studies in Biblical and Cuneiform Law*, Cahiers de la Revue Biblique 26, Paris: Gabalda, 1988, 5.

⁸⁰ PETSCHOW compares LH with the Roman *Law of the Twelve Tablets*. Although there are similarities in content even the much younger Roman law (ca. 450 BC, see "Ancient Rome", *Britannica 2002 Deluxe Edition CD-ROM*.) is very fragmentary: PETSCHOW, "Beiträge zum Codex Hammurapi", 18.

⁸¹ Gordon P. HUGENBERGER, *Marriage as a Covenant: Biblical Law and Ethics as Developed from Malachi*, 1994, Grand Rapids: Baker Books, 1998, 185. Cf. KRAUS, "Ein zentrales Problem", 286.

BOTTÉRO, for example, argues that LH is part of the Mesopotamian list science and could as such be labelled “a work of science devoted to the exercise of *justice*”.⁸² But the fact that LH is formulated in a certain ‘scientific’ or ‘academic’ manner does not automatically rule out the possibility that it still is a collection of laws. This would be a problematic confusion of form and content. WESTBROOK’s statement that LH is formulating scholarly problems⁸³ makes the same mistake and does not take into account that LH could very well have been used as a book in schools and scholarly discussion and still have a direct bearing on legal decisions in daily life.

In conclusion, I would like to point to KRAUS’s remarks on the place of LH in Mesopotamian law: he mentions casually that the documentary evidence is very poor.⁸⁴ This must be kept in mind when we think about the nature of LH (and the other law collections). In many instances, we just do not know enough to make a conclusive statement. But what *can* we know about the normative force of LH? This leads us to the third view of LH.

2.2.1.3 LH Is Prescriptive

Proponents of the prescriptive view underline that LH can very well be a collection of real, normative laws⁸⁵ – in difference to the descriptive view that understands LH as ‘academic treatise’. RENGER lists two reasons why proponents of the prescriptive position would take LH as law(s) in the normative sense:⁸⁶

1. LH is meant to be consulted by everyone seeking justice.
2. LH is the result of a standardisation of law in the empire of Hammurabi.

Diagram 8: Arguments for LH as Law Collection

- **Reason 1: LH Is Meant to Be Consulted by Everyone Seeking Justice**

I have already quoted above⁸⁷ from the epilogue of LH where a man who has a lawsuit is called to come to Hammurabi’s stele in order to understand his lawsuit and

⁸² BOTTÉRO, “The ‘Code’ of Hammurabi”, 179. (italics his)

⁸³ See WESTBROOK, “Character”, 18.

⁸⁴ See KRAUS, “Ein zentrales Problem”, 295.

⁸⁵ See, for example, KLÍMA, “La perspective historique des lois hammourabiennes”, 297–317; Sophie LAFONT, “Ancient Near Eastern Laws: Continuity and Pluralism”, *TMBCL*, 91–118; PETSCHOW, “Beiträge zum Codex Hammurabi”, 17–75 and PREISER, “Zur rechtlichen Natur”, 17–36.

⁸⁶ See RENGER, “Noch einmal: Was war der ‘Kodex’ Hammurabi?”, 31.

⁸⁷ See above, 2.2.1.2 LH Is Descriptive.

calm down (presumably because of the solution to his problem). PETSCHOW concludes that this passage only makes sense if the pronouncements made on the stele have a bearing on real legal cases.⁸⁸ PREISER lists several studies which confirm the application of written law in Mesopotamian and Hittite documents.⁸⁹ ROTH mentions a mudbrick from Susa (19th century BC) and an Old Babylonian letter, both making reference to a “stela”.⁹⁰ From all we know today, it seems highly probable that oral and written legal traditions co-existed in the ancient Near East.⁹¹ Still the question remains how the office of the king as supreme judge fits into the legal practice in the ancient Near East.

Sophie LAFONT writes that “the nature of a legal act depends on its institutional origin, and not on its influence on judicial or contractual life.”⁹² For her, the office of the king as highest judge who derives his authority directly from the gods creates “true legal rules”.⁹³ This ‘institutional approach’ explains very well that the legal rules are binding for the king’s subjects.

- **Reason 2: LH Is the Result of a Standardisation of Law in the Empire of Hammurabi**

The contents of the ancient Near Eastern law collections overlap to a great degree. It can be shown that LH has many similarities with older law collections, like LU, LL and LE. KRAUS assumes that the compiler of LH knew the older law collections and therefore expects direct literary borrowing.⁹⁴ PETSCHOW goes further and ascribes to Hammurabi the creation of unity for his kingdom [*Reichsvereinheitlichung*], not only in respect to politics, administration and military power, but also in the legal sphere.⁹⁵ The main target of this standardisation were the citizens of Hammurabi’s kingdom.⁹⁶ KLÍMA points out that the amount of steles set up by Hammurabi testifies to the fact that he wanted to give his (legal) work the greatest possible publicity.⁹⁷

⁸⁸ See PETSCHOW, “Beiträge zum Codex Hammurapi”, 22.

⁸⁹ See PREISER, “Zur rechtlichen Natur”, 33–35.

⁹⁰ ROTH, *Law Collections*, 6f.

⁹¹ See, for example, PREISER, “Zur rechtlichen Natur”, 30.

⁹² LAFONT, “Ancient Near Eastern Laws”, 95.

⁹³ *Ibid.*, 96.

⁹⁴ See KRAUS, “Ein zentrales Problem”, 290. Cf. LANDSBERGER who mentions specific parallels between LH and Sumerian Law: LANDSBERGER, “Die babylonischen Termini für Gesetz und Recht”, 233 n.50.

⁹⁵ See PETSCHOW, “Beiträge zum Codex Hammurapi”, 21; cf. KLÍMA, “La perspective historique des lois hammourabiennes”, 306.

⁹⁶ See PETSCHOW, “Beiträge zum Codex Hammurapi”, 21; cf. also LANDSBERGER, “Die babylonischen Termini für Gesetz und Recht”, 221: “Nach dem Epilog [of LH] ist die Fixierungen der

The alleged standardisation of law(s) at the end of the reign of Hammurabi has been questioned by many scholars. RENGGER, for example, asks if a kingdom like Hammurabi's really needed a standardised law in order to function and mentions different co-existing manorial laws in England as well as local and regional laws in Germany during the Middle Ages.⁹⁸ But these examples do not necessarily contradict a 'standardised' law. They could also support the possibility that Hammurabi set up his laws and other – presumably oral – laws co-existed with the laws of the king.

Maybe the answer is to be found somewhere in between the two positions: Hammurabi's kingdom did not need a standardisation of law. But if there ever was a formulation of laws in the ancient Near East that pulled together all legal knowledge collected so far and thus served as a model for scribal exercises as well as legal education of officials and legal administration of the people, it most likely was at the end of the reign of Hammurabi.⁹⁹ Most scholars – especially those who understand the law collections as 'codes' – do not seem to consider that laws develop, especially once they are fixed in written form. The extant ancient Near Eastern law collections stand at the very beginning of this process and therefore cannot and should not be compared to today's legal practice.¹⁰⁰

2.2.1.4 What Is the Nature of LH?

In my opinion, it seems highly likely that LH has more than just one purpose. Firstly, self-praise is part of such a monument but can hardly constitute the sole reason for its existence. Moreover, there is only one other primarily legal monument that was written on a stele in the ancient Near East, LL.¹⁰¹ If commemorative inscriptions with legal content were *en vogue* between 1930 and 1750 BC, why was there not

Satzungen im KH [=LH] für das grosse [sic] Publikum bestimmt, bei dem es das Gefühl der Rechtssicherheit ... verstärken soll."

⁹⁷ See KLÍMA, "La perspective historique des lois hammourabiennes", 307.

⁹⁸ See RENGGER, "Noch einmal: Was war der 'Kodex' Hammurabi?", 33.

⁹⁹ KRAUS does not speak of 'standardisation' but of "Rechtsangleichung", in my view a term more suitable to LH: KRAUS, "Ein zentrales Problem", 293.

¹⁰⁰ WESTBROOK argues that the law collections are not normative but "royal edicts" are: WESTBROOK, "Cuneiform Law Codes", 215. In my view, the existence of royal edicts does not contradict the existence and validity of law collections but testifies to the necessity of existing laws' adjustments to contemporary problems and legal development (see for WESTBROOK's denial of legal development below, 2.2.2 THE THESIS OF A COMMON LAW IN THE ANCIENT NEAR EAST). Furthermore, WESTBROOK uses the term 'law code', stating huge differences between the 'codes' and the royal edicts. I have already noted that the use of the term 'law code' might be an anachronism. I also pointed out above that obvious differences could be the very reason for the existence of reform edicts and do not contradict the law collections but support their role.

¹⁰¹ The epilogue of LL testifies that Lipit-Ishtar wrote his law collection on a stele as well which has got lost (see ROTH, *Law Collections*, 34). Maybe Hammurabi was inspired by LL and thus put his law collection on steles (besides the fact that they thus achieved greater publicity)?

something like a Renaissance of commemorative inscriptions with legal content by any of the great Babylonian kings in the 1st millennium BC? Does not the fact that LH has been copied and preserved for more than a thousand years contradict the thesis of its purpose as just a commemorative inscription? PREISER mentions that several editions of LH had been found in the library of Assurbanipal (669-627 BC). I agree with him that the reason for this collection most probably was not only in its potential for scribal exercises but must have had also practical (*i.e.*, juridical) reasons.¹⁰²

Secondly, LH definitely is a work of Mesopotamian science, as BOTTÉRO has convincingly shown.¹⁰³ But it is also very likely that LH is not merely descriptive, not just a litany of scholarly problems or a model for perfect judging but rather reflects a king's justice for his people, especially the weak in society.¹⁰⁴ Both the public nature of LH and its accessibility throughout Hammurabi's kingdom make it seem unlikely that it is a merely descriptive text. The epilogue itself hints at the legislative value of LH for the citizens of Hammurabi's kingdom:

“Let any wronged man who has a lawsuit come before the statue of me, the king of justice, and let him have my inscribed stela read aloud to him... and let my stela reveal the lawsuit for him; may he examine his case, may he calm his (troubled) heart...”¹⁰⁵

The nature of LH can be discerned only if one takes it as a whole within its ancient Near Eastern context. I agree with RENGER who points out that the conclusions of scholars working on the nature of LH could well result from the underlying axioms of the (continental) European legal culture which differs from the Anglo-Saxon precedence law (“Präzedenzrecht”).¹⁰⁶

Thus, it seems to me that if one looks solely at the prologue and epilogue of LH, one ends up by explaining the monument as the self-glorification of Hammurabi. Secondly, if one focuses only on the lists of laws in the main part of LH, the ‘Mesopotamian scientific style’, one ends up explaining the monument from its academic background. In my view, LH is undeniably a scholarly work but it is also a collection of laws. These laws might not have the same connotation as our modern laws but still they reflect legal practice and thus preserved the laws of the past and

¹⁰² See PREISER, “Zur rechtlichen Natur”, 34.

¹⁰³ See BOTTÉRO, “The ‘Code’ of Hammurabi”, 169–184.

¹⁰⁴ See KLÍMA, “La perspective historique des lois hammourabiennes”, 312 and PREISER, “Zur rechtlichen Natur”, 31.

¹⁰⁵ ROTH, *Law Collections*, 134.

¹⁰⁶ See RENGER, “Noch einmal: Was war der ‘Kodex’ Hammurabi?”, 30.

(then) present for the judges and the citizens of the future. Thirdly, if one sets out to see a law code in LH, being as normative as modern law codes, one is looking at the wrong end. RINGER points out that there was a wave of codifications of law in Europe at the transition from the 19th to the 20th century AD.¹⁰⁷ It is highly likely that this contemporary European atmosphere made the scholars who found LH in 1901/1902 predisposed to believe they had found a ‘law code’. Thus, to expect a codification of law might be very unlikely – if not anachronistic – for ancient Near Eastern times. RINGER argues that it would be in vain to seek in LH a complete and systematic law code.¹⁰⁸

In my opinion, the split between ‘academic’ and ‘normative’ seems suspiciously modern. At the very least the law collections described certain sentences or legal procedures. They served as a model for judges thus influencing sentences and judgments. Moreover, at least in the cases of LL and LH, they were publicly displayed on steles for ready reference.¹⁰⁹ Even if most of the people were not able to read, they were able to understand what these steles stood for and what they meant for them. It is interesting to note that a stele is mentioned only in the epilogues of LL and LH: only after the laws were written and thus somewhat fixed can they be – and should they be – referred to.

Therefore, I would like to argue for a middle position¹¹⁰ which neither denies the ‘academic’ nature (form) nor the normative force (content) of ancient Near Eastern law without falling into the pitfall of ‘codified’ law. I agree with ROTH who writes about the law collections in Mesopotamia and Asia Minor:

“Some of the collections, like the famous Laws of Hammurabi, achieved a wide audience throughout Mesopotamia for centuries; others [...] were scribal exercises limited to a local school center. All, however, reflected and influenced contemporary legal practice in the scribes’ recordings of contracts, administrative documents, and court cases...”¹¹¹

The main purpose of law is to bring order into a society. There is a sociological need for a certain set of rules in any society.¹¹² LU, LL and LH all emphasise that the king established order for his people and thus brought the oral legal tradition into written

¹⁰⁷ RINGER, “Noch einmal: Was war der ‘Kodex’ Hammurabi?“, 27.

¹⁰⁸ *Ibid.*, 36.

¹⁰⁹ See the epilogues of both LL and LH.

¹¹⁰ My position stands in contrast to RINGER who points out that middle positions are mostly not conclusive. RINGER, “Noch einmal: Was war der ‘Kodex’ Hammurabi?“, 29.

¹¹¹ ROTH, *Law Collections*, 1.

¹¹² Thus, ROTH writes that the royal edicts, court cases, law collections, scribal exercises etc. “are all evidence of law as a function of social life [...] and are clear reflections of the ancient Near Eastern concern for justice.” (ROTH, *Law Collections*, 7.)

form. This neither constitutes the exhaustiveness of the law collections nor does it mean the disappearance of the oral legal tradition. Rather, the law collections testify to the understanding of the king as supreme judge, written down in academic style with normative force. In the end, this testifies to the righteousness of the king: he did his job for his people.

2.2.2 The Thesis of a Common Law in the Ancient Near East

We have seen so far that there are several law collections in the ancient Near East. The similarities – both in form and content – between the different collections raise the question how they relate to each other. In a major study on biblical and cuneiform law, WESTBROOK argues that there is a common law in the ancient Near East, from the 3rd up until the 1st millennium:

“All we can say is that the connection [between cuneiform and biblical law, TK] is definitely not coincidental: the common elements that can be identified in the different systems go far beyond what might be assumed to be an inevitable similarity in the problems facing societies with the same economic and social structure and their solutions thereto.”¹¹³

KRAUS assumes that the writer of LH knew older law collections, like LU and LL.¹¹⁴ All three have the same tripartite structure: prologue, collection of legal rules and epilogue.¹¹⁵ Apart from this agreement in form there also is an agreement in content. Thus WESTBROOK ascribes to the different law collections “a remarkable continuity in fundamental juridical concepts over the course of three millennia.”¹¹⁶

A common legal heritage in the ancient Near East should not be confused with the English Common Law or the *lex Romana* as single law with validity for a whole empire.¹¹⁷ Rather, it reflects a common legal tradition that found stability in the shared social structure of more or less smaller kingdoms in a certain region between today’s Iran, Turkey and Egypt – the ancient Near East. Thus WESTBROOK ascribes a shared legal ontology to the ancient Near Eastern law systems: “a way of looking at the law that reflected their view of the world and determined the horizon of the lawmaker.”¹¹⁸

¹¹³ WESTBROOK, *Studies*, 1.

¹¹⁴ See KRAUS, “Ein zentrales Problem”, 290.

¹¹⁵ See WESTBROOK, “Character”, 9.

¹¹⁶ *Ibd.*, 4.

¹¹⁷ *Ibd.*, 2.

¹¹⁸ WESTBROOK, “Character”, 4.

This leads to the question whether the legal tradition in the ancient Near East was ever open to change and development. WESTBROOK rejects this:

“A legal system cannot be more advanced than its social and intellectual environment: the social environment was hostile to change, while the intellectual environment lacked the tools to give legal expression to anything more than superficial reforms.”¹¹⁹

According to WESTBROOK, only the advent of Greek reasoning and intellectuality in the seventh century BC made legal reforms possible and established a legal system that “remains the norm for us today.”¹²⁰ Thus the legal systems of the ancient Near East were somewhat monolithic up until well into the 1st millennium BC.

This view has been convincingly contested by both BOTTÉRO, who denies that there ever was a lasting legislation in Mesopotamia, and GREENGUS, who shows certain changes in legislation, especially in the Hittite laws (HL).¹²¹ Therefore, I would like to opt for a modification of WESTBROOK’s understanding.

The extant ancient Near Eastern law collections overlap a great deal in form as well as in content. Furthermore, the different kingdoms or empires were organised in a very similar way.¹²² Thus, on one hand it is possible to speak of ‘ancient Near Eastern law’, not as a monolithic corpus of fixed literature but as a common legal tradition that shows a remarkable constancy from the 3rd up until the 1st millennium BC. On the other hand, however, one has to allow for changes, reforms and particularities within this coherent legal tradition. Hence, I assume a common legal tradition that was – at least to a certain degree – open to development.¹²³

2.3 Concepts of Adultery in Ancient Near Eastern Texts

There are numerous ancient Near Eastern texts dealing with adultery which can be found in Appendix 1.¹²⁴ Since the quotation of these texts already takes up nine

¹¹⁹ Raymond WESTBROOK, “What is the Covenant Code?”, 28.

¹²⁰ WESTBROOK, “What is the Covenant Code?”, 28.

¹²¹ See J. BOTTÉRO, “The ‘Code’ of Hammurabi”, 160 and S. GREENGUS, “Some Issues Relating to the Comparability of Laws and the Coherence of the Legal Tradition”, *TMBCL*, Bernard M. Levinson (ed.), Sheffield: Sheffield Academic Press, 1994, 60–87. Cf. also OTTO, “Aspects”, 163 and PREISER, “Zur rechtlichen Natur”, 31.

¹²² For an overview of the ancient Near Eastern culture and the success of the model ‘state’ see Horst KLENGEL, *Kulturgeschichte*, 504–512.

¹²³ One further argument for a common legal tradition might be provided by the fact that LE, LH and MAL all use the same language – Akkadian –, although the language gradually changed.

¹²⁴ Obviously, it is difficult – if not impossible – to list all ancient Near Eastern texts on adultery because the number of clay tablets discovered is growing annually and not all of them are accessible for research. Nevertheless, I tried to find all texts on adultery in the standard works like ROTH, *Law Collections*; HALLO, *COS*; W.G. LAMBERT, *Babylonian Wisdom Literature*, Oxford: Clarendon, 1960; Wolfgang HEIMPEL, *Letters to the King of Mari: a New Translation, with Historical Introduction*,

pages, it would be far beyond the scale of the current work to deal with every text on its own. Therefore, I chose a conceptual approach to portray the main statements of the ancient Near Eastern texts on adultery. In the course of this section it will become evident that the texts show consistency in their view of adultery which justifies a rather conceptual approach. This approach will be used again in the final sections of chapters 3 and 4 in order to tie the findings of the exegetical work of the Old Testament texts together and show up conceptual similarities as well as differences from the ancient Near Eastern treatment of adultery.

2.3.1 Death Penalty and the Husband's Revenge

For a modern reader of the ancient Near Eastern texts on adultery, the death penalty stands out as a very prominent feature in these texts.¹²⁵ It will become evident through the treatment of the different concepts on adultery in ancient Near Eastern texts that adultery was looked at as a capital crime. All of the ancient Near Eastern texts on adultery quoted in the Appendix agree on the death penalty for adultery, even the oldest extant law collection (LU).¹²⁶ In my view, it is impossible to investigate the death penalty in isolation from its social context.

WESTBROOK lists adultery among other 'serious wrongs': "homicide, injury, rape, perjury, theft... insult and slander."¹²⁷ Capital crimes such as murder and adultery are always connected to the family, they are an attack on the nucleus of society and as such a general threat to the social order.¹²⁸ Since adultery is a capital crime, a trial required a thorough establishment of guilt.¹²⁹ At the beginning of a trial stood the

Notes, and Commentary, Winona Lake: Eisenbrauns, 2003 and William Kelly SIMPSON (ed.), *The Literature of Ancient Egypt: An Antology of Stories, Instructions, and Poetry*, 1972, new edition, New Haven and London: Yale University Press, 1973.

¹²⁵ The death penalty was a common punishment for adultery throughout all times. For a short and thus somewhat incomplete overview of the punishment of adultery from the 3rd millennium BC up until the Middle Ages see: Daniel E. MURRAY, "Ancient Laws on Adultery: a Synopsis", *Journal of Family Law* 1, Louisiana/Kentucky: School, 1961, 89–104.

¹²⁶ See APPENDIX 1.

¹²⁷ WESTBROOK, "Character", 77.

¹²⁸ KLENGEL calls the protection of the family as nucleus of society an important concern of Hammurabi: KLENGEL, *Kulturgeschichte*, 178. The same is true in ancient Israel. See, for example the 'refrain' in Deuteronomy 22:21, 22, 23: "You shall purge the evil from Israel/from your midst" in the list of commandments concerning adultery. See my exposition of these passages in 3.2.4 THE TREATMENT OF ADULTERY IN DEUTERONOMY 22.

¹²⁹ See also 2.3.6 ESTABLISHING THE LEGAL CASE. For an overview of ancient Near Eastern judicial procedures see BOECKER, *Recht und Gesetz*, 15–19.

plaintiff, producing a charge.¹³⁰ Then witnesses were examined and proofs produced (if available):

MAL A §9: If a man lays a hand upon a woman, attacking her like a rutting bull (?), and they prove the charges against him and find him guilty, they shall cut off one of his fingers. If he should kiss her, they shall draw his lower lip across the blade (?) of an ax and cut it off.”¹³¹

The legal texts explain in detail if a person is guilty of having committed adultery.¹³²

The logic is compelling: only a person that is proven to be guilty of adultery is going to suffer (severe) consequences.¹³³ I follow OTTO in his understanding of the death penalty as protective law:

“Wer die Normen bricht, verläßt die schützende Familie und wird mit der Übergabe an den Tod von ihr verlassen Grundnormen des Zusammenlebens in der gentilen Rechtsgemeinschaft, deren ständige Übertretung ein Überleben der Familie unmöglich machen würde, werden durch die Generalprävention der Todesstrafe geschützt.“¹³⁴

The death sentence is a severe sentence which means definite expulsion from life. The only convincing reason for the rigidity with which the death penalty is imposed lies in the common good the law wants to protect. Adultery destroys the social order. Whoever commits adultery puts himself outside of society by a serious wrong¹³⁵ against another man. Furthermore, adultery was an assault on the patrilineal succession and the protected state of a married woman.

Although ancient Near Eastern texts agree on the death penalty as a ‘standard punishment’ for adultery, they also allow for exceptions. These are to be found in **LH** §129, **MAL A** §§14-16 and 22-23 and **HL** §198.

¹³⁰ In his discussion of Old Babylonian trial records, WESTBROOK lists four main components for a trial: “the parties, the claims, significant evidence, and the verdict.” (WESTBROOK, “Character”, 7f.)

¹³¹ ROTH, *Law Collections*, 157 (question marks hers). Although this present study focuses on the penalty for adultery, it should be mentioned that the ancient Near Eastern texts reflect a great variety of punishments. Apart from the mutilation just mentioned above, impaling was another sort of punishment, ensuring that the offender’s soul had no rest in afterlife. See, for example, **LH** §153 (in case of murder) and **MAL A** §53 (in case of abortion). The same is true for hanging, see **LH** §21. The Old Testament mentions mutilation only in case of a woman touching another man’s private parts with her hand, see Deut 25:11f. Moreover, although hanging was a means of executing the death penalty, it was forbidden to let the culprit hang on a tree overnight, see Deut 21:23. The main method of punishment for adultery in the Old Testament seems to have been stoning, see Deut 22:21.

¹³² See **MAL A** §23, where apparently all parties were questioned in order to establish the sentence.

¹³³ See below, 2.3.6 ESTABLISHING THE LEGAL CASE.

¹³⁴ OTTO, *Theologische Ethik*, 39.

¹³⁵ Adultery in Egypt was known as the “great sin” or “great wrong”. See in the **APPENDIX 1** the Egyptian tale of *The Two Brothers*, where the younger brother calls it a “great wrong”. Cf. the story of Abraham and Abimelech where the latter calls sexual intercourse with Abraham’s wife (not knowing that she was his wife) a “great sin” (Gen 20:9).

LH §129 and HL §198 are marked as exceptions from the rule because in both cases the wife's husband appeals to the king in order to save his wife's life.¹³⁶ It is in the power of the king to save life and to grant life. Thus, the decision to let his wife live was settled through an appeal of the wronged husband to the highest legal authority, the king. The treatment in MAL A seems to be different. Although MAL A §§12–13 clearly prescribe the death penalty for adultery, the following paragraphs introduce two additional legal principles¹³⁷ which are maintained independent of any appeal to the king:¹³⁸ the first is the principle of punishment at the wronged party's discretion since it is in the wronged husband's authority to decide what happens to his wife. The second is the principle of equal punishment because the adulterer is to be punished in the same way as the husband's wife.

OTTO argues that MAL A §§12 and 13 are "*leges generales*" whereas §§ 14–16 are "*leges speciales*."¹³⁹ His thesis finds support in the difference of punishment: MAL A §§12 and 13 show that rape and adultery are crimes worthy of the death penalty whereas §§14–16 seem to leave the punishment open to the disposition of the wronged husband which brings a new aspect to the allegedly general rule. What OTTO fails to consider, though, is that MAL A §§12–16 are primarily concerned with the establishment of guilt¹⁴⁰ and not with the question of special or general laws. Thus, there are two recurring facts in the legal cases' description: the location of the adultery¹⁴¹ and the intentions of the parties.¹⁴² In my opinion, if there is a *lex generalis* or a *locus classicus* for adultery in these paragraphs it would most probably

¹³⁶ For a comprehensive summary of the role of the king in ancient Near Eastern law see WESTBROOK, "Character", 25–31. The king was the embodiment of the state, ruler of the people, authorised by the gods. Although he was the primary law-giver, the king was not an absolute ruler but subject to (the legislation of) the gods.

¹³⁷ Both principles are stated in MAL A § 14: "... they shall treat the fornicator as the man declares he wishes his wife to be treated."

¹³⁸ Although the king and the judges are mentioned in MAL A § 15, the power to kill, lacerate or release seems to be entirely in the hand of the wronged husband. For a detailed form-critical treatment of MAL A §§12–16 see Eckart OTTO, "Das Eherecht im Mittelasyrischen Kodex und im Deuteronomium: Tradition und Redaktion in den §§12-16 der Tafel A des Mittelasyrischen Kodex und in Dtn 22,22-29", *Festschrift für Kurt Bergerhof zur Vollendung seines 70. Lebensjahres am 7. Mai 1992*, Dietrich, Manfred and Oswald Loretz (eds.), Kevelaer: Butzon & Bercker, 1993, 262–273; cf. also OTTO, "Aspects", *TMBCL*, 1994, 167f.

¹³⁹ OTTO, "Das Eherecht im Mittelasyrischen Kodex und im Deuteronomium", 265.

¹⁴⁰ *ubta 'eruš*, [they] "prove the charges against him" (MAL A §§12 and 15).

¹⁴¹ "...the main thoroughfare..." (§12), "...out of her own house [...] to another man where he resides..." (§13), "... in an inn or in the main thoroughfare..." (§14).

¹⁴² "... knowing that she is the wife of a man..." (§§13 and 14), "... without knowing that she is the wife of a man..." (§14).

be MAL A §15a: “If a man should seize another man upon his wife and they prove the charges against him and find him guilty, they shall kill both of them.”¹⁴³

Furthermore, OTTO distinguishes sharply between public and private criminal law and concludes that MAL A §15 shows the redactorial intention to mediate public law and the disposition of the wronged husband (as private law).¹⁴⁴ It is questionable if such a distinction between public and private law applies to the ancient Near East. In my opinion, MAL A §§12–16 do not support OTTO’s distinction. Whenever the texts speak of the death penalty, it is always in connection with a plural.¹⁴⁵ It was thus normally a group of people which executed the penalty, not the wronged husband on his own. Thus, MAL A §§12–16 are all part of public law. In §12 it is only *after* the witnesses proved the charges that they execute the death penalty on the fornicator. §13 leaves out the witnesses and charges but sticks to the plural in the execution of the death penalty. It seems appropriate to conclude that witnesses and charges are implied. §14 also uses a plural when speaking of the treatment of the fornicator, implying that it is not left solely to the husband’s discretion. This is supported by the last part of the paragraph where the husband is allowed to treat his wife as he wishes, but once again only *after* he proved the charges against his wife, presumably before the local court.¹⁴⁶ MAL A §15 also expresses in two places that the execution of the death penalty follows the proving of the charges made by the wronged husband.

MAL A §16a leaves it somewhat unclear whether the husband is allowed to punish his wife without a legal case. It is noteworthy that the husband needs to find out that the other man was invited by his wife. The text is too incomplete to give an answer here. One possible explanation could be that the husband discovers his wife and her lover *in flagrante delicto* in his own house. But the text neither says anything about the location nor about the way of discovery. It rather focuses on the fact that the wife invited the other man to adultery. If one looks at MAL A §16b where the treatment of the fornicator is connected to proven charges¹⁴⁷ it seems probable that the same also was the case – and as such, was implied – in §16a: the husband can only know that

¹⁴³ ROTH, *Law Collections*, 158.

¹⁴⁴ See OTTO, “Das Eherecht im Mittelassyrischen Kodex und im Deuteronomium“, 269; *cf.* also OTTO, “Aspects“, 167.

¹⁴⁵ *idukku* in §§12 and 13, with pronominal suffix = *iddukušunu* in §15. OTTO interprets this rightly as “öffentliche Strafverfolgung”: OTTO, “Das Eherecht im Mittelassyrischen Kodex und im Deuteronomium“, 271.

¹⁴⁶ HUTTER is thus not entirely right when he writes: “Die Gerichtsbarkeit liegt dabei in den Händen des betrogenen Ehemannes, der die beiden Ehebrecher töten, begnadigen oder an das Königsgeschick ausliefern kann.” (HUTTER, “Das Ehebruch-Verbot“, 99.)

¹⁴⁷ *Cf.* also the provement of charges in MAL A §§12, 14 and 15.

his wife invited the other man if there are proven charges. The text leaves open the kind of punishment and therefore even the death penalty could be in view (*cf.* MAL A §15).

Thus, in the context of MAL A §§12–16 it is difficult to argue that the husband was allowed to treat his wife as he wished, without proper charges. Therefore, I only partly agree with OTTO's thesis of a general "Dispositionsrecht des Ehemannes,"¹⁴⁸ especially when the death penalty is involved. According to §§14–16 the husband obviously had the right to decide the measure of the punishment, but only *after* the guilt had been established. Furthermore, if the guilt of both adulterers was given, the fornicator and the wife received the same punishment in order to prevent fraud.¹⁴⁹ The death penalty could be imposed only after the charge was proven and it was not left to the husband's discretion to impose it without an established legal case. MAL A §§12–16 therefore serve as exceptions from the rule, within clearly established legal parameters.¹⁵⁰

HL §197 is concerned with the location of the adultery in order to establish guilt: in the mountains, it is the man's offence; in the house, it is the woman's offence. If the husband discovers both *in flagrante delicto*, "he may kill them without committing a crime."¹⁵¹ In contrast to MAL A §16, here we do find the motif of *in flagrante delicto* and the explicit notion that the killing goes unpunished and does not need a proper trial.¹⁵² Nevertheless, the appeal to the court is treated in HL §198: the husband may spare the couple's lives or may have them executed,¹⁵³ in connection with an appeal to the king.¹⁵⁴ HL §197 could thus be understood as an exception from the rule that is only given with the motif of catching the adulterers *in flagrante delicto*.

The following additional paragraphs speak of the death penalty for adultery: LU §6–7, LE §§26 and 28, LH §§129–130, 133b; MAL A §23. It is evident from Egyptian

¹⁴⁸ OTTO, "Das Eherecht im Mittelasyrischen Kodex und im Deuteronomium", 265. *Cf.* also Moshe GREENBERG, "Some Postulates of Biblical Criminal Law", Yehezkel Kaufmann Jubilee Volume, Haran, Menachem (ed.), Jerusalem: Magnes Press, 1960, 12.

¹⁴⁹ If only the lover was killed and not the wife, it could be an easy way to get rid of someone. See WESTBROOK, "Adultery", 551.

¹⁵⁰ The same is true for MAL A §§22 and 23, where the plural for the punishment indicates a legal procedure as well. Still, the principle of equal punishment applies.

¹⁵¹ ROTH, *Law Collections*, 237.

¹⁵² The only other ancient Near Eastern text that mentions a killing by the husband without a proper trial is the Egyptian text *The Two Brothers*. See the text in APPENDIX I.

¹⁵³ Here again, the same principle as in MAL A §§15–16 is applied: the treatment of the wife should be identical to that of the fornicator.

¹⁵⁴ WESTBROOK writes about the role of the king in the judicial process: "certain serious crimes involving the death penalty were reserved for the king." (WESTBROOK, "Character", 30.)

texts, like *The Two Brothers* that adultery was understood as “great wrong” that is worthy of death: the husband “killed his [adulterous] wife”.¹⁵⁵ Therefore, the *Instructions of Any* call adultery “a great deadly crime.”¹⁵⁶

In his treatment of the death penalty WESTBROOK argues for the co-existence of different remedies for crimes:

“The various paragraphs of the different codes sometimes concentrate on one aspect – setting the appropriate revenge (such as talion) – and sometimes on the other – giving a tariff of fixed rates of ransom. In all cases the hidden assumption is that the alternative – ransom or revenge – still exists. But that possibility is revealed only occasionally in the sources, almost by accident, and incidentally to some other concern.”¹⁵⁷

According to WESTBROOK this system applies to the death penalty as well, thus understanding the death penalty as “nothing more than the limit imposed in principle on the husband’s right to revenge by the courts.”¹⁵⁸ Although it is true that the husband had the right to impose the death penalty – normally only after the charges were proven¹⁵⁹ – it is also true that all ancient Near Eastern texts agree on the death penalty for adultery. In my view, the extant exceptions to this rule did not allow the husband the right to impose the death penalty – because the death penalty was the agreed punishment for adultery anyway – but rather gave the husband (or the king) something near the right of *veto*. In several cases, the husband had the right to choose an alternative punishment. If WESTBROOK’s assumption were right, why is there not at least one extant text that mentions the possibility of pecuniary ransom in the case of adultery with a free woman, which is a frequent punishment imposed by the courts for adultery with a slave woman?¹⁶⁰ WESTBROOK acknowledges that there is no extant cuneiform source that applies the “revenge/ransom system to adultery” and thus takes the Greek law code of Gortyn that clearly prescribes ransom for adultery.¹⁶¹

¹⁵⁵ Text from HALLO, *COS*, vol. 1, 85-87. See the text in APPENDIX 1.

¹⁵⁶ *Ibd.*, 111.

¹⁵⁷ WESTBROOK, “Adultery”, 564.

¹⁵⁸ *Ibd.*, 565.

¹⁵⁹ HL §197 is the one exception to the rule (maybe also MAL A §16, see my discussion above). But even here, HL §198 qualifies this exception by opening up the possibility of a legal procedure.

¹⁶⁰ See below, 2.3.5 THE ROLE OF SOCIAL STATUS.

¹⁶¹ WESTBROOK, “Adultery”, 565. For the text see APPENDIX 1. The problems with the law code of Gortyn which dates from the late fifth century BC (see “Greek Law”, *Britannica 2002 Deluxe Edition CD-ROM*) lie in the fact that it does not mention the death penalty at all and that it belongs to an age and culture different from the ancient Near Eastern law collections. Although WESTBROOK supposes ancient Near Eastern influence on the code of Gortyn and the code of Gortyn seems to reflect more ancient legal practices, it is still questionable whether this adds anything to our discussion within the

In his treatment on adultery, FINKELSTEIN argues that the death penalty is not the standard penalty for adultery. He writes that it is not the serious crime it seems to be from a first reading of the ‘law codes’ and chooses LH §127 as example for the exclusion of “the death penalty in the case of an unproven charge of adultery.”¹⁶² It seems helpful to quote LH §127 in full:

“If a man causes a finger to be pointed in accusation against an *ugbaltu*¹⁶³ or against a man’s wife but cannot bring proof, they shall flog that man before the judges and they shall shave off half of his hair.”¹⁶⁴

There are at least three reasons why I find FINKELSTEIN’s argument unconvincing: firstly, LH §127 does not speak of adultery, but of an accusation which could be almost any accusation. Secondly, this law is not concerned with the unfaithfulness of a wife leading to adultery but with malicious gossip. This is supported by the use of the term *ugbaltu*: this law is not just about a wife but about a priestess.¹⁶⁵ Thirdly, it is not a direct accusation that the man is bringing forward but an indirect one: he is *causing others* to point the finger at a woman, presumably by spreading rumours. Thus, this case is not comparable to MAL A §18 – where a man spreads the rumour “everyone has sex with your wife”¹⁶⁶ –, as FINKELSTEIN assumes.¹⁶⁷

I would like to conclude this section with a few remarks on the death penalty. Although we have seen the possibility of an alternative punishment, even a probable release through the husband and/or the king in LH §129, MAL A §§14–16 and 22–23 and HL §198, the main punishment for adultery was the death penalty. Furthermore, any alternative punishment was normally bound to a proper legal procedure. In the light of my study I would like to adjust the two legal principles mentioned above: the first is the principle of punishment at the wronged party’s discretion since it is in the wronged husband’s authority to decide what happens to his wife, but only *within the*

ancient Near Eastern context. WESTBROOK continues with citing the Odyssey where “Hephaistos binds his wife and her paramour to the bed, the issue is resolved by ransom.” (WESTBROOK, “Adultery”, 565.) Obviously, as gods are immortal, the lover cannot be killed – as WESTBROOK acknowledges – but one wonders why he cites Greek texts to find a proof for a problem that relates to ancient Near Eastern texts. For the text of the law code of Gortyn see APPENDIX 1.

¹⁶² J.J. FINKELSTEIN, “Sex Offenses in Sumerian Laws”, *JAOS* 86, 1966, 371.

¹⁶³ An *ugbaltu(m)* is a “(kind of) priestess“: *CAD*, 418.

¹⁶⁴ ROTH, *Law Collections*, 105.

¹⁶⁵ Priestesses had a certain standing in society and thus malicious gossip seems to be nearer to the text than adultery. Moreover, we do not have one single text where a priestess commits adultery although there are several texts that speak of cult prostitution. Therefore, it seems rather unlikely that adultery is in view here. For priestesses see also the *DANE*, 234.

¹⁶⁶ See the full text in APPENDIX 1.

¹⁶⁷ See FINKELSTEIN, “Sex Offenses”, 371.

framework of the established legal procedures. The second is the principle of equal punishment since the adulterer is to be punished in the same way as the husband's wife *after the charges are proven*, in order to prevent fraud.

It must be added that these two principles could well reflect a later development because they only appear in the younger law collections, **HL** and **MAL A**. This leads to the general conclusion that the death penalty was mandatory and practiced throughout the ancient Near East¹⁶⁸ and could only be averted by a higher authority like the wronged husband¹⁶⁹ or the king as supreme judge. Since both the prosecution of adultery and the execution of the death penalty in a substantiated case of adultery were largely a matter of the community,¹⁷⁰ it might be difficult to maintain that adultery in the ancient Near East is just a 'private' crime against one person, the husband. Rather, it was both a private *and* a public crime:

“La nature de la condamnation à Babylone montre que l’adultère y était en même temps un délit particulier contre le droit du mari et un délit public contre l’ensemble de la communauté.”¹⁷¹

2.3.2 Vicarious Punishment

Another peculiarity of ancient Near Eastern law is vicarious punishment. GREENBERG defines vicarious punishment as the infliction “of a penalty on the person of one other than the actual culprit.”¹⁷² He lists several laws that include this sort of punishment - in **LH**, **MAL A** and **HL** - one of which is important for my discussion: **MAL A** § 55. This law describes the right of a father of an unbetrothed girl that has been raped to take the wife of the rapist and hand her over to be raped as well. Thus, not the rapist is punished directly but his wife – and presumably his whole household since the wife shall not return to her husband. **MAL A** consequently extends the principle of talion to rape.¹⁷³ The punishment of the wife is considered as

¹⁶⁸ Besides the exceptions dealt with above, there is another exception to the rule: *A Trial for Adultery* takes adultery as reason for divorce, see HALLO, *COS*, vol. 3, 311. But even there, it might well be that the husband pardoned his wife (that she could stay alive) but still wanted to get divorced after what happened. The whole court case seems to deal with divorce rather than adultery, the latter being the gravest of the offences listed. The punishment of the wife consists of humiliation since she gets shaved and pierced with an arrow through her nose. The punishment was corporate since “they pierced her nose.”

¹⁶⁹ In the context of the ancient Near East, the husband had special authority over his wife.

¹⁷⁰ See below, 2.3.6 ESTABLISHING THE LEGAL CASE.

¹⁷¹ KORNFELD, “L’adultère dans l’orient antique”, 96. See also LAFONT, *Femmes, droit et justice*, 33.

¹⁷² GREENBERG, “Postulates”, 20. PHILLIPS writes that the idea of vicarious punishment is entirely absent from Old Testament texts. See Anthony PHILLIPS, “Another Look at Murder”, *JJS* 28, 1977, 110f.

¹⁷³ There is no extant law that applies vicarious punishment to adultery but I still list it here because it has been applied to sexual offences (here: rape) and was a widespread way of punishment in the

penalty - not as adultery. The law imposes three penalties on the rapist: firstly, his wife is handed over to be raped. Secondly, she does not come back to him but goes into slave-concubinage.¹⁷⁴ Thirdly, he is forced to pay “‘triple silver’ as the value of the maiden to her father”¹⁷⁵, leaving it – maybe that is a fourth penalty – with the father to decide if he gives his daughter to the rapist (as wife) or to someone else.¹⁷⁶

The extant law collections show that vicarious punishment is open to replacement by ransom, especially if there is no one in the household of the defendant who could be punished vicariously.¹⁷⁷ I follow WESTBROOK who convincingly argues that the texts do not support a developmental theory assuming an evolution from unrestrained revenge through payment in substitution of revenge to criminal sanctions by the state.¹⁷⁸

2.3.3 The Circumstances of Adultery

We have already seen that there is a difference between adultery committed “in the mountains” or “in the house.”¹⁷⁹ It is assumed by the legal texts that the wife had no chance to prevent the adulterous act in the mountains.¹⁸⁰ In the streets, “she shall protect herself”, MAL A §12, presumably through a deprecatory gesture or screaming.¹⁸¹ On the other hand, if the wife of a man deliberately enters another man’s house in order to have sex, it is a crime worthy of death for both the lover and the wife.¹⁸² Furthermore, it makes a difference if the sexual act was forceful.¹⁸³

ancient Near East. Furthermore, in the context of the ancient Near East, rape is connected to adultery. See above, 2.1.2 DEFINITION OF ADULTERY IN THE ANCIENT NEAR EAST. For vicarious punishment in case of homicide see LH §230.

¹⁷⁴ See WESTBROOK, “Adultery”, 569. WESTBROOK lists MAL A §55 in his treatment of adultery in the ancient Near East.

¹⁷⁵ ROTH, *Law Collections*, 175.

¹⁷⁶ MAL A §56 is a sub-case to §55, stating that in the case of *consensual* intercourse the man is to swear that the maiden was willing and not forced to have sex. As a result, he has to pay ‘triple’ the price for a virgin, with or without receiving her as wife which is left – as in Exodus 22:16 – to the discretion of the maiden’s father.

¹⁷⁷ See WESTBROOK, *Studies*, 57.

¹⁷⁸ See WESTBROOK, “Character”, 71f.

¹⁷⁹ See HL §197 and MAL A §§12–14.

¹⁸⁰ The texts are silent about the way in which ‘adultery in the mountains’ becomes a legal case. Since the texts assume that the wife would have defended herself (*cf.* Deut 22:25–27), it seems most probable that these cases were brought to court by the wife – although this cannot be proven.

¹⁸¹ *Cf.* Deut 22:24, 27.

¹⁸² See MAL A § 13.

¹⁸³ See MAL A §12: “... should he seize her by force and fornicate with her ... they shall kill the man; there is no punishment for the woman.” (ROTH, *Law Collections*, 157f.)

It is noteworthy that the extant legal texts do not consider rape as often as adultery.¹⁸⁴ The reason for this might well lie in the fact that most young women were married. Thus, rape would normally be seen as a sub-case of adultery and dealt with in the context of adultery.¹⁸⁵ On the other hand the ancient Near Eastern law collections allowed for certain exceptions concerning adultery. For example, if a man was led into captivity, it was not seen as adultery when his wife entered another man's house, given the fact that the captive husband did not leave sufficient provisions for his family (see LH §134).¹⁸⁶

Furthermore, as I have shown above, the intentions of either the husband's wife or the lover are important as well. If the lover was unaware of his sexual partner being actually married, he remained unpunished.¹⁸⁷ I follow WESTBROOK in his assumption that the main reason why the man did not know that a woman was not married was most probably that she acted like a prostitute.¹⁸⁸ Still, this raises the question how the intentions could be proved in court. MAL A §22 provides an answer: the man swears an oath and pays a certain sum. If he knew that she was the wife of a man, but swears to not having slept with her, he only needs to pay damages. But if the wife (on whom the whole guilt still rests) insists that there had been a sexual act, the man has to undergo a River Ordeal,¹⁸⁹ since he already paid damages. MAL A §23 treats the case of a wife being taken into another wife's house in order to be given to a man for fornication:

“If the man's wife does not know (what was intended), and the woman who takes her into her house brings the man in to her by deceit (?) ... as soon as she leaves the house, she should declare that she has been the victim of fornication, they shall release the woman, she is clear; they shall kill the fornicator and the female procurer.”¹⁹⁰

This is important since it shows that the voice of a woman was important in court, she was accepted as witness.¹⁹¹ The frequent occurrence of intentional motives in

¹⁸⁴ ROTH, *Law Collections*, 282, lists 5 paragraphs dealing with rape: LH §130 and MAL A §§9, 12, 16 and 55. For MAL A §55 see 2.3.2 VICARIOUS PUNISHMENT.

¹⁸⁵ See, for example, MAL A §§12 and 16. See also my comments above, 2.1.2 DEFINITION OF ADULTERY IN THE ANCIENT NEAR EAST.

¹⁸⁶ LH §133a and b state that if there were sufficient provisions in the house the entering of the wife into another man's house would be looked upon as adultery: “... cast her into the water.”

¹⁸⁷ See MAL A §14. It seems, though, that only MAL A considers the intentions in the legal formulation.

¹⁸⁸ See WESTBROOK, “Adultery”, 550.

¹⁸⁹ See 2.3.7 THE ORDEAL. If he refuses to undergo the Ordeal he is to be treated “as the woman's husband treats his wife.”

¹⁹⁰ ROTH, *Law Collections*, 161.

¹⁹¹ See KLENGEL, *Kulturgeschichte*, 103 and 178.

MAL A may also hint at a legal development from ‘rough’ case descriptions to the consideration of more details in order to assist the courts in their decisions.¹⁹² Besides the circumstances mentioned so far, there is a last important point to be made concerning the circumstances of adultery, dealing with the understanding of marriage in the ancient Near East.

I have already mentioned that adultery always means the disruption of an existing marriage. There are three cases in the extant ancient Near Eastern legal collections where another man’s virgin wife (LU §6 and LH §130) or a betrothed woman (LE §26) is deflowered by another man. In all instances, that man is punished by death. Thus, where the couple is only inchoately married or engaged,¹⁹³ the punishment is the same as if the marriage were already fully consummated.¹⁹⁴ The (future) wife belongs to her (future) husband already through betrothal or inchoate marriage.¹⁹⁵ The logic within the ancient Near Eastern context is compelling: if someone else has sexual union with a woman who is promised to another man, it is a capital crime.¹⁹⁶ Therefore, the seduction of a betrothed or inchoately married woman equals adultery.

2.3.4 Women Initiating Adultery

It has already become evident it was not always men who were the initiators of adultery in the ancient Near East. The Sumerian court case *A Trial for Adultery* deals with the threefold crime of Ishtar-ummi:

“In the first place she broke into his granary. In the second place she opened his pots of sesame-oil and covered them with cloths. In the third place he caught her on top of a man.”¹⁹⁷

¹⁹² MAL A is 1.000 years younger than LU and roughly 700 years younger than LH. For the dates see ROTH, *Law Collections*, pages 13 (LU), 71 (LH) and 153 (MAL A). For further arguments concerning a legal development in the ancient Near East, see PREISER, “Zur rechtlichen Natur”, 17–36.

¹⁹³ Betrothal and inchoate marriage follow certain legal procedures. Thus, LL §29 (cf. LE §26) mentions the performance of the “bridewealth presentation” in the household of the father-in-law as necessary act in order to marry, an act that gives the future son-in-law the legal right to his wife although the marriage is not fully consummated: ROTH, *Law Collections*, 32. LH §128 mentions the obligatory marriage contract whereas LE §§27–28 prescribe a contract as well as a nuptial feast in order to acknowledge a marriage. For a helpful treatment of marriage in the ancient Near East see MATTHEWS, “Marriage and Family”, 6–14.

¹⁹⁴ HUGENBERGER argues for sexual union as “indispensable means for the consummation of marriage both in the Old Testament and elsewhere in the ancient Near East”: HUGENBERGER, *Marriage as a Covenant*, 279. For a detailed discussion of the role of the ‘bride price’, *terḫatum* (Akkadian) or מְהָר (Hebrew), see BURROWS, *The Basis of Israelite Marriage*, and OTTO, *Theologische Ethik*, 51–54.

¹⁹⁵ See WESTBROOK, “Adultery”, 570.

¹⁹⁶ See my treatment of MAL A §55 above, 2.3.2 VICARIOUS PUNISHMENT.

¹⁹⁷ HALLO, *COS*, vol. 3, 311 (see also APPENDIX 1). I agree with WESTBROOK who writes that the list of accusations against the wife “undermine the wife’s credibility as a witness”: WESTBROOK, “Adultery”, 558.

It is noteworthy that she was caught *on top of a man*, probably indicating deliberate action rather than rape or seduction by that man.¹⁹⁸ The style of the list, dealing with the husband's possessions,¹⁹⁹ indicates that the wife was responsible for the lovers' sexual intercourse.²⁰⁰ For Lise MANNICHE, this seems to be the norm rather than the exception, at least in ancient Egypt. She writes that it is the rule in Egyptian stories on adultery that women take the initiative.²⁰¹ An example of female initiative concerning adultery is recorded in the Late Egyptian tale of *The Two Brothers*:

“His young brother found the wife of his elder brother seated braiding her hair. [...] Then she (spoke to) him saying: ‘There is (great) strength in you. I see your vigor daily.’ And she desired to know him as a man. She got up, took hold of him, and said to him: ‘Come, let us spend an hour lying together. It will be good for you. And I will make fine clothes for you.’”²⁰²

The actual act of adultery did not come to pass because the young brother refused to accept the offer.²⁰³ MAL A §13 speaks of a man's wife going “out of her own house [...] to another man where he resides.”²⁰⁴ If that man had sexual intercourse with her knowing that she is a man's wife, both are to be killed. In LU §7 and MAL A §16 a wife initiates adultery but the intentions of the other man are not mentioned. In both cases the punishment is solely on the woman's side: she is to be killed, the man is acquitted²⁰⁵

Thus, the overall rule seems to be: whoever initiates adultery has to bear the consequences; and whoever gives in to this initiation – knowing that the woman is married²⁰⁶ – has to bear them as well. This distinction of the woman's status leads to

¹⁹⁸ The text unfortunately is a bit corrupt here since later the charges are that a man was “on top of her”. See HALLO, *COS*, vol. 3, 311.

¹⁹⁹ Even a wife is to a certain degree a possession to the ancient Near Eastern mind since she belongs undeniably to just one man and is under his authority and protection.

²⁰⁰ I already mentioned above that *A Trial for Adultery* is a divorce case. Therefore it is only to be expected that the wife is brought into bad light here. Nevertheless, adultery is the gravest of the three offences listed. It represents the focal point of the trial. Thus, the case does not solely deal with divorce since the husband could have divorced his wife much easier, by publicly stating: “You are not my wife and I am not your husband.” For divorce formulae see WESTBROOK, “Adultery”, 561 and HUGENBERGER, *Marriage as a Covenant*, 219–222.

²⁰¹ See Lise MANNICHE, *Liebe und Sexualität im alten Ägypten*, [originally published in English: *Sexual Life in Ancient Egypt*, London, 1987] Munich: Artemis Verlag, 1988, 92.

²⁰² HALLO, *COS*, vol. 1, 85.

²⁰³ “The Two Brothers” is undoubtedly a parallel to the biblical Joseph narrative in Genesis 37.

²⁰⁴ ROTH, *Law Collections*, 158. MANNICHE writes that ‘to enter someone's house’ was a technical term for adultery in ancient Egypt. See MANNICHE, *Liebe und Sexualität*, 48.

²⁰⁵ Unless that man forced the wife to have sexual intercourse with him, see MAL A §16b.

²⁰⁶ Again, it needs to be emphasised that adultery is an offence against the wife's husband. There is no case recorded in the ancient Near Eastern law collections where a husband commits adultery with another woman against his own wife. Although sexual intercourse with unmarried women is recorded,

the treatment of another peculiarity in the ancient Near Eastern law collections: the impact of social status on the measure of punishment.

2.3.5 The Role of Social Status

The ancient Near Eastern law collections generally have one particular subject, “Sumerian *lú*, Akkadian *awīlum* (*a’īlu*, *amēlu*), usually referring to ‘man,’ ‘person,’ ‘someone,’ ‘anyone,’ etc.”²⁰⁷ According to ROTH these terms are mostly used in an unmarked way. Only when *awīlum* is juxtaposed with terms marking other social classes, “it is clear that the *awīlum* is a member of the elite or upper class (mostly males...”²⁰⁸ The *awīlum*-class is the owning class, having a “granary” and “pots of sesame oil” (*A Trial for Adultery*) and (normally) “sufficient provisions” in their house (LH §133). In LH §§196-223, a social contrast to the *awīlum*-class is given.²⁰⁹

The term used in contrast to *awīlum* is *muškēnum*, “dependant, bondsman of the palace; poor man.”²¹⁰ SNELL defines the *muškēnū*-class as “crown dependents, [...] who may have gotten land allotments in return for an established number of days of work a month or a year.”²¹¹ MATTHEWS assumes that the *muškēnū* could be dependent on either the royal authority or the temple, owing labour or military service to their patrons.²¹² LH does not tell how one became an *awīlum*, but perhaps it was by birth alone.²¹³ An *awīlum* had to pay higher penalties to another *awīlum* than to a *muškēnum*. To give a few examples:

LH §209: If an *awīlu* strikes a woman of the *awīlu*-class and thereby causes her to miscarry her fetus, he shall weigh and deliver 10 shekels of silver.

LH §210: If that woman should die, they shall kill his daughter.

LH §211: If he should cause a woman of the commoner-class [= *muškēnīm*] to miscarry her fetus by the beating, he shall weigh and deliver 5 shekels of silver.

the marital status of the lover never plays a role in the extant texts. The only thing that is decisive is the marital status of the woman he has intercourse with. See WESTBROOK, “Adultery”, 543.

²⁰⁷ ROTH, *Law Collections*, 8.

²⁰⁸ *Ibd.* Cf. WESTBROOK, who writes that laws did not generally distinguish between social classes, LH being a notable exception: WESTBROOK, “Character”, 38.

²⁰⁹ Cf. Raymond WESTBROOK, “Old Babylonian Period”, HANEL, vol. 1, 377.

²¹⁰ CAD, 222.

²¹¹ SNELL, *Life in the Ancient Near East*, 54.

²¹² Cf. MATTHEWS, “Marriage and Family”, 6.

²¹³ See SNELL, *Life in the Ancient Near East*, 60.

LH §212: If that woman should die, he shall weigh and deliver 30 shekels of silver.²¹⁴

It is difficult to say to what extent these two classes differed. Obviously, an *awīlum* had more money and a higher social standing than a *muškēnum*. Otherwise he could not be forced to pay higher penalties to someone of his own social standing. A third important social distinction found in every ancient Near Eastern culture is the *wardum*, the slave. MATTHEWS gives an excellent summary of the class of slaves in ancient Near Eastern times:

“[A]t the bottom of the social scale were slaves, in many cases prisoners of war or persons who had fallen into debt slavery [...] and had been assigned to the service of the king, the temple or private households. While they had no rights over their persons, the law protected them from unjustifiable abuse and their worth was certainly recognized in the fines imposed on persons who injured or killed them.”²¹⁵

The extant legal texts on adultery do not consider the difference between *awīlum* and *muškēnum* but employ *awīlum* as an unmarked term for ‘someone’. However, there are texts showing a difference of punishment when it comes to the defloration of a slave woman. This is, of course, not adultery in the strict sense since slave women mentioned in the laws had a different social status and were most probably not married.²¹⁶ It is noteworthy that MAL A §§55–56 state severe penalties were to be expected in case of sexual intercourse with an unbetrothed (free) woman.²¹⁷

The two extant texts dealing with the defloration of slave women speak of a violation of the affairs (if not the possessions) of another *awīlum* resulting in a penalty. LE §31 sets out that the defloration of another man’s slave woman has the consequence of a penalty of 20 shekels of silver, a sum that equals the bridewealth (*terḥatum*) for a *muškēnum* in the context of LH.²¹⁸ Similarly, LU §8 mentions the defloration of a slave woman which results in the payment of 5 shekels of silver to the owner. In contrast to this, LU §6 imposes the death of the fornicator if the woman

²¹⁴ ROTH, *Law Collections*, 122.

²¹⁵ MATTHEWS, “Marriage and Family”, 6.

²¹⁶ Otherwise, it would have been stated, see LU §6.

²¹⁷ Cf. Exod 22:15–16 (ET 22:16–17).

²¹⁸ Cf. LH §140. Surely, the penalties differ in the extant law collections (the sum of 20 shekels is four times higher than in LU §8) but still it is interesting to note that LE sets a price at the level normally used for the payment of the bridewealth among commoners, considering that LE and LH are not too far away from each other timewise and therefore 20 shekels of silver must have had approximately the same value.

were the “virgin wife of a young man.”²¹⁹ This phrase seems to refer to an inchoate marriage that has not been fully consummated.

To conclude, social classes do not receive much consideration in the legal treatment of adultery. In all extant cases, it is ‘a man’ who acts, the classic casuistic starting phrase being *šumma awīlum*, “If a man...”²²⁰ The only distinction in terms of social status seems to lie in the fact that the defloration of a slave woman resulted in a monetary payment whereas the defloration of the virgin wife of a young man led to the ‘standard’ penalty for adultery: death. Thus, it made a difference in punishment if the woman was free, in contrast to her being a slave woman.²²¹ The distinction between the two groups, *awīlum* and *muškēnum*, which is prominent in LH plays no role in the treatment of adultery. Hence, at least as far as the treatment of adultery is concerned, it made no difference if the wife who committed adultery was married to an *awīlum* or a *muškēnum*.

2.3.6 Establishing the Legal Case

I have already noted at several points in this chapter that adultery was looked at as a capital crime in the ancient Near East. This raises the question how it was discovered and how a conviction for adultery was established.²²² Often the different ancient Near Eastern law collections emphasise the discovery of an adulterous liaison in the act, *in flagrante delicto*.²²³ This emphasis is astounding. Any adulterous couple must have known that their sexual intercourse was very dangerous. Thus they should have gone about it with special care and consideration. I would assume that most adulterous liaisons happened unnoticed. Still, the legal texts unanimously agree on the catching *in flagrante delicto*. In my view, this agreement results from the collection of facts for the establishment of the case. Catching a couple in the act is probably the most efficient way of getting these. It seems most likely that this is the reason for its frequent mention in the different law collections: the evidence for the crime is at hand, with at least one direct witness present. On the other hand, LAFONT

²¹⁹ ROTH, *Law Collections*, 17.

²²⁰ LU and LL have the Sumerian equivalent: *tukum-bi lú-ù*.

²²¹ Of course, it also made a difference if the (slave) woman was married or not. But it seems to me that the main emphasis lay on the woman’s social status since LU §7 and MAL A § 55 reflect a huge difference between the seduction of a virgin slave woman and a virgin free woman. See also my treatment of Lev 19:20–22 in 3.2.2.2 LEVITICUS 19:20–22.

²²² For the establishment of law cases in the Middle Assyrian period see Sophie LAFONT, “Middle Assyrian Period”, HANEL, vol. 1, 527–530. A short, but useful introduction to judicial procedures in the ancient Near East is provided in BOECKER, *Recht und Gesetz*, 15–19.

²²³ See LE §28; LH §§129, 130; MAL A §§12, 15; HL §197; cf. also “A Trial for Adultery”.

rightly points out that “seizure in flagrante delicto does not dispense with the need for material evidence.”²²⁴

But how was a conviction for adultery established?²²⁵ I would like to answer this question by looking at the extant legal texts. It is interesting to note that we do find both results in the texts: in some of the cases the accusations of adultery were successful, in others not. LU §14 states that a wife of a young man accused of promiscuity but cleared by the river ordeal²²⁶ receives a compensation from the accuser. The compensation is comparable to the *terḫatum*,²²⁷ probably in order to protect wives from being accused of adultery all too easily.²²⁸ In LU §14 and LH §132 the accuser is a man other than the husband. This seems to be the exception: in many cases, the accuser of the wife is her own husband who is in some cases explicitly mentioned as the one who caught the adulterous couple in the act.²²⁹ One letter from Mari suggests that a husband’s wife could accuse another woman of having committed adultery with her husband.²³⁰ Some laws describe the couple as caught by several people at once, most probably designating the plaintiffs.²³¹

LH §§131-132 depict a man’s wife being accused of adultery although “she has not been seized lying with another male”. The absence of facts for the case makes it more complicated. It is noteworthy that even in the absence of proof the wife could be accused of having committed adultery.²³² The notion of *in dubio pro reo* – known from the later Roman law – was apparently not known or practiced in Hammurabi’s time.²³³ In both laws the wife is made to turn to the god, either by an oath of

²²⁴ S. LAFONT, “Middle Assyrian Period“, 528. See also my comments concerning the proving of the charges prior to the realisation of the death penalty in 2.3.1 DEATH PENALTY AND THE HUSBAND’S REVENGE.

²²⁵ Obviously, this is a question that can only find a tentative answer since we do not know much about ancient Near Eastern court procedures.

²²⁶ For a short study of the ordeal see 2.3.7 THE ORDEAL.

²²⁷ “20 shekels of silver”. Cf. LL § 33 where a virgin daughter is accused of having had sexual relations and the accuser is sentenced to pay 10 shekels of silver.

²²⁸ The penalties for false accusations laid out in the extant law collections are drastic: in LU §14 the false accusation costs the man 20 shekels of silver, LL §33 states only 10 shekels of silver and LH § 127 mentions flogging and shaving of hair as penalty – although it is not clear if the accusation is in relation to sexual misbehaviour. In all cases follows after the accusation a thorough test of the evidence.

²²⁹ See MAL A §15; HL §197 and *A Trial for Adultery*.

²³⁰ See HEIMPEL, *Letters to the King of Mari*, 274. See the complete translation in the APPENDIX 1.

²³¹ See the plural use in “they seize him” (LH §130) and “they discover him” (MAL A § 12); cf. also the somewhat general use “is seized” (LE §28), “should be seized” (LH §129) and “has not been seized” (LH §§131–132).

²³² In my treatment of Num 5:11–31 in 3.2.3 – where the husband suspects his wife of having committed adultery –, I give a few reasons for the existence of accusations in the absence of proof.

²³³ In difference to LH, HL §197 gives the benefit of the doubt to a woman in case of rape.

innocence or through the divine river ordeal. In this way the punishment is left to the divine realm. Surviving the river ordeal is proof of innocence and results in rehabilitation of the accused woman.²³⁴

In LH § 129 and in *A Trial for Adultery*, the king plays a role in the case as well. The authority of the king was close to that of the god for he was the supreme judge, mostly being empowered by a god. Thus, in LH §129 the king is able to allow an adulterer to live, once the husband had decided to let his wife live as well. Compared to instances where the husband or a group of people judged the case, the king plays only a minor role when it comes to convictions for adultery. LE §48 distinguishes the role of the king and that of the judges in a legal case:

“And for the case involving a penalty of silver in amounts ranging from 20 shekels to 60 shekels, the judges shall determine the case against him; however, a capital case is only for the king.”²³⁵

I have already noted that WESTBROOK confirms this by stating that “certain serious crimes involving the death penalty were reserved for the king.”²³⁶ Thus, at least up until the time of Hammurabi, the king had a crucial role in the judicial process. WESTBROOK outlines three ways in which the king could act in legal cases:

“He either tried the case himself and gave final judgment, decided a point of law and remitted the case to a local court for decision on the facts, or remitted the entire case to a local court.”²³⁷

In terms of legal status it is noteworthy that “women were competent witnesses.”²³⁸ Nevertheless, it is important to note that their legal status was bound to their social status as wives or daughters. This becomes obvious in cases like LH §§131–132 where a wife is accused of having had sexual relations with another male. If her husband accuses her (LH §131) she needs to swear an oath by the god,²³⁹ if someone else accuses her, “she shall submit to the divine River Ordeal for her husband.”²⁴⁰ She is not free to defend herself in court but needs to submit to the accustomed social rules.

²³⁴ Cf. LU §14 where a wife is ‘cleared’ by the River Ordeal. See also my treatment of the Ordeal below, 2.3.7 THE ORDEAL.

²³⁵ ROTH, *Law Collections*, 66. In a footnote, ROTH comments that “the readings and restorations of §48 are uncertain at several points, but the general import is clear.” (*ibid.*, 70 n.25)

²³⁶ WESTBROOK, “Character”, 30. Apart from LE §48 he also lists MAL A §15 and HL §111.

²³⁷ WESTBROOK, “Old Babylonian Period”, 367.

²³⁸ WESTBROOK, “Character”, 33. Cf. KLENGEL, *Kulturgeschichte*, 178.

²³⁹ A penalty by the god was expected in case she lied. See below, 2.3.7 THE ORDEAL.

²⁴⁰ LH § 132: ROTH, *Law Collections*, 106.

In conclusion to this section, I would like to emphasise that individual revenge by the husband is not the norm in the pursuit of a substantiated case of adultery in the ancient Near East. Only a few cases allow the husband to carry out the death penalty, normally *after* the charges had been proven. A far greater number of legal texts place the execution of the death penalty into the hands of a group of people: “they shall kill...”²⁴¹ It seems most likely that this group is part of the court itself, being involved in evaluating the case as well as putting the sentence into action.²⁴² Therefore, although we do have evidence of individual revenge by the wronged husband, in many cases the punishment for adultery was executed by a group of people, acting on behalf of the husband as well as the whole community.²⁴³

2.3.7 The Ordeal

2.3.7.1 General Remarks on the Ancient Near Eastern Practice of the Ordeal

I have already noted above that it was sometimes difficult to produce witnesses or any other proof for an accusation. In such a case, it was quite usual to fall back on a judicial procedure that involved the realm of the gods: the ordeal.²⁴⁴ The ordeal is probably the strangest judicial procedure in ancient Near Eastern texts – at least to the modern mind. It can only be understood in the context of the general worldview in the ancient Near East, where the sphere of religion played a very important role in everyday life.²⁴⁵ The sphere of immanence was inseparably interwoven with the sphere of transcendence. Thus, if there were no witnesses present, the god(s) could tell who is guilty.²⁴⁶

²⁴¹ LU §§6, 7; MAL A §§12, 13, 15, 23; cf. LH §133b; MAL A §§16, 22; HL §§28c, 198 and *A Trial for Adultery* where “the assembly” is mentioned.

²⁴² SNELL speaks of “the local court of elders who made decisions in real cases at law”: SNELL, *Life in the Ancient Near East*, 65. It is also possible that the group who discovered the adultery *in flagrante delicto* is involved with carrying out the death penalty. See my comments above, on the general reference to the witnesses who catch the couple in the act.

²⁴³ See above, 2.3.1 DEATH PENALTY AND THE HUSBAND’S REVENGE.

²⁴⁴ I deliberately use the designation ‘the ordeal’, rather than ‘the river ordeal’ because the river ordeal was a special kind of ordeal where the culprit had to cross a river or swim a certain distance, often carrying heavy items making the crossing more difficult. It will be explained in the course of this section that an ordeal is a supernatural way of proving guilt which involves the judgment of the god(s) where a human court cannot come to a legal decision.

²⁴⁵ See Bertrand LAFONT, “The Ordeal”, *Everyday Life in Ancient Mesopotamia*, Bottéro, Jean (ed.), transl. by Antonia Nevill, Baltimore: John Hopkins University Press, 2001, 199–201.

²⁴⁶ See, for example LH §2: the typical phrase *ana Id alākum* (“to go to the River Ordeal”), is used. “*Id*” being the designation of the River(-God). For a detailed discussion of LH §2 see E. VON WEIHER, “Bemerkungen zu § 2 KH und zur Anwendung des Flußordals”, ZA 71, 1981, 95–102. VON WEIHER assumes that there was no ordeal without an oath given prior to it (cf. *ibid.*, 97).

The extant legal texts evidently assume some knowledge about the procedure of the ordeal and thus do not describe it. However, the Mari letters give a good picture of the multi-faceted use of the ordeal.²⁴⁷ HEIMPEL writes that in Mari the location of the ordeal was *Id* and that – at least in Mari – the people undergoing the ordeal had a fair chance of survival:

“Persons were required to prove a statement [with legal consequences] by plunging into a bitumen well. When the person undergoing the ordeal was overcome by the toxic liquid and fumes and died, the statement was proved wrong. Most jumpers survived. [...] The wells were regarded as the abode of the God *Id*. *Id* is the Sumerian word for ‘river’; hence, ‘river ordeal’ and the translation ‘River’ for the god of that name.”²⁴⁸

It seems that plunging into a bitumen well was a peculiarity at Mari. B. LAFONT describes the procedure of the ordeal in detail – including the Mari letters, but without reference to any bitumen well – arguing that there might not be just one single way of carrying it out.²⁴⁹ He emphasises that our knowledge of the ordeal’s procedure derives from “administrative reports, public or private letters, items of procedure and so on”,²⁵⁰ and not from the extant legal material. The Mari letters describe that the accused person often was replaced by a third person and that the ordeal was not just concerned with a certain distance of swimming but with a physical performance, like getting a millstone across the river.²⁵¹ The ordeal was thus carried out differently in different times and places, mostly involving either an endurance test or some kind of a physical performance. Generally, the chances of surviving the ordeal were poor.²⁵² Hence, sometimes the accused person would make a confession on the way to the ordeal.²⁵³

Three features in connection with the ordeal are prominent in the ancient Near Eastern law collections: firstly, if the accused survives the ordeal, his (or her) innocence is proven. Secondly, if the accused is innocent, the accuser is guilty.²⁵⁴ If this is the case, LH §2 prescribes that the accuser gets punished with the punishment set out for the crime he accused the other man (or woman) of. Moreover, the

²⁴⁷ For a recent (2003) English translation of the Mari letters see HEIMPEL, *Letters*.

²⁴⁸ HEIMPEL, *Letters*, 272.

²⁴⁹ B. LAFONT, “The Ordeal”, 199–209.

²⁵⁰ *Ibid.*, 202.

²⁵¹ See *ibid.*, 205.

²⁵² See VON WEIHER, “Bemerkungen zu § 2 KH”, 95.

²⁵³ See *ibid.*, 97.

²⁵⁴ See *ibid.*, 96: “Der Standpunkt des Gerichts ist dabei so einfach wie logisch: nur eine Person oder Partei hat recht; nur eine Person oder Partei sagt die Wahrheit.”

innocent man takes “full legal possession of his accuser’s estate.”²⁵⁵ Thirdly, the use of the ordeal is limited to those capital crimes for which most often primary evidence was difficult to obtain, like sorcery and adultery.²⁵⁶

2.3.7.2 *The Use of the Ordeal in Connection with Adultery*

The use of the ordeal is mentioned in connection with adultery (or the accusations thereof) in four texts, LU §14, LH §132 and MAL A §§ 17 and 22. In the following passages, I am going to have a short look at each of these passages in order to understand these particular cases.

LU §14 mentions that the wife of a young man, being accused of promiscuity, survives the ordeal and receives a compensation of 20 shekels of silver from her accuser. Thus, the ordeal is not necessarily a death penalty but a means to prove one’s guilt or innocence.²⁵⁷

LH §132 refers to a similar case, without mentioning the accuser. Rather, the text states: “If a man’s wife should have a finger pointed against her in accusation involving another male...”²⁵⁸ VON WEIHER argues that the impersonal use of the accusation shows that the wife already had a bad reputation in public opinion. Thus, even without being caught *in flagrante delicto* and without a specific accuser, she has to undergo the ordeal.²⁵⁹ In my view, it seems a bit difficult to see a bad reputation of the wife in this short text, just by pointing to the impersonal use in connection with the accusation. Rather, I understand LH § 132 from its context, as follows: LH §131 states the same accusation, this time originating with the wife’s husband. Therefore, in my opinion LH §132 is basically saying that the accusation is not coming from the husband but from someone else. Thus, it would be a parallel case to LU §14.

MAL A §17 states that the ordeal is to be undergone if there is an accusation (in this case, of a wife’s promiscuity) without witnesses. In contrast to the other texts mentioning the ordeal in connection with adultery, MAL A §17 uses the plural: *ana Id illuku* (“they shall undergo the divine River Ordeal”, after they have drawn up “a

²⁵⁵ ROTH, *Law Collections*, 81. MAL A §18 also states that there are legal remedies for a false accusation of promiscuity but sets out four different penalties – none of them is the ordeal: “they shall strike that man 40 blows with rods; he shall perform the king’s service for one full month; they shall cur off his hair; moreover, he shall pay 3,600 shekels of lead.” (ROTH, *Law Collections*, 159.)

²⁵⁶ See B. LAFONT, “The Ordeal”, 202.

²⁵⁷ LH §2 also explicitly states the possibility of survival of an ordeal. Cf. VON WEIHER, “Bemerkungen zu § 2 KH”, 98.

²⁵⁸ ROTH, *Law Collections*, 106.

²⁵⁹ See VON WEIHER, “Bemerkungen zu § 2 KH”, 99.

binding agreement”²⁶⁰). Maybe the reason for the plural here is to be found in the gravity of the accusation: “Everyone has sex with your wife.”²⁶¹ This is a grave accusation, not only of the wife but also of the husband. Thus, it could well be that the plural here refers to the two men, undergoing the ordeal. But, as the text is somewhat cryptic, stating a few facts without details, this conclusion remains tentative. At least it seems possible that it is not the wife who needs to prove her innocence, as in LU §14 and LH §132.

MAL A § 22 differs from the other cases because the accused is not the wife but a man who takes someone’s wife with him, on a journey. Since it is difficult to prove if the man knew that the woman he took with him was married, the man needs to swear an oath or undergo the ordeal. The law states several sub-cases: (1) he swears an oath that he did not know that she was the wife of a man and needs to pay 7,200 shekels of lead. (2) He knew that she was someone else’s wife, pays damages for it and swears that he did not have sexual intercourse with that woman. (3) The woman declares that the man had sexual intercourse with her and because he had already paid damages (after swearing an oath), he needs to undergo the ordeal. It is noteworthy that the wife could accuse the man of sexual intercourse, resulting in the penalty of the ordeal. Still, the accused had the possibility of refusing to undergo the ordeal (in difference to LU §14 and LH §132). His penalty was then bound to the principle of equal punishment: “they shall treat him as the woman’s husband treats his wife.”²⁶²

2.3.7.3 Conclusion on the Ordeal in the Ancient Near East

The ancient Near Eastern practice of the ordeal was the ultimate means to establish guilt and innocence in case of serious crimes when there were neither witnesses nor proofs. Thereby, it was “the accused who must prove his innocence by being subjected to the ordeal.”²⁶³ Adultery – or the accusation thereof – was one of the two offences (the other being sorcery) in which the ordeal was applied, most probably because often it was very difficult to provide proofs and/or witnesses to substantiate

²⁶⁰ ROTH, *Law Collections*, 159. It is unclear what this binding agreement was about. VON WEIHER argues that usually the parties took an oath before the ordeal. See VON WEIHER, “Bemerkungen zu § 2 KH”, 96. Thus, the agreement could refer to a literary fixing of the oath, stating the consequences for each side if it is proven guilty. S. LAFONT in contrast points out that the agreement was most probably concerned with the distance to be covered in the water. See S. LAFONT, “Middle Assyrian Period”, 529.

²⁶¹ ROTH, *Law Collections*, 159. See the text in **APPENDIX 1**.

²⁶² ROTH, *Law Collections*, 160.

²⁶³ See B. LAFONT, “The Ordeal”, 202.

a legal case of adultery. The practice of the ordeal rests on the conviction that the god(s) knew who was guilty and that the ordeal was a suitable means by which the divine decision was made known. Thus, VON WEIHER is right in defining the river ordeal as “juristisches Mittel zur Wahrheitsfindung in einem gravierenden Fall.”²⁶⁴ In contrast to Num 5:11–31, it is important to note that in the ancient Near East it always was the accused who had to prove his or her innocence.²⁶⁵

2.3.8 Adultery as Sin against the Gods

LOEWENSTAMM writes that “the Mesopotamians also considered adultery to be a religious crime.”²⁶⁶ Thus, it is not just a serious crime against the rights of a husband or society as such but also a crime – or in other words: a sin – against the god(s). In order to support his argument, LOEWENSTAMM quotes several passages from LAMBERT, *Babylonian Wisdom Literature*, thus asserting that the punishment of adultery in Mesopotamia had two levels, that of the court and that of the gods:²⁶⁷

“He who has intercourse with (another) man’s wife, his guilt is grievous.”²⁶⁸

“A man who covets his neighbour’s wife will [...] before his appointed day.”²⁶⁹

Furthermore, LOEWENSTAMM cites two passages from *Šurpu*, tablet II, incantations in which the gods were asked not to punish certain sins, including adultery.²⁷⁰ The *Babylonian Counsels of Wisdom* call adultery an “abomination of Marduk.”²⁷¹

There is only one ancient Egyptian text belonging to the genre of instruction which portrays adultery as a danger, calling it a “great deadly crime.”²⁷² It is noteworthy that adultery is brought into connection with sin only in ancient Near Eastern wisdom texts and incantations. The legal texts of the ancient Near East do not make use of the connection between adultery and sin.²⁷³ Thus, the motivation to keep oneself from

²⁶⁴ VON WEIHER, “Bemerkungen zu § 2 KH”, 96. See also B. LAFONT, “The Ordeal”, 209.

²⁶⁵ See below, 3.2.3 THE TREATMENT OF ADULTERY IN NUMBERS 5:11–31.

²⁶⁶ LOEWENSTAMM, “The Laws of Adultery”, 147. Cf. WESTBROOK, “Character”, 78f.

²⁶⁷ Cf. LOEWENSTAMM, “The Laws of Adultery”, 148.

²⁶⁸ W. G. LAMBERT, *BWL*, Oxford: Clarendon Press, 1960, 119.

²⁶⁹ *Ibd.*, 131. LOEWENSTAMM assumes that this points to a premature death by the hand of *Šamaš*: LOEWENSTAMM, “The Laws of Adultery”, 147.

²⁷⁰ See LOEWENSTAMM, “The Laws of Adultery”, 147.

²⁷¹ LAMBERT, *BWL*, 106. See also MATTHEWS, “Marriage and Family”, 27f.

²⁷² *The Instructions of Any*. (HALLO, *COS*, vol. 1, 111.) Obviously, there might have been other wisdom texts that have got lost. But still it is noteworthy that the extant ancient Near Eastern texts focus nearly exclusively on the death penalty as ‘standard’ penalty for adultery.

²⁷³ Of course, one could argue that the king as supreme judge was appointed by the gods and thus his law collections/royal decrees had to be adhered to. Nevertheless, the extant legal texts do not deal with

committing adultery does not primarily lie in the fact that it was looked at as a sin against the gods but rather in the severe punishment that one had to expect once adultery was discovered.

2.4 Conclusion

The present chapter began with a list of the ancient Near Eastern law collections dealing with adultery. I noted that there are no law collections from ancient Egypt. This is most probably due to the role of the Egyptian king as representing the Sun-God and a lack of a science of lists that was fundamental for the Mesopotamian law collections. I followed WESTBROOK's definition of adultery as "consensual sexual intercourse by a married woman with a man other than her husband."²⁷⁴ This led to an overview of the institution of marriage in the ancient Near East. Marriage came into existence through a legally binding contract between two families, involving the payment of the *terhatum* and regulations concerning the dowry, was celebrated in a more or less public ceremony and was consummated in the physical sexual union of the newly-weds.

The first main part of this chapter looked at the nature of ancient Near Eastern law, focussing on the most famous law collection, **LH**. Three main views have been expressed by scholars to explain the nature of **LH**: the first understands **LH** as a commemorative inscription that serves the self-praise of King Hammurabi. The second sees in **LH** a collection of legal sentences describing how the king has judged in certain cases. According to this view, **LH** serves mainly as a model for judges and future kings. The third view looks at **LH** as a collection of real, normative laws, thus being prescriptive.

After discussing these interpretations, I argued for a middle position which leaves room for more than just one single purpose of **LH**. **LH** is full of Hammurabi's self-praise but this does not constitute its whole nature. Rather, its nature is connected to the office of the king as supreme judge and to the sociological need for a certain set of rules in his kingdom. These rules were neither complete, in the sense of a 'law code', nor were they fixed once and for all times. Thus, in my view **LH** is a collection of laws written down in academic style with normative force serving as a witness to both King Hammurabi's justice and his care for his people.

the connection of breaking the law and the ensuing reaction of the gods. The concept of adultery as sin is only found in the wisdom literature and the poetic texts of the ancient Near East. See **APPENDIX 1**.

²⁷⁴ WESTBROOK, "Adultery", 543. See also OTTO, *Theologische Ethik*, 41.

In the last section on the nature of LH I looked at WESTBROOK's influential thesis of a common legal tradition in the ancient Near East. In contrast to his opinion that there was no development in the legal tradition at all up until the 1st millennium BC, I argued that the ancient Near Eastern law tradition is not monolithic but at least open to certain changes and development.

In the second main part of the current chapter, I looked at the corresponding passages on adultery in the ancient Near Eastern legal and wisdom texts. The approach thereby was conceptual rather than exegetical, in order to work out the peculiarities of the ancient Near Eastern treatment of adultery, for comparison with the Old Testament evidence in chapters 3 and 4.

Although in some texts the wronged husband had authority to decide what happens to his wife and her lover, within the framework of the normal legal procedures, the main rule for punishment of adultery was the death penalty. Vicarious punishment was not applied to adultery but to rape and was a common part of the ancient Near Eastern system of retribution. In their treatment of adultery some legal texts consider both the location of the act as well as the intention of the adulterers in order to decide who is guilty. Many texts, especially in Egypt, depict women as the initiators of adultery. Social status does not play a major role in the treatment of adultery, although the defloration of a slave woman is treated in a different way from the defloration of a free woman or a young wife. The establishment of the law case was normally quite difficult because of the absence of witnesses and proofs. Thus the texts often employ a typical phrasing, the catching of the couple *in flagrante delicto*: only then both witnesses and proofs were given. In the ancient Near Eastern worldview – where the sphere of immanence was interwoven with the sphere of transcendence – there was still another possibility of proving someone's guilt: the ordeal. The ordeal was the ultimate means to establish guilt and innocence in case of serious crimes when there were neither witnesses nor proofs. It finds mention primarily in connection with adultery and sorcery. Although adultery apparently was conceived of as a sin against the gods in the ancient Near East, the motif of sin is nowhere used as an argument for the prevention of adultery in the legal texts. It appears, however, in a few other texts. Thus, the concept is known, but it has apparently not been used in the extant legal texts and its rare use in other texts hints at the relative unimportance of the concept of sin in connection with ancient Near Eastern texts on adultery.

To conclude, adultery in the ancient Near East was a serious crime. It meant the breaking of the marriage contract,²⁷⁵ a crime against the wife's husband because it was "a violation of the husband's right to exclusive sexual access to his wife."²⁷⁶ I have noted above that adultery in the ancient Near East was not just a 'private' crime. The definition of private and public law seems to have been foreign to the ancient Near Eastern mind and the prosecution of adultery as well as the execution of the death penalty in a substantiated case of adultery with only few exceptions was a matter of the community rather than the individual husband. There is only one Hittite law (HL §197) that allows the husband to kill the adulterous couple right away, without a proper trial – but only if an important fact was given: the catching *in flagrante delicto*.

These findings will be helpful for comparison with the Old Testament's witness on adultery in the following chapters, of legal as well as of wisdom texts. They enable us to understand the specific import of the Old Testament texts. Thus, I now turn from the ancient Near Eastern view on adultery to its treatment in the Old Testament, starting with the legal texts.

²⁷⁵ See MATTHEWS, "Marriage and Family", 27.

²⁷⁶ *Ibid.*, 28.

CHAPTER THREE:

“YOU SHALL NOT COMMIT ADULTERY...”

Adultery in the Legal Texts of the Old Testament

3.1 Introduction

3.1.1 The Purpose of this Chapter

The main aim of this dissertation is to investigate the connection of wisdom and law in the Old Testament, with special attention to its witness on adultery in both the legal tradition and in Proverbs 1–9. The previous chapter looked at ancient Near Eastern legal and wisdom texts on adultery. The current chapter investigates the Old Testament legal texts on adultery. These are to be found in the *Decalogue* (Exod 20 and Deut 5), in the *Holiness Code* (Lev 17–26), in a law in Numbers 5, part of the so-called *Priestly Code* and in the *Deuteronomistic Code* (Deut 12–26).¹

This chapter begins with two short, introductory studies of the nature of Old Testament law in comparison with the ancient Near Eastern law collections and marriage in ancient Israel. The rest of the chapter comprises two parts: firstly, an exegesis of all relevant legal texts dealing with adultery and secondly, a study of the different concepts of adultery in these texts. Thus, it is the purpose of the current chapter to work out the specifics of the different Old Testament legal texts in connection with adultery, for comparison with both the ancient Near Eastern evidence (chapter 2) and that of Prov 1–9 (chapter 4).

¹ Compare for the use of the different legal ‘codes’ the article “Hebraic Law”, *Britannica 2002 Deluxe Edition CD-ROM*. The different texts of the Torah depict themselves as having originated in different situations: Exodus, Leviticus and Numbers in the Sinaitic covenant, the Book of the Covenant as a literary piece of work, parts of which being very old, and the Deuteronomistic Code as a vassal-type covenant treaty, known from the ancient Near East. The Torah contains more than law collections since it is the generic term for the first five books of the Old Testament canon which is to a great degree made up by narrative texts. That even these narrative texts can function as Torah, is not of primary concern here but should be mentioned for the sake of completeness. For a thorough exposition on the legal function of narratives in the Old Testament see Gordon J. WENHAM, *Story as Torah: Reading the Old Testament Ethically*, Edinburgh: T & T Clark, 2000.

3.1.2 The Nature of Old Testament Law

The תּוֹרָה – also called Pentateuch – is the first part of the traditional tripartite structure of the Old Testament canon. The other two parts are the נְבִיאִים (“prophets”) and the כְּתוּבִים (“writings”), to which Proverbs 1–9 belongs. An innumerable amount of books and articles has been written on the תּוֹרָה, especially on the question how and when it came into its literary form.² Still, no scholarly consensus has been reached³ – and probably never will be, since contemporary Biblical Study is too diverse to reach commonly agreed positions.⁴ As already outlined, this current work focuses on the biblical texts in their final form trying to show up inter-textual and conceptual parallels between the תּוֹרָה and the כְּתוּבִים. What, then, do the texts say about the nature of Old Testament law?

Although Old Testament law is very similar to ancient Near Eastern law, both in form and content, there is a fundamental distinction: its *origin* is entirely different. It is not the promulgation by a king, a human law-giver, but rather the announcement of the will of Yahweh to his people. I therefore follow GREENBERG’s view:

“No Israelite king is said to have authored a law code, nor is any king censured for so doing. The only legislator the Bible knows of is God.”⁵

This has several implications for the nature of Old Testament law.

Firstly, the *authority* of the law-giver is different. Even if kings were conceived as gods in the ancient Near East there were lower and higher gods and no king was the highest god whereas Yahweh is *the* God of Israel.⁶ Yahweh is not part of the immanent sphere but of the transcendent realm. Thus, he is an even higher authority

² For the history of historical-critical Old Testament study in general see the somewhat outdated but still very valuable survey by Hans-Joachim KRAUS, *Geschichte der historisch-kritischen Erforschung des Alten Testaments*, 1956, 2nd revised and enlarged edition, Neukirchen-Vluyn: Neukirchener Verlag, 1969. For a more recent survey of studies on Old Testament law see Otto KAISER, “The Pentateuch and the Deuteronomistic History”, *Text in Context*, Mayes, Andrew D.H. (ed.), Oxford: Oxford University Press, 2000, 289–322.

³ “There is certainly as yet no consensus on a new paradigm for understanding the growth of the Pentateuch.” (Gordon J. WENHAM, “Pondering the Pentateuch: the Search for a New Paradigm”, *The Face of Old Testament Studies: A Survey of Contemporary Approaches*, Baker, David W. and Bill. T. Arnold (eds.), Grand Rapids: Baker Books, 1999, 144.)

⁴ “At the moment there is no new model that could be expected to achieve common acceptance as a paradigm, and there will probably be none in the near future.” (RENDTORFF, *Der Text in seiner Endgestalt*, 101f.)

⁵ GREENBERG, “Postulates”, 11.

⁶ For a detailed discussion of the depiction of Yahweh in the Old Testament see Otto KAISER, *Der Gott des Alten Testaments: Theologie des Alten Testaments*, vol. 2, Göttingen: Vandenhoeck & Ruprecht, 1998, 29–210. In contrast to other ancient Near Eastern nations, early Israel was without a king. Although it is debated if Yahweh’s kingship was an important feature of the ancient Israelite religion from early times, it seems to me that this hypothesis could well explain why in the whole process of law-giving an earthly king plays no role. Thus, it makes sense to suppose that Yahweh was conceived of as both the national god and the king of ancient Israel. Cf. ABD, vol. 4, 40–47.

than an 'ordinary' king. I have already pointed out in chapter 2 that the ancient Near Eastern law collections do not emphasise that the breaking of the law is a sin. This is entirely different in the law texts of the Old Testament, where actions which are against the law are labelled 'sin'.⁷

Secondly, the *תּוֹרָה* is given in a covenantal context:

²⁷And Yahweh said to Moses, 'Write these words, for in accordance with these words I have made a covenant with you and with Israel.' ²⁸So he was there with Yahweh forty days and forty nights. He neither ate bread nor drank water. And he wrote on the tablets the words of the covenant, the Ten Commandments. (Exod 34:27f.)⁸

A covenant in the Old Testament has been defined as "an elected, as opposed to natural, relationship of obligation established under divine sanction."⁹ The use of the word *בְּרִית* ("covenant") is unusual in the context of law-giving because the normal typical phrase in the prologues of LU, LL and LH is "I established justice (in the land)" – without any covenantal connotation.¹⁰ In the ancient Near East, the establishment of justice highlights the role of the king as law-giver, whereas through the covenant terminology employed in the Old Testament the role of Yahweh as guarantor of the covenant is emphasised. This is an entirely different understanding of law since the keeping of the law equals obedience towards the covenant stipulations.

Old Testament law is not just something to be obeyed but it is the outflow of a *relationship* with Yahweh. This becomes very clear in one of the most famous passages of the Torah, the *Shema Israel*:

⁴Hear, O Israel: The LORD our God, the LORD is one. ⁵You shall love the LORD your God with all your heart and with all your soul and with all your might. ⁶And these words that I command you today shall be on your heart. ⁷You shall teach them diligently to your children, and shall talk of them when you sit in your house, and when you walk by the way, and when you lie down, and when you rise. ⁸You shall bind them as a sign on your hand,

⁷ See, for example, my discussion of Lev 19:22 below: 3.2.2.2 LEVITICUS 19:20–22.

⁸ The classical Hebrew formula *כָּרַת בְּרִית* ("to make/cut a covenant") is used here. It is employed at different places throughout the Torah, establishing a covenantal framework: Gen 15:18; Exod 34:10, 27; Deut 4:23; 5:2, 3; 9:9; 29:1, 12, 14, 25; 31:16. For a recent and detailed investigation on different terms for covenant making see O. KAISER, *Der Gott des Alten Testaments*, vol. 3, 11–38.

⁹ HUGENBERGER, *Marriage as a Covenant*, 171. See also his detailed exposition of the different usages and contexts for *בְּרִית* in the Old Testament on pages 168–185.

¹⁰ See the prologues of LU, LL and LH. Note that MAL A and HL do not have a prologue (at least in the extant copies) in which the concept of establishing justice could appear. To my knowledge, there is not a single reference being made to a covenant in the context of the giving of the law in the ancient Near East.

and they shall be as frontlets between your eyes.⁹ You shall write them on the doorposts of your house and on your gates. (Deut 6:4-9)

The understanding of the word אָהַב ("to love") has been disputed because it normally connotes spontaneity which does not seem to be appropriate for the obligatory context here.¹¹ I follow MCCONVILLE in his interpretation of אָהַב as covenant loyalty – underlining the *obligatory* aspect – and gratitude towards Yahweh's love and deliverance – highlighting the *relational* aspect.¹² The Decalogue (Exod 20:2 and Deut 5:6), for example, first stresses the fact that Yahweh has delivered his people and *only then* his commandments follow. Thus, the obedience towards God's law flows out of a relationship with him, which is being made possible through the establishment of a covenant between ancient Israel and Yahweh.¹³

To conclude, the nature of Old Testament law is inseparably connected to the law-giver, to Yahweh. It differs fundamentally from the ancient Near Eastern law collections in its authority and its covenantal aspect which involves the entire people of Israel.¹⁴ Thus, the Old Testament laws arguably were prescriptive for ancient Israel.

3.1.3 Marriage in Ancient Israel

Although this might be some sort of a surprise, we know only little about marriage customs in ancient Israel.¹⁵ For example, weddings are not described at length, the payment of the bride-money¹⁶ is in most instances not even mentioned and the

¹¹ WEINFELD understands the exhortation to love in Deuteronomy in the context of ancient Near Eastern treaties: "Political loyalty was generally expressed by the term 'love'." (WEINFELD, *Deuteronomy and the Deuteronomistic School*, 81.) MCKAY places Deut 6:5 into the context of the father-son relationship in the context of the wisdom instruction. (See J.W. MCKAY, "Man's Love for God in Deuteronomy and the Father/Teacher-Son/Pupil Relationship", *VT* 22, 1972, 426–435.)

¹² See MCCONVILLE, *Deuteronomy*, 142.

¹³ Though this relationship might not be what we understand by 'relationship' in the 21st century, *i.e.* the strong emotional connotation (in the realm of romance). The kind of relationship that is envisaged by the use of אָהַב in Deut 6:5 refers to the fact that one is placed into a connection with Yahweh. *Cf.* Webster's definition of relation: "The fact or condition of being related or connected [...], either objectively or in the mind; interdependence; connection." (*NIWCD*, 1063.)

¹⁴ The relationship of law and ethics seems to be an area largely neglected in scholarly research. I am inclined to follow WENHAM who argues that Old Testament law "enforces a minimum standard of behaviour." (WENHAM, *Story as Torah*, 80.) The law is thus not the ultimate expression of the will of Yahweh but one expression which clearly demarcates the boundaries in which life should happen. In the following chapter, however, I fully concentrate on the legal texts to figure out how the law sets boundaries in connection with adultery.

¹⁵ See Daniel I. BLOCK, "Marriage and Family in Ancient Israel", *Marriage and Family in the Biblical World*, Campbell, Ken M. (ed.), Downers Grove: InterVarsity Press, 2003, 34 and 44.

¹⁶ There are many different translations for the term מוֹהֵר: "bride-price" (ESV, NIV), "bride-money" (HALOT, 554), "money equivalent to the marriage present" (RSV), "dowry" (NASB) or even "purchase-price" (BDB, 555). For arguments against the thesis that conceived of the מוֹהֵר as a purchase see OTTO, *Theologische Ethik*, 51–54. Throughout this dissertation, I use the term "bride-money" in order

standard formulations are very short: one either took a wife or one was given a wife (normally by the father of the bride as the head of family). This brevity of mention is most probably due to the fact that such customs were well-known and therefore did not need to be written down.¹⁷ Furthermore, BLOCK is right in his assertion that the changing socioeconomic realities and the vast time span of the Old Testament's records should make us rather cautious about assuming a monolithic, uniform understanding of family and marriage customs in ancient Israel.¹⁸

Nevertheless, there are a few general things we do know about marriage in ancient Israel. For example, that it was very similar to marriage in the ancient Near East, beginning with an arrangement between two families,¹⁹ involving the bride-money to be paid (Akkadian *terḫatum*; Hebrew *מְהָרָה*),²⁰ which was normally followed by a period of betrothal at the end of which a public feast was being held.²¹ Only then was the marriage consummated in physical sexual union.²² Thus, the Old Testament marriage customs are in line with the general practice of the ancient Near East.²³ Nevertheless, there is one peculiarity concerning the understanding of marriage in ancient Israel: the understanding of marriage as a covenant.

I have already argued above that the giving of the law to Israel is placed into the framework of the covenant. It is noteworthy that there are three texts in the Old

to indicate that it is a payment necessary for the marriage to come into being which expresses a necessary legal act but not a purchase of the bride. Cf. NIDOTTE, vol. 2, 859: "bridal money".

¹⁷ The same is true for cooking recipes. Although we do not have many text passages "concerning culinary technique" (Jean BOTTÉRO, "The Oldest Cuisine in the World", *Everyday Life in Ancient Mesopotamia: with Contributions from André Finet, Bertrand Lafont and Georges Roux*, transl. by Antonia Nevill, Baltimore: John Hopkins University Press, 2001, 44.) in the Bible, no one would argue that the ancient Israelites did not cook or that they only knew two recipes.

¹⁸ See BLOCK, "Marriage and Family in Ancient Israel", 33. In this article of 70 pages length, BLOCK gives a recent discussion of marriage and family in ancient Israel. For a competent outline of the position of wives in ancient Israel see Christopher J.H. WRIGHT, *God's People in God's Land: Family, Land and Property in the Old Testament*, Grand Rapids: Eerdmans, 1990, 183-221.

¹⁹ Although we do not have evidence for marriage contracts in the Old Testament, BLOCK mentions several marriage contracts from the Jewish colony at Elephantine (5th century BC): BLOCK, "Marriage and Family in the Ancient Near East", 45. The story of Abraham's servant finding a suitable wife for Isaac emphasises that certain agreements – and gifts to the future bride's family – were customary (see Gen 24). Hamor coming out to Jacob in order to negotiate a marriage between Shechem and Dinah (Gen 34) illuminates the procedures for a marriage agreement between two families, including the right of the bride's father to refuse (cf. Exod 22:16, ET 22:15).

²⁰ See Gen 34:12; Exod 22:15f. (ET 22:16f.); 1 Sam 18:25 and 2 Sam 3:14.

²¹ In some cases, the feast lasted for seven days (cf. Gen 29:27 and Judg 14:17).

²² On the first night of the feast (Gen 29:23). See BLOCK, "Marriage and Family in Ancient Israel", 46.

²³ See 2.1.3 MARRIAGE IN THE ANCIENT NEAR EAST. The payment of a dowry, though, is only alluded to. Laban's gift of a female servant to each of his daughters marrying Jacob (Gen 29:24-29) does not necessarily prove the practice of the dowry in ancient Israel and Caleb's gift of springs of water to his daughter (Josh 15:19) could also be an exception rather than the norm.

Testament referring to marriage as a covenant: Prov 2:17, Ezek 16:8 and Mal 2:14.²⁴ All three texts deal with a threat against marriage, either literally or metaphorically: Prov 2:17 focuses on literal adultery, Ezek 16:8 on spiritual adultery of ancient Israel's (against its religious marriage bond with Yahweh) and Mal 2:14 deals with divorce. The notion of marriage as a covenant places marriage into both the legal and the religious realm, as a "divinely protected covenant between husband and wife."²⁵ Thus, relationship and obligation towards one another and to Yahweh are stated through the concept of marriage as a covenant.²⁶ This relationship and obligation, however, does not imply that both parties were equal which is obvious in the covenant between Yahweh and the Israelites.

HUGENBERGER argues that ancient Near Eastern marriage contracts are to be distinguished from the understanding of marriage as a covenant since the contracts "represent private legal and commercial agreements", which does, however, not necessarily "affect the hypothesis that marriage itself is a covenant."²⁷ The contracts are *additions* to the marriages. Nevertheless, HUGENBERGER does not prove that marriage was understood as covenantal in the ancient Near East. It seems to me that the central place of the covenant in ancient Israel and the understanding of marriage as a covenant cannot be separated and as such form a peculiarity in the Old Testament view of marriage.²⁸

To conclude, marriage in the Old Testament had much in common with marriage customs of the ancient Near East.²⁹ The physical union of husband and wife ("they shall become one flesh", Gen 2:24) emphasises that marriage was conceived of as creating a strong bond between two people.³⁰ Adultery is a threat to this bond and was therefore punished severely. Moreover, the notion of marriage as a covenant is

²⁴ For a detailed exposition of these texts see HUGENBERGER, *Marriage as a Covenant*. For a treatment of Prov 2:17 see 4.2.1 PROVERBS 2:16–19.

²⁵ *Ibid.*, 343.

²⁶ HUGENBERGER argues convincingly that the marriage covenant was sealed by a covenant-ratifying oath and sexual union: HUGENBERGER, *Marriage as a Covenant*, 216-279.

²⁷ *Ibid.*, 192.

²⁸ "Nowhere else in ANE literature is marriage associated with a sworn oath." (*ABD*, vol. 1, 1194.)

²⁹ This does not really surprise since the ancient Israelites were part of the ancient Near East. Thus, WESTBROOK places the warnings against adultery of the Old Testament within his investigation of adultery in the ancient Near East: see WESTBROOK, "Adultery", 543. In contrast to WESTBROOK, I treat the different texts separately for the purpose of comparing the legal and the wisdom tradition as well as showing up the differences between ancient Near Eastern and Old Testament texts.

³⁰ Thus, Gen 29:14 and 2 Sam 19:12f. emphasise that "you are my bone and my flesh" refers to what we would call blood relationship today. See also Helge S. KANVIG, "'Du skal ikke drive hor...': Hermeneutiske refleksjoner over det sjette bud", *Norsk Teologisk Tidsskrift* 90, 1989, 77.

an important feature of the ancient Israelite view of marriage. Although it cannot be disproved that marriage was understood to be covenantal in the ancient Near East, it is in the Old Testament only that it is turned into an argument in connection to different threats to marriage. Thus, there seems to be an inherent connection between the covenant with Yahweh and the covenant with the spouse.³¹

3.2 Exegesis of the Legal Texts on Adultery

As already indicated in the introduction to this chapter, the first main part of this chapter comprises the exegesis of the relevant Old Testament legal texts on adultery. I am going to start with the prohibition of adultery in the most influential legal document of the Old Testament – the Decalogue³² – in both versions, Exodus 20:14 and Deut 5:18. From there I proceed to work subsequently on all other legal texts on adultery, in the order of the MT – beginning with Lev 18:20 and ending with Deut 22:28–29. I only quote the texts treated in full if they consist of short passages, in order to keep the current work within its scope.

3.2.1 The Treatment of Adultery in the Decalogue

The Decalogue has a very prominent position in the Old Testament.³³ This becomes evident if one looks at it from a canonical perspective. In Exodus, the Decalogue is placed at the beginning of the Sinaitic covenant. Sinai marks a transitional state – just after the redemption from Egypt and – allegedly – before the entry to the Promised Land. The same is true for the placement of the Decalogue in Deuteronomy: it is on the verge of entry to the Promised Land, after the experiences of the wilderness years. From a literary point of view, the figure of Moses is established in the chapters up to Exodus 20. Similarly, the chapters from Deuteronomy 31 onwards de-establish the figure of Moses and prepare the reader for a new leader: Joshua. Thus, the Decalogue in its two versions carries the legacy of Moses and marks the beginning

³¹ See the extended use of the imagery of marriage and covenant in Hosea.

³² I follow BRUEGGEMANN who writes on the canonical placement of the Decalogue: “The ten commandments thus are situated so as to be the bedrock of Yahweh’s intention for Israel, from which all other command in Israel is understood to be derivative.” (Walter BRUEGGEMANN, *Theology of the Old Testament: Testimony, Dispute, Advocacy*, Minneapolis: Fortress Press, 1997, 183f.) RENDTORFF calls the Decalogue the “Grundgesetz” (basic law) of ancient Israel: Rolf RENDTORFF, *Theologie des Alten Testaments: ein kanonischer Entwurf*, vol. 2, Neukirchen-Vluyn: Neukirchener Verlag, 2001, 62.

³³ I follow McCONVILLE who expounds that Deuteronomy 5 is central to Deuteronomy: “The passage establishes the primacy of the Decalogue itself in the laws contained in Deuteronomy.” (Gordon J. McCONVILLE, *Deuteronomy, AOT 5*, Leicester: Inter-Varsity, 2002, 120.) For overviews on the history of research into the Decalogue see ABD, vol. 6, 383f. and OTTO, *Theologische Ethik*, 208–219.

and the end of the wilderness wanderings, a transitional stage in between the redemption from Egypt and the entry to the Promised Land.

I follow CHILDS who argues that the Decalogue is a carefully crafted piece of literature that reflects “the essential character of God himself.”³⁴ The Decalogue begins with a “self-declaration”³⁵ of Yahweh to his people (Exod 20:2; Deut 5:6). It “provides the basis for the covenant with all of Israel”³⁶ since both versions of the Decalogue are depicted as speech of Yahweh³⁷ who reveals both his name and his will to his people.³⁸ In the case of adultery, this will is expressed in a very short form:

לֹא תִנְאֹף You shall not commit adultery. (Exod 20:14)
וְלֹא תִנְאֹף And you shall not commit adultery. (Deut 5:18)³⁹

This is the shortest legal passage concerning adultery in the Old Testament. נִאֲף is the Hebrew technical term for committing adultery.⁴⁰ LISOWSKY lists 31 occurrences of נִאֲף in the Old Testament.⁴¹ It is noteworthy that all Old Testament texts on adultery are silent on the marital status of the man.⁴² On the other hand, they emphasise that the woman either was the wife of another man or a fiancée. Thus, MILGROM writes:

“One should keep in mind that adultery does not apply to the extramarital relations of a married man with an unmarried woman. Since it was essential

³⁴ Brevard S. CHILDS, *The Book of Exodus: a Critical, Theological Commentary, OTL*, 1974, 2nd printing, Philadelphia: Westminster Press, 1975, 397. Cf. KEIL and DELITZSCH in their commentary on Exod 20:14: “This prohibition is not only directed against any assault upon the husband’s dearest possession, for the tenth commandment guards against that, but upholds the sacredness of marriage as the divine appointment for the propagation and multiplication of the human race.” (C.F. KEIL and F. DELITZSCH, *Commentary on the Old Testament in Ten Volumes: The Second Book of Moses*, reprint, Grand Rapids: Eerdmans Publishing, no date given, 124.)

³⁵ Jacob MILGROM, *Leviticus: A Book of Ritual and Ethics*, CC, Minneapolis: Fortress Press, 2004, 200.

³⁶ CHILDS, *Exodus*, 398.

³⁷ See Exod 20:1 and Deut 5:5.

³⁸ For a different view see GERSTENBERGER, *Wesen und Herkunft*, 50–66. He tries to explain the “Selbstvorstellungsformel” of Yahweh as resulting from the cult.

³⁹ Between Exod 20:14 and Deut 5:18 there is only one minor difference. The seventh commandment is linked by וְ (“and”) with the sixth to the tenth commandments. For a discussion of the differences between the Exodus-version and the Deuteronomy-version of the Decalogue, see MCCONVILLE, *Deuteronomy*, 121f.

⁴⁰ See HALOT, 658.

⁴¹ See LISOWSKY, *Konkordanz*, 888. Cf. *BibleWorks*. Apart from the literal usage of the term it is also used metaphorically for Israel’s spiritual apostasy, primarily in Jeremiah, Ezekiel and Hosea (19x).

⁴² See NIDOTTE, vol. 3, 3. It is indeed quite probable that not all the men envisaged were bachelors since not being married was rather the exception for a man of marriageable age in Old Testament times. But this fact simply plays no role. This has been called a ‘double standard’.

to be certain of the paternity of heirs, only the extramarital affairs of the wife concern the legislator.”⁴³

In the Decalogue, אָל is used as a *Qal* imperfect 2nd person masculine singular together with a negating לֹא which expresses “a *general* or *permanent* prohibition.”⁴⁴ The short sentence is therefore a strong prohibition.⁴⁵ This particular use of לֹא plus imperfect has been called “apodictic”.⁴⁶ The Decalogue primarily consists of (apodictic) prohibitives.⁴⁷ This distinguishes it from all other Old Testament laws which normally consist of a mixture of both apodictic and casuistic stipulations.⁴⁸

RENDTORFF points out that in ancient Israel adultery always meant an invasion into an existing marriage. Since this marriage is part of a bigger family structure, adultery also invades that wider family. It thus endangers the family as economic basis of life.⁴⁹ Hence, in the prohibition of adultery in the Decalogue we find the union of two aspects, the religious aspect in the obedience to Yahweh and the social aspect in the protection of the social nucleus of the family.⁵⁰ Within the covenantal context of the Decalogue adultery is prohibited as something that displeases Yahweh.⁵¹ The logic is compelling: whoever commits adultery places himself – or herself – outside of the covenant relationship to Yahweh.

In my view, the Decalogue is directed to both men and women.⁵² Although at least a part of the tenth commandment is addressed to men,⁵³ the fourth commandment

⁴³ MILGROM, *Leviticus*, CC, 205. This is his comment on Lev 18:20 which equally applies here.

⁴⁴ *A Guide to Biblical Hebrew Syntax*, ARNOLD, Bill T. and John H. CHOI, Cambridge: Cambridge University Press, 2003, 137 [italics by the authors]. לֹא with jussive is rather referring to a “*specific* or *immediate* prohibition”: *ibid.*, 130.

⁴⁵ ALT emphasises that לֹא with *Qal* imperfect is “much stronger” than לֹא with jussive. See Albrecht ALT, “The Origins of Israelite Law”, *Essays on Old Testament History and Religion*, transl. by R.A. Wilson, Oxford: Basil Blackwell, 1966, 116. GERSTENBERGER, in contrast, questions if לֹא with imperfect *always* reflects a stronger prohibition than the use of לֹא with jussive. See GERSTENBERGER, *Wesen und Herkunft*, 50–54. I agree with him that there might well be a greater variety than ‘strong prohibition’ and ‘less strong prohibition’ but the use of לֹא with *Qal* imperfect in the Decalogue seems to be both typical of legal prohibitions as well as being “more solemn than לֹא with the jussive.” (J-M, §113*m*.)

⁴⁶ ALT, “The Origins of Israelite Law”, 103. In the course of the current work I use the more common spelling: ‘apodictic’.

⁴⁷ The fourth and fifth commandments are positive exhortations: “Remember the Sabbath day...” (Exod 20:8) and “Honour your father and your mother...” (Exod 20:12).

⁴⁸ See CHILDS, *Exodus*, 395.

⁴⁹ See RENDTORFF, *Theologie des Alten Testaments*, vol. 2, 77.

⁵⁰ See Christopher J.H. WRIGHT, *Deuteronomy*, NIBC, Peabody: Hendrickson Publishers, 1996, 80 and *ABD*, vol. 1, 82.

⁵¹ See Henry MCKEATING, “Sanctions against Adultery in Ancient Israelite Society with some Reflections on Methodology in the Study of Old Testament Ethics”, *JSOT* 11, 1979, 57.

⁵² For a different position see *ABD*, vol. 6, 386: “The commandment forbade male Israelites to have sexual intercourse with the wife of another Israelite, a fellow member of the covenanted community.”

⁵³ “*Y*ou shall not covet your neighbour’s wife...” (Exod 20:17; Deut 5:21).

excludes the wife from the list on the Sabbath rest⁵⁴ which is in my opinion best explained by her inclusion as a recipient of the commandment. From a canonical perspective, Exod 19 describes that the whole people of Israel went out of the camp to meet God, not just the male part of the population.⁵⁵ KEIL and DELITZSCH thus argue that the prohibition of adultery “like all the commandments that were given to the whole nation, applies quite as much to the woman as to the man.”⁵⁶ Hence, the law presupposes that it is both the man and the woman who have their role to play in adultery.⁵⁷ This is confirmed by the other legal passages on adultery. Although the ‘standard’ addressee of the prohibitions is male, there exist several laws which are concerned with female activity.⁵⁸ I am going to argue in the course of the current chapter that one of the main functions of the legal texts dealing with adultery is the use as a deterrent – for both men and women.

3.2.2 The Treatment of Adultery in the Holiness Code

Apart from the prohibition of adultery in the Decalogue, there are several laws dealing with adultery in the so-called Holiness Code (Lev 17–26). The Holiness Code derives its title from the repeated call “You shall be holy, because I, Yahweh your God am holy.”⁵⁹ It “contains cultic and ethical instruction to help the Israelites

⁵⁴ “⁸ Remember the Sabbath day, to keep it holy. ⁹ Six days you shall labor, and do all your work, ¹⁰ but the seventh day is a Sabbath to the LORD your God. *On it you shall not do any work, you, or your son, or your daughter, your male servant, or your female servant, or your livestock, or the sojourner who is within your gates.*” (Exod 20:8–10, italics mine) In a similar list in Gen 8:6, Noah’s wife is included. See also Deut 13:6.

⁵⁵ This, of course, does not mean that men and women had an equal social standing. The structure of ancient Israelite society was clearly male-oriented: patrilocal, patrilineal and patricentric. See BLOCK, “Marriage and Family in Ancient Israel”, 35–44. Following BLOCK, I prefer the use of the term patricentrism over and against ‘patriarchy’. The Old Testament highlights in many ways that the head of the household (or the husband and father as the head of the family) is responsible for the whole household. The term for the extended family is בֵּית־אָבִי, literally ‘house of the father’ (see Num 3:24, 30, 35; 25:14, 15; 30:17; Josh 22:14 etc.). See also KANVIG, “Du skall ikke drive hor...”, 71.

⁵⁶ KEIL and DELITZSCH, *The Second Book of Moses*, 124. Cf. KORNFELD, “L’adultère dans l’orient Antique”, 93.

⁵⁷ See the story of Joseph and Potiphar’s wife which exemplifies how a man should behave in such a situation (Genesis 39; cf. the Egyptian *Tale of the Two Brothers* in APPENDIX 1). See also my treatment of Prov 7 below, 4.2.4 PROVERBS 7.

⁵⁸ Some case descriptions start with “If a/any man...” (Lev 19:20; 20:10; Deut 22:13, 22, 28), whereas others begin with “If any man’s wife goes astray...” (Num 5:12b) or “If a young woman...” (Deut 22:23, NKJV). Nevertheless, as elsewhere in the ancient Near East a double standard operated with regard to adultery in ancient Israel: “A married woman who was unfaithful to her husband was guilty of adultery against her husband, but a married man who was unfaithful to his wife was not regarded as committing adultery against her. In other words there was an asymmetry in the marriage relationship: a wife was bound exclusively to her husband, but he was not bound exclusively to her.” (WENHAM, *Story as Torah*, 143f.)

⁵⁹ Lev 19:2. See also Lev 20:7; 21:8; cf. 20:26 and 21:6. This call appears only once in Leviticus outside of the Holiness Code, in Lev 11:44f.

maintain their holiness as people of Yahweh.”⁶⁰ The main thrust of the Holiness Code lies in the fact that Yahweh “demands obedience to his commandments.”⁶¹

It does not surprise to find several laws concerning adultery in these chapters, since Lev 18–20 generally deals with sexual relationships and ethical/cultic instructions. In the following sections I would like to look in turn at the different passages on adultery in the Holiness Code: Lev 18:20, 19:20–22 and 20:10.

3.2.2.1 *Leviticus 18:20*

And you shall not lie sexually (לֹא־חָתַן שְׁכַבְתָּךְ לְזָרָע) with your neighbour’s wife (אֵל־אִשְׁתּוֹ עַמִּיתְךָ) and so make yourself unclean (לְטִמְאַה) with her.

This verse is clearly marked as an adulterous act since the man has illicit sexual intercourse⁶² with his neighbour’s wife, אִשְׁתּוֹ עַמִּיתוֹ. עַמִּית means “fellow citizen”⁶³ and is used in Leviticus only in that connotation.⁶⁴ Lev 18:20 is part of a long list of sexual offences in Lev 18:1–30. It is separated from chapters 17 and 19 through the formula “And the LORD spoke to Moses, saying...” in Lev 18:1 and 19:1. Lev 18:2 records the self-declaration of Yahweh, analogous to the introductory declaration of Yahweh before the Decalogue (Exod 20:2 and Deut 5:6). According to WENHAM, this self-declaration occurs in three different types of contexts: it looks back to the redemption of Israel from slavery in Egypt, it calls the Israelites to be holy as Yahweh is holy or it provides the motive for observing a particular law.⁶⁵ This passage focuses on the holiness of Yahweh and the observance of Yahweh’s commandments⁶⁶, although not the commandments but sexual offences are listed. The motivation to be obedient to Yahweh is typical in the Holiness Code, marked by the repeated phrase [אֱלֹהֵיכֶם:] אֲנִי יְהוָה (“I am Yahweh [your God]”).⁶⁷ Moreover, the text specifically states that the Canaanites engaged in the sexual practices listed

⁶⁰ W.H. BELLINGER, *Leviticus, Numbers*, NIBC 3, Peabody: Hendrickson Publishers, 2001, 104.

⁶¹ MILGROM, *Leviticus*, CC, 182.

⁶² “When used to denote sexual relations, the idiom ‘to lie with’ and its derivatives denote sexual relations that are illicit.” (*NIDOTTE*, vol. 4, 102.)

⁶³ HALOT, 845.

⁶⁴ See Lev 5:21; 18:20; 19:11, 15, 17; 24:19; 25:14, 15, 17. עַמִּית is only used in one other place, Zech 13:7 (“Awake, O sword, against my shepherd, against the man who stands next to me [עַמִּיתִי].”) According to LISOWSKY, the usual term for “neighbour”, רֵעַ, is used only 3 times in Leviticus, compared to 17x in Exodus and 16x in Deuteronomy. See LISOWSKY, *Konkordanz*, 1343.

⁶⁵ See Gordon J. WENHAM, *The Book of Leviticus*, NICOT, Grand Rapids: Eerdmans, 1979, 251.

⁶⁶ See, e.g., Lev 18:4: “You shall follow my rules and keep my statutes and walk in them. I am Yahweh your God.” Cf. also Lev 18:5, 26.

⁶⁷ See Lev 18:4, 5, 6, 21, 30; 19:3, 4, 10, 12, 14, 16, 18 etc. “The role of this formula in Lev 18–26 then is to teach that Israel’s distinctive existence as a people rests on Yahweh’s self-revelation of his holy character.” (John E. HARTLEY, *Leviticus*, WBC 4, Nashville: Thomas Nelson Publishers, 1992, 293.)

in Lev 18 and warns: “You shall not walk in their statutes.”⁶⁸ The consequence for any of the sexual offences stated in the list is given at the end of Lev 18:

²⁹ For everyone who does any of these abominations, the persons who do them shall be cut off from among their people. ³⁰ So keep my charge never to practice any of these abominable customs that were practiced before you, and never to make yourselves unclean by them: I am Yahweh your God.

All offences from Lev 18:6–19⁶⁹ are concerned with גלה ערונה (“to uncover nakedness”). This is a metaphor for having sexual intercourse with a person.⁷⁰ Lev 18:20 employs a different metaphor for copulation, נתן שכבתו לזרע אל (“to indulge in sexual activity”⁷¹). Maybe this different metaphor is used to distinguish this case from the others in verses 6–19 which all appear to happen in the context of the family.⁷² The message to the audience would thus be that this case is different: firstly, it applies a new metaphor in the context of Lev 18⁷³ and secondly, it adds a new aspect to the implied audience who knew that this is a case of adultery: adultery makes ritually unclean (טמא).⁷⁴ This uncleanness is not just a personal issue but has an effect on the nation, on the land and on all other inhabitants (*cf.* verses 24f.). Adultery is thus listed among the few sins that pollute the land because they are envisaged as causing the most serious form of uncleanness: incest, homosexuality, bestiality and murder.⁷⁵ I follow KLAWANS who argues that this impurity is not ritual

⁶⁸ Lev 18:3; see also 18:24, 25, 27.

⁶⁹ Lev 18:6–18 are concerned with illicit sexual intercourse within the family or with relatives of one’s spouse. Lev 18:19 is a general rule, about not having sex with a woman during her monthly period. See Lev 15:24, 33 which talk about rules of uncleanness. In Lev 18:19, as well as in 20:18, the context is rather severe: anyone doing this is not just unclean for a certain period of time but will be “cut off” from his people, from the covenant relationship (compare Lev 18:29 with 20:18). HARTLEY offers a plausible explanation: “These texts address different situations. In this text it is assumed that a man surprisingly and unwittingly discovers that he has come into contact with menses, probably from intercourse at the inception of the woman’s menstrual period, while in the other law a man brazenly breaks the decree by knowingly lying with a woman during her period.” (HARTLEY, *Leviticus*, 212.) However, Lev 18:19 does not specify the relationship between the man and the woman, if they are married or if she is a prostitute. The verse is more concerned with the uncleanness of the woman. For the first time in Lev 18, the motif of uncleanness is mentioned.

⁷⁰ See HARTLEY, *Leviticus*, 294 and MILGROM, *Leviticus*, CC, 203.

⁷¹ See HALOT, 1488. MILGROM argues that לא־תתן שכבתך לזרע is to be translated “you shall not use your penis for sex.” (Jacob MILGROM, *Leviticus 17–22: A New Translation with Introduction and Commentary*, AB 3A, New York: Doubleday, 2000, 1550.)

⁷² There is one possible exception in Lev 18:19 which does not specify the relationship between the man and the woman, whether they are married or not, or if she is a prostitute. Since the verse is totally unmarked, I would assume that it is most probable that the woman is the wife of the man.

⁷³ This metaphor is used again in 18:23, but there it is the case of sexual intercourse with an *animal*.

⁷⁴ The motif of uncleanness in the context of adultery appears only here and in Num 5:11–31 in the Old Testament. For an excellent overview of uncleanness in the Old Testament see ABD, vol.6, 722–741.

⁷⁵ *Cf.* Gordon J. WENHAM, “Purity”, *The Biblical World*, BARTON, John (ed.), vol. 2, Abingdon: Routledge, 2002, 380f.

but moral, resulting “from committing certain acts so heinous that they are considered defiling.”⁷⁶

MILGROM points out– in connection with this concept of uncleanness, impurity and pollution – that the use of כרת (“to cut [off]”) in Lev 18:29, which summarises the list of sins, refers to divine judgment.⁷⁷ WENHAM writes accordingly:

“Insofar as many of the offenses punishable by ‘cutting off’ would easily escape human detection, a threat of divine judgment would have been the main deterrent to committing them.”⁷⁸

This understanding supports my thesis that the laws on adultery in the Old Testament function as deterrents for would-be adulterers and adulteresses. Moreover, Lev 18:20 underlines that adultery in ancient Israel was “strictly a religious crime” whereas in the ancient Near East, it was “a civil crime, commutable and pardonable.”⁷⁹ In contrast to MILGROM, I do not understand the ancient Near Eastern legal texts on adultery as entirely belonging to the realm of civil law.⁸⁰ However, I follow his conclusion that adultery was understood as a religious crime in the Old Testament, in contrast to the general ancient Near Eastern understanding of adultery as outlined in chapter 2.

3.2.2.2 *Leviticus 19:20–22*

²⁰ If a man lies sexually with a woman who is a slave (שִׁפְחָה), assigned (נִחְרַפָּת) to another man and not yet ransomed or given her freedom, damages (בְּקָרָת) must be paid. They shall not be put to death, because she was not free; ²¹ but he shall bring his compensation to Yahweh, to the entrance of the tent of meeting, a ram for a guilt offering. ²² And the priest shall make atonement for him with the ram of the guilt offering before Yahweh for his sin that he has committed, and he shall be forgiven for the sin that he has committed.

Here, yet another Hebrew idiom for sexual intercourse is employed: שָׁכַב אִתְּאִשָּׁה שִׁכְבַת־זָרַע (“to lie with a woman and ejaculate”⁸¹). This law does not

⁷⁶ Jonathan Klawans, “The Impurity of Immorality in Ancient Judaism”, *JJS* 48, 1997, 3. Likewise, MILGROM writes that ritual impurity “is always subject to ritual purification, but no ritual remedy exists for moral impurity.” (MILGROM, *Leviticus*, AB, 1573.)

⁷⁷ See Jacob MILGROM, *Numbers*, The JPS Torah Commentary, Philadelphia: The Jewish Publication Society, 1990, 405–408.

⁷⁸ WENHAM, *Leviticus*, 285f.

⁷⁹ MILGROM, *Leviticus*, AB, 1550.

⁸⁰ See my comments above, in 2.3.1 DEATH PENALTY AND THE HUSBAND’S REVENGE.

⁸¹ HALOT, 1488. The verb שָׁכַב is used in the Old Testament to denote illicit sexual intercourse. See, for example, Gen 19:32 and 39:7; cf. NIDOTTE, vol. 4, 102. The phrase שָׁכַב (לְ)זָרַע occurs only in texts dealing with adultery, in Lev 18:20, 19:20 and Num 5:13. In my view, the meaning of זָרַע in these passages is not entirely evident. It could refer to ‘ejaculation’ (HALOT), but it could also be employed to underline that שָׁכַב is used in a sexual sense or it could even refer to the intentions of the

seem to fit into its context: it is casuistic in form and differs in content.⁸² Moreover, there are two Old Testament *hapax legomena* in the text.⁸³ I will start with the second, בִּקְרָח. WESTBROOK argues that בִּקְרָח derives from Akkadian *baqāru(m)*, “to (lay) claim to.”⁸⁴ He argues that this claim has not a remedy in view: “The Akkadian term *baqāru* never refers to a claim in damages but only to an *actio in rem*, a claim for return to one’s property.”⁸⁵ WESTBROOK identifies this *actio in rem* as the return of the slave woman to her owner.⁸⁶ I do not find his arguments entirely convincing, since the differentiation of *actio in rem* and remedy (or pecuniary claim) seems too artificial. It is questionable if the implied audience would have made such a rather logical differentiation.⁸⁷ Moreover, I would expect four parties in this case: the woman, her owner, the fornicator and the husband to be. WESTBROOK, in contrast, expects only three parties: “the husband, the wife and the creditor.”⁸⁸ If WESTBROOK were right, the law would be very cryptic as it stands.

WENHAM interprets בִּקְרָח as “damages must be paid.”⁸⁹ His interpretation has several advantages. Firstly, in other cases in the Old Testament as well as in the ancient Near East pecuniary compensation in connection with sexual intercourse is well attested.⁹⁰ Secondly, if the death penalty is not to be applied, the fiancé would

man: the only reason to get together with the wife of another man was to have sexual intercourse with her.

⁸² All other laws in Lev 19 are apodictic (19:10–19 and 19:26–29, 31, 33, 35). Although one should be careful in laying too much emphasis on this distinction, nevertheless Lev 19:20–22 is the only casuistic law in Leviticus 19. The passage also differs in content from its context: Lev 19:9 gives stipulations about cattle and seed and Lev 19:23–26 about planting a tree for food and when it is allowed to eat for the first time from its fruit. Although this might seem unorganized for the modern reader (especially if one looks at what follows in verses 27ff.: instructions concerning hair cuts, tattooing for the dead, prostitution, Sabbath-keeping, mediums, honouring the elderly and foreigners) all these instructions can be subsumed under Lev 19:2: “You shall be holy, for I, Yahweh, your God am holy.”

⁸³ See the detailed study in WESTBROOK, *Studies*, 101–109.

⁸⁴ CDA, 38. See also WESTBROOK, *Studies*, 103–105. HALOT has adapted the derivation from *baqāru(m)* as well: see HALOT, 152. NIDOTTE emphasises the difficulty in translating בִּקְרָח: “It could mean reparation [...] or investigation [...], or it could be associated with punishment or inquisition [...], or even compensation for damage.” (NIDOTTE, vol. 1, 707.)

⁸⁵ WESTBROOK, *Studies*, 103.

⁸⁶ For a detailed study on female slaves in the ancient Near East and the Old Testament, supporting the view that the slave woman was seen as property, see Raymond WESTBROOK, “The Female Slave”, GLHBANE, Matthews, Victor H., Bernard M. Levinson and Tikva Frymer-Kensky (eds.), JSOTSup 262, Sheffield: Sheffield Academic Press, 1998, 214–238.

⁸⁷ MILGROM points out that “a specification of the owner“ is missing if WESTBROOK were right. (MILGROM, *Leviticus*, AB, 1668.)

⁸⁸ WESTBROOK, *Studies*, 108. For his interpretation of husband and wife in this case see below.

⁸⁹ WENHAM, *Leviticus*, 270f. HALOT speaks of an “obligation to compensate”: HALOT, 152. For a discussion of alternative translations see MILGROM, *Leviticus*, AB, 1668–1670.

⁹⁰ See Exodus 22:15–16 (ET 22:16–17) and Deuteronomy 22:28f. In the ancient Near Eastern law collections are two laws concerning sexual intercourse with female slaves where compensation should be made to the owner of the slave girls: see LU §8 and LE §31.

get nothing if the fornicator is only made to go to the priest for a guilt offering. Since the fiancé pays⁹¹ the owner for taking his wife, it makes most sense for him to receive compensation.⁹² This interpretation leads us to the second *hapax*, the *Niphal* participle feminine singular of חָרַף.

Most commentators and *HALOT* render חָרַף as “betrothed”.⁹³ WESTBROOK, however, claims that “no cognates have been identified in the other semitic languages.”⁹⁴ Since slavery is “ultimately connected with debt”, he argues that the root meaning for חָרַף is עָרַב, “to pledge”.⁹⁵ He therefore argues for a case of debt-slavery here, translating אִשָּׁה as “wife”, and arrives at the following text:

“If a man has sexual intercourse with a married woman, she being a slave pledged to the man and not redeemed or given her freedom, an action lies in return. They may not be put to death because she was not freed. He shall bring his guilt-offering, etc.”⁹⁶

Thus for WESTBROOK this is a case of adultery, though under special circumstances. There are, however, two problems with his translation: firstly, there is an Akkadian parallel, namely *ḫarupu*, “betrothed”.⁹⁷ Secondly, WESTBROOK’s translation requires several emendations of the Hebrew text: that the supposed original reads לְאִישׁ instead of לְאִשָּׁה⁹⁸ and that the root חָרַף is changed to עָרַב,⁹⁹ although the text –

⁹¹ Or ‘has paid’: it is not at all clear if the full price for the slave woman already had been paid to the owner. In my view, it might be the best explanation for the fact that the slave woman is betrothed but not freed that the sum has not been paid in full. But since this sum will be paid and there has been some sort of a contract between the owner of the slave woman and her husband to be, damages are to be paid to the fiancé and not to the owner.

⁹² See Anthony PHILLIPS, “Another Look at Adultery”, *JSOT* 20, 1981, 13.

⁹³ See, e.g., BELLINGER, *Leviticus, Numbers*, 119; HARTLEY, *Leviticus*, 319; MILGROM, *Leviticus*, CC, 238; WENHAM, *Leviticus*, 270; *HALOT*, 356. HUGENBERGER, however, makes a distinction between ‘being pledged’ and ‘being betrothed’, taking LH §156 as proof for an intermediate state between being pledged and being betrothed. (See HUGENBERGER, *Marriage as a Covenant*, 286–288.) In my view, one should not overlook that LH §156 describes the father as the fornicator (thus, one of the negotiators of the marriage and the head of the household) and stresses the fact that no sexual intercourse has happened so far. The bride has brought gifts into her father-in-law’s house, most probably she already belonged to his household. Because no sexual intercourse has taken place between the bride and her (future) husband, and therefore the marriage has not been fully consummated, we do have a special case here. This case is a sub-case to LH §155 where the father has had sexual intercourse with his son’s bride after he has slept with her, the death penalty for the father being obligatory. The main thrust of LH §156 seems to be the protection of a bride prior to marriage, even from her own father-in-law. She gets a compensation of 30 shekels of silver (see Deut 22:29 which states 50 shekels silver, several hundred years after Hammurabi’s time) and gets restored, being free to marry a husband of her choice. Thus, LH §156 would be a special case of family law, restricting the authority of the father as head of the household and protecting the status of a bride.

⁹⁴ WESTBROOK, *Studies*, 106.

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*, 108.

⁹⁷ *HALOT*, 356. *HALOT* also lists two Arabic parallels.

⁹⁸ WESTBROOK, *Studies*, 107. MILGROM rightly rejects WESTBROOK’s suggestion because “if correct, the text would have read *lō* ‘to him’ instead of emended *lā’iṣ*.” (MILGROM, *Leviticus*, AB, 1667.)

⁹⁹ WESTBROOK, *Studies*, 106.

including the ancient versions – does not support WESTBROOK’s view.¹⁰⁰ In my view, the text does not need these emendations since it makes sense as it stands.

The key phrase in the text is in Lev 19:20b: “They shall not be put to death because she was not free.” Thus, the text itself explains why there is an exception to the rule, the usual penalty for adultery being the death penalty (*cf.* Lev 20:10). The woman was not free, and therefore the general rule does not apply. Hence, there are damages to be paid to the fiancé and the fornicator has to bring a guilt offering¹⁰¹ in order to receive atonement from the priest which lies in the main thrust of the Holiness Code.¹⁰²

3.2.2.3 *Leviticus 20:10*

If a man commits adultery with the wife of his neighbour, both the adulterer and the adulteress shall surely be put to death.

This is the *locus classicus*¹⁰³ for adultery in the Old Testament. It stands at the beginning of a series of laws concerning illicit sexual practices, *e.g.* sleeping with different relatives, homosexuality and bestiality.¹⁰⁴ It seems to me that most commentators do not take time to look at this law because they have already dealt with it in their treatment of Lev 18:20.¹⁰⁵ Still, I would like to point out a few characteristics about the laws on adultery, taking this ‘classic’ verse as example.

פְּנִי is the technical term for adultery, here clearly underlined as adultery by the mention of “with the wife of his neighbour”¹⁰⁶ and the frequent use of it in this verse.¹⁰⁷ MCKEATING points out that Lev 20:10b ensures “that the death penalty can be exacted *provided that* both parties suffer it.”¹⁰⁸ This is convincing, especially with the background of the ancient Near Eastern laws on adultery. As I have already

¹⁰⁰ The text-critical apparatus of the BHS does not mention any emendations as proposed by WESTBROOK.

¹⁰¹ MILGROM, *Leviticus*, 238 calls it a “reparation/offering”; *cf.* Dale PATRICK, *Old Testament Law*, Atlanta: John Knox Press, 1985, 173. I still follow ESV and HALOT, 96: “guilt-offering”.

¹⁰² As I have already noted, Lev 18:20 is the first law that connects adultery with uncleanness.

¹⁰³ See HUTTER, “Das Ehebruch-Verbot”, 101.

¹⁰⁴ Lev 20:10–21. *Cf.* the similar series of laws in Lev 18:6–23. PATRICK makes a useful comment on the two chapters: “Chapter 18 and 20 overlap in subject matter and act as complementary units. Chapter 18 lays down the prohibitions, and chapter 20 states the punishments for violating them.” (PATRICK, *Old Testament Law*, 157.)

¹⁰⁵ See, *e.g.*, HARTLEY, *Leviticus*, 339 and MILGROM, *Leviticus*, CC, 256.

¹⁰⁶ See my comments on Exod 20:14 above where there is no description of the circumstances.

¹⁰⁷ פְּנִי is used four times in this verse, literally: “And a man who commits adultery with a woman, a man who commits adultery with the wife of his neighbour, both the adulterer and the adulteress shall surely be put to death.” ‘Adulterer’ and ‘adulteress’ are participles of פְּנִי.

¹⁰⁸ MCKEATING, “Sanctions”, 58f. (*italics his*)

pointed out in chapter 2, **MAL A** is concerned with strict equality in punishment once the charge is proven. The death penalty set out in Lev 20:10 is part of a whole series of penalties for capital crimes, marked by the use of *מוֹת יוֹמָת*, “he shall surely be put to death” in Leviticus 20.¹⁰⁹ This is a typical Hebrew idiom, a connection of an infinitive absolute with a finite form of the same root (*מוֹת*), which has been called *figura etymologica*¹¹⁰, emphasising the verbal content (‘to die’).¹¹¹ Thus, Lev 20:10 prescribes that the penalty for adultery definitely is death. PHILLIPS points out that it was carried out by the community.¹¹² Since we do not have a single example of the death penalty being applied in the Old Testament, it has been understood as the maximum penalty that can be invoked.¹¹³ I will deal with the death penalty for adultery in detail below, in my treatment of the concepts of adultery in the second part of this chapter.

3.2.3 The Treatment of Adultery in Numbers 5:11–31

For several reasons, Num 5:11–31 is a puzzling piece of literature. Firstly, it is one of the few Old Testament texts which do not just speak about a ritual but also about its application – in detail. It contains the rite of the ordeal which is quite prominent in the ancient Near East,¹¹⁴ although Num 5:11–31 differs greatly from its ancient Near Eastern counterparts. Secondly, it is full of repetitions and highly complex in structure. Thirdly, Num 5:11–31 seems to contradict the obligatory legal rule of death penalty for adultery. Thus, it is no surprise that the number of studies and opinions of how to interpret the text correctly is legion.¹¹⁵

¹⁰⁹ The idiom *מוֹת יוֹמָת* is used 26 times in the Old Testament, mostly in Exodus (7x) and Leviticus (12x, 9x in chapter 20 alone). See LISOWSKY, *Konkordanz*, 769. MILGROM takes the 3rd person masculine singular of *מוֹת* as reason to suggest that “originally only the paramour was put to death; the wife was added later.” (MILGROM, *Leviticus*, AB, 1747.) In my view, this seems rather unlikely because Biblical Hebrew uses quite frequently a 3rd person masculine singular where the verb refers to a plural or a female word. See G-K §145o. Moreover, it seems to me that *מוֹת יוֹמָת* is a technical term. Therefore, its gender or number might be without further implications. See also Michael FISHBANE, “Accusations of Adultery”, *HUCA* 45, 1974, 25n.2. On the use of the term *מוֹת יוֹמָת* see also Hermann SCHULZ, *Das Todesrecht im Alten Testament: Studien zur Rechtsreform der Mot-Jumat-Sätze*, Berlin: Töpelmann, 1969. Interestingly, MILGROM acknowledges both of these arguments but he still opts for a development from a death penalty of the paramour to a death penalty of the adulterous couple.

¹¹⁰ See BÜHLMANN, W. and K. SCHERER, *Sprachliche Stilfiguren der Bibel: Von Assonanz bis Zahlenspruch*, 2nd, enlarged edition, Gießen: Brunnen Verlag, 1994, 19–21.

¹¹¹ See GK §113w.

¹¹² With reference to Lev 20:2, 27; 24:16 and Num 15:36. See PHILLIPS, “Another Look at Adultery”, 20f. n.15. MILGROM, *Leviticus*, CC, 255 writes that the death penalty is executed “by the decision of the authorized court.”

¹¹³ See WENHAM, *Leviticus*, 279.

¹¹⁴ See above, **2.3.7 THE ORDEAL**.

¹¹⁵ To give but a few titles: Herbert Chanan BRICHTO, “The Case of the *Šōṭā* and a Reconsideration of Biblical ‘Law’”, *HUCA* 46, 1975, 55–70; FISHBANE, “Accusations”, 25–45; Tikva FRYMER-

3.2.3.1 *The Literary Context of Numbers 5:11–31*

Num 5:11–31 stands in the literary context of the encampment at Sinai, in Num 1:1–10:10.¹¹⁶ It belongs to a series of directives regarding the purity of the camp.¹¹⁷ Num 5:1, 5, 11 and 6:1 all start with *וַיְדַבֵּר יְהוָה אֶל־מֹשֶׁה לֵאמֹר* (“And Yahweh spoke to Moses, saying...”). Num 5:1–4 deals with instructions to clean the camp of lepers and those who are unclean through a discharge or through contact with the dead. Num 5:5–10 states that any sin should be confessed upon realization, outlining how restitution should and can be made. Num 6:1–21 deals with instructions for the Nazirite vow, for someone who wants to separate himself to Yahweh (for a certain period of time). And in the midst of these texts there is Num 5:11–31, *הַחֹרֶת הַקְּנָאִת* (“the law in cases of jealousy”, Num 5:29). Num 5:11–31 is thus placed into the literary context of regulations about the purity of the camp, with two main points:

- (1) There is no place for impurity/uncleanness within the camp.
- (2) How to become pure, once one realized one’s guilt.

The two points relate to the relationship with Yahweh, his dwelling in the midst of his people (in the camp).¹¹⁸ Both of them can be found in Num 5:11–31. We have already seen in Lev 18:20 that adultery is portrayed there as making ritually unclean (*טָמֵא*), a concept that finds expression in Num 5:13 as well.¹¹⁹ The suspected adulteress’s uncleanness is a repeated concept in Num 5:11–31.¹²⁰ The underlying equation is compelling: if she is unclean, she is guilty; if clean, she is innocent. It is one of the main characteristics of “law in cases of jealousy” (verse 29) – which distinguishes it from the ancient Near Eastern practice of the ordeal – that it is not the accused who has to prove her innocence, but it is left to the ritual to prove the *guilt*.

KENSKY, “The Strange Case of the Suspected Sotah (Numbers v 11-31)”, *VT* 34, 1984, 11–26; *idem*, “The Trial Before God of an Accused Adulteress”, *Bible Review* 2, 3/1986, 46–49; William MCKANE, “Poison, Trial by the Ordeal and the Cup of Wrath”, *VT* 30, 1980, 474–492; MILGROM, *Numbers*, 346–354; Eckhard VON NORDHEIM, “Das Gottesurteil als Schutzorakel für die Frau nach Numeri 5”, *Konsequente Traditionsgeschichte: Festschrift K. Baltzer*, Bartelmus, R. (ed.), 1993, 297–309; J.L. SAALSCHÜTZ, *Das mosaische Recht: nebst den vervollständigenden thalmudisch-rabbinischen Bestimmungen. Für Bibelforscher, Juristen und Staatsmänner*, 2nd, enlarged and improved edition, 1853, reprint, Walluf bei Wiesbaden: Dr. Sändig, 1974, 571–575; Gordon J. WENHAM, *Numbers*, TOTC, Leicester: Inter-Varsity Press, 1981, 79–85.

¹¹⁶ See NIDOTTE, vol. 4, 985.

¹¹⁷ Cf. BELLINGER, *Leviticus*, NIBC, 196–199.

¹¹⁸ “... that they may not defile their camp, in the midst of which I dwell.” (Num 5:3b)

¹¹⁹ See my comments above, 3.2.2.1 LEVITICUS 18:20.

¹²⁰ See Num 5:13, 14, 19, 20, 27, 28, 29.

3.2.3.2 *The Structure and Content of Numbers 5:11–31*

Main Structure	Verse(s)	Content
Introductory Formula	11–12a	Yahweh speaks to Moses who then should speak to “the people of Israel”.
Case Description	11–14	Law in cases of a husband’s jealousy (verse 29): Case 1: the wife has defiled herself (adultery) Case 2: the wife has not defiled herself [no primary evidence, no witnesses (verse 13)]
The Ritual	15–28	
A. Preparation	15–18	The suspicious husband brings his wife and a grain offering to the priest. (verse 15) The priest takes the woman into the court of the tabernacle before Yahweh. (verse 16) The priest takes an earthenware vessel, puts water in it, and mixes it with dust from the tabernacle floor. (v. 17) The priest goes back to the woman, unbinds her hair and puts the grain offering into her hand. (v. 18)
B. Curse	19–23	Holding the water in his hands the priest recites the curse to the woman – including its severe consequences – and she assents to it. (verses 19–22) The priest writes down the curse and washes it off into the water (verse 23)
C. Ritual	24–26	The woman is made to drink the water by the priest. (verses 24 and 26b) The priest takes the grain offering from the woman, waves it and burns part of it on the altar. (verses 25–26)
D. Consequence	27–28	The water affects the woman if she is guilty (v. 27) or does not affect her in case of innocence.(verse 28)
Repetition of Case Description	29–31	Title of the law and statement of husband’s innocence.

Diagram 9: Structure and Content of Numbers 5:11–31¹²¹

It is easy to see that this law is highly complex.¹²² In order to discuss the import of this law in the context of the Old Testament laws on adultery, I would like to make a few observations on Num 5:11–31 which might help to a better understanding:

¹²¹ This is my own structure, although I have made use of WENHAM, *Numbers*, TOTC, 80f. MILGROM gives a beautiful structure of Num 5:11–31 but sacrifices verse 21 as interpolation for the sake of chiasms: MILGROM, *Numbers*, 351. For a critique of his practice see Gordon J. WENHAM, *Numbers*, OTG, Sheffield: Sheffield Academic Press, 1997, 24: “Such is Milgrom’s enthusiasm for chiasm and introversion that he uses breaks in the pattern to suggest the presence of later interpolations in the text (e.g. 5.21 [...]). This is a questionable approach, as too little is still known about literary patterns in Hebrew. It is reminiscent of scholars who emended biblical poetry, *metri causa*, that is, because words or phrases did not fit their understanding of Hebrew meter. Today the capriciousness of emendation *metri causa* is universally recognized.”

¹²² See BRICHTO, “The Case of the ŠŌṬĀ and a Reconsideration of Biblical ‘Law’” and FISHBANE, “Accusations of Adultery” for the treatment of this text as a single, coherent literary unit.

(1) The case description emphasises that there are absolutely no proofs for the charge of adultery: it was “hidden from the eyes of her husband” (he cannot be a witness, then), “undetected” (no one else was around), “there is no witness against her” and “she was not taken in the act” (all verse 13). Since in ancient Israel to make a charge there were at least two witnesses required,¹²³ no human court could take up this case.¹²⁴

(2) The reason for the רִיחַ קִנְיָהּ (“spirit of jealousy”) is not mentioned. קִנְיָהּ is the main term in Hebrew to express jealousy and zeal, either of man or of God.¹²⁵ There must have been some sort of indication for the husband to suspect his wife of having committed adultery. Thus, FISHBANE writes: “The intent of the draught ordeal is ambiguous. It seems that its purpose is to establish *de jure* that which is ‘known’ *de facto*.”¹²⁶ I am not so sure if the adultery was known *de facto*. The text simply states that “the spirit of jealousy” (Num 5:14) came over the husband. This does not sound to me like ‘knowing *de facto*.’ There is only a suspicion of the husband. FRYMER-KENSKY points out that it was not strange for a husband to bring his wife to such a procedure because “it is a husband’s right (and perhaps even duty) to accuse his wife and bring her to trial if he suspects her of adultery.”¹²⁷ VON NORDHEIM mentions another possible reason for the husband’s suspicion: if his wife had an unexpected pregnancy.¹²⁸ This view could fit to verse 30: “But if the woman has not defiled herself and is clean, then she shall be free and shall conceive children.” However, I follow MILGROM who points out that the use of the *Niphal* of זָרַע (“to be impregnated”¹²⁹) rather links the ritual with the ability to conceive and not the ability to “bring forth the seed” which would be its *Hiphil* use.¹³⁰ Since Num 5 is not concerned with pregnancy (it is not explicitly mentioned), it seems better to assume that the case is broader: the husband is jealous, for whatever reason.¹³¹ In the end, the

¹²³ See Num 35:30; Deut 17:6 and 19:15.

¹²⁴ Cf. MILGROM, *Leviticus*, AB, 1748.

¹²⁵ See NIDOTTE, vol. 3, 937–939.

¹²⁶ FISHBANE, “Accusations of Adultery”, 37.

¹²⁷ FRYMER-KENSKY, “The Trial Before God”, 49.

¹²⁸ See VON NORDHEIM, “Das Gottesurteil”, 306; cf. MCKANE, “Poison, Trial by the Ordeal”, 474.

¹²⁹ HALOT, 282.

¹³⁰ See MILGROM, *Numbers*, 303.

¹³¹ MATTHEWS assumes – from LU §14 and LH §127, where accusations concerning adultery were spread through other men – that “there have been accusations made to him [the husband] privately and rumor (represented by the statement in verses 12–13) is beginning to bring public shame on his household.” (Victor H. MATTHEWS, “Honor and Shame in Gender-Related Situations”, *GLHBANE*, Matthews, Victor H., Bernard M. Levinson and Tikva Frymer-Kensky (eds.), JSOTSup 262, Sheffield: Sheffield Academic Press, 1998, 103.) MATTHEWS could well be right, although in difference to the extant ancient Near Eastern texts false accusations concerning adultery are not

whole sense of this law is not to satisfy the husband’s jealousy but to secure that his offspring – born by his wife – is really his.¹³²

(3) The **מִנְחַת קִנְיָה** (“grain offering of jealousy”, verse 15) is also called **מִנְחַת זְכוּרֹן מִזְכָּרַת עֹן** (“a grain offering of remembrance bringing guilt to remembrance”). This is a key phrase in this text: **עֹן** means “guilt caused by sin.”¹³³ Thus, this offering is made in order to determine if there is any guilt caused by sin, *i.e.* if the wife has committed adultery.¹³⁴

(4) With the arrival at the tabernacle the husband is no longer referred to. He plays no role in the ritual and is only mentioned again at the very end of it, in the repetition of the case description in verses 29–31. The priest is the agent in verses 16–27. Except for the double “Amen” in verse 22, which is a confirmation and acceptance of the curse,¹³⁵ the woman is absolutely passive. She does not even take the water to drink, it is the priest who *makes her* drink it.¹³⁶

(5) Verse 18 describes that the hair of the woman is untied. This is most probably a sign of mourning, an “indication that the woman was in disgrace.”¹³⁷ It emphasises the gravity of the ritual. MILGROM points out that there is a movement between the profane and the holy in Numbers 5:¹³⁸

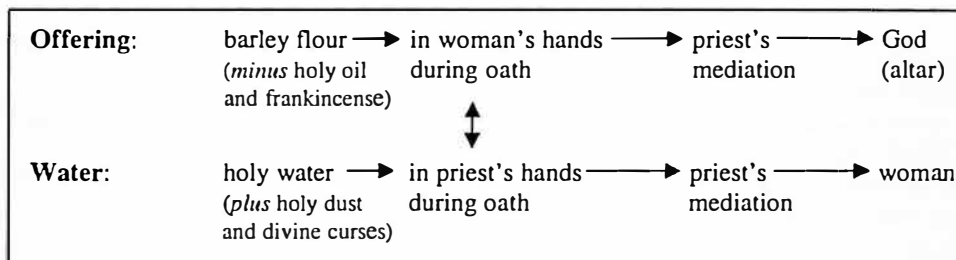


Diagram 10: Movement between the Profane and the Holy in Numbers 5

This whole procedure underlines the sacred character of the ritual. The text emphasises that everything happens in front of Yahweh (verses 16, 25, 30). It is not the

treated in the legal texts of the Old Testament. In my view, Num 5 deliberately leaves open from whence the husband has his suspicions. The law simply states that he is jealous.

¹³² If one looks at the negative outcome of the ritual – that the woman becomes barren, verse 27, the use of **זָרַע** (used together – in the phrase **וּנְזָרְעָה זָרַע** – with **זָרַע**, “offspring”) hints to the ability to bear children and *legitimate* heirs. Cf. PHILLIPS, “Another Look at Adultery”, 8: “Thus Num. 5: 11 ff. is an ancient paternity rite designed to determine the legitimacy of the husband’s children.”

¹³³ HALOT, 800.

¹³⁴ See MILGROM, *Numbers*, 39. This interpretation is underlined by the double use of **עֹן** in verse 31: “The man shall be free from guilt, but the woman shall bear her guilt.”

¹³⁵ See MILGROM, *Numbers*, 41.

¹³⁶ This is the typical, causative use of the *Hiphil*, **וַיַּשְׁקֵהָ אֶת־הָאִשָּׁה** (“he causes the woman to drink”), verse 24. Cf. verse 26b.

¹³⁷ MILGROM, *Numbers*, 40.

¹³⁸ See *ibid.*, 352.

priest who brings about the curse, it is Yahweh himself (verse 21).¹³⁹ And although the husband brought his wife and the offering to the priest, it is the woman who presents the offering to the priest as her sacrifice. This is not a contradiction to her passive role noted above. It is the priest who takes the offering from the husband and places it in the hands of the woman (verse 17) and it is the priest as well who takes the offering out of the woman's hands to make the offering (verse 25). The offering is thus in her hands during the oath.¹⁴⁰

(6) After dust from the tabernacle has been added, the *קִדְשִׁים מַיִם* (“holy water”) is called *מֵי הַמָּרִים הַמְאָרְרִים* (“the water of bitterness that brings the curse”). The meaning of *מָר* (“bitter”) in this context needs still to be resolved.¹⁴¹ The water itself is not poisonous, it has no inherent quality that stops procreation.¹⁴² The main effect of the curse in case the woman is guilty will be the definite end to her procreative ability.¹⁴³ She is only “free and shall conceive children” (verse 28) if she is innocent. Otherwise “she will become a curse among her people.” (verse 27)

¹³⁹ Therefore, the whole procedure is not magic in itself. Rather, it is a judicial procedure that involves a higher authority.

¹⁴⁰ See MILGROM, *Numbers*, 40.

¹⁴¹ BRICHTO traces it back to *yrh*, from *tora*, “oracle” because “[n]othing in the context justifies derivation of *marīm* from *mrr* ‘to be bitter’. [...] In any case, ‘bitter water’ would normally be expressed in Hebrew as *mayim marīm* [...]; the use of a construct with plural of abstraction should alert us to a more portentous content in *marīm*.” (BRICHTO, “The Case of the *Šōṭā* and a Reconsideration of Biblical ‘Law’”, 59.) BRICHTO assumes that ‘bitter’ must be understood literally. But the water is not only called ‘bitter’ after the curse has been washed into it but two times *before* as well (verses 18b and 19b). It is connected with the curse at the moment the dust from the tabernacle is added to it. In my opinion, the effects of the holy water, mixed with ‘holy’ dust (from the tabernacle) are bitter for anyone who is guilty of a serious crime. The fact that not the ‘simple’ form *mayim marīm* is used, can also be explained: *מֵי הַמָּרִים הַמְאָרְרִים* (“the water of bitterness that brings the curse”) reads like an intensification with its weight on the last word which obviously fits the context very well, emphasising the curse – and thus (possible) effect of the water. It sounds like a curse. However, in my view, *מָר* in this context is best figuratively understood, as a *metonymy* – the cause is the curse, the effect is the bitterness (if someone is guilty). This interpretation finds support in verse 24b and v. 27: *וַיָּבֹאוּ בָּהּ הַמַּיִם הַמְאָרְרִים לְמַרְיָם*: (“... and the water that brings the curse shall enter into her and cause her bitter pain”). The effect of the curse is the bitterness of barrenness, thus becoming a curse among her own people (verses 21, 27).

¹⁴² SAALSCHÜTZ assumes that it might probably be a special drink that leads to the collapse of the procreative organs in the early stages of a pregnancy but does no harm otherwise: SAALSCHÜTZ, *Das mosaische Recht*, 574. I find such a conclusion a bit farfetched and follow MCKANE: “The drink has no toxic properties, and if we are describing it scientifically, we have to say that it is harmless. Are we then to commit ourselves to the proposition that it is harmless and remains harmless if the woman is innocent? It becomes poison only if the woman is guilty.” (MCKANE, “Poison, Trial by the Ordeal”, 478.)

¹⁴³ It is not entirely clear what is meant exactly by the repeated phrase: *בַּחַת יְהוָה אֶת־יָרֶכְךָ נַפְלֵת וְאֶת־בִּטְנֶךָ צָבָה*: (“when the LORD makes your thigh fall away and your body swell”). It refers most probably to “the physical inability to beget children”: MILGROM, *Numbers*, 41. WENHAM mentions that in adultery “the woman sinned with her ‘thigh’ and conceived with her ‘belly’”. Therefore it is fitting that these organs should be the scene of her punishment.” (WENHAM, *Numbers*, TOTC, 84.)

(7) In the whole procedure, not only the mixing of the curse-bringing water and the drinking of it is important but also the self-maledictory oath confirmed twice by the woman through her saying “Amen, amen”. VON WEIHER has shown for ancient Near Eastern ordeal procedures that there never was an ordeal without an oath.¹⁴⁴ An important feature of this oath is that the woman only curses herself if she is guilty; if she is innocent, she is saying “Amen” to her innocence.

(8) WENHAM argues that every ritual has symbolic components, although it is difficult to recover the full meaning of a ceremony without living informants. Thus, the earthen vessel, water and dust play a role in this ritual: “*Vessel* can refer to a body. [...] *Water* symbolizes life and fertility. [...] God created man from the dust of the earth.”¹⁴⁵ Although this meaning is not certain, the whole procedure would thus reflect the positive side of fertility. On the other hand, the guilty adulteress would see before her very eyes all the things she will lose, in a symbolical way.

(9) Num 5:11–31 is called in verse 29 תּוֹרַת הַקְּנָאֹת (“law in cases of jealousy”). This is a deliberate use of the plural since there are two cases reported in the law: (1) the wife has defiled herself by committing adultery, (2) the wife has not defiled herself.¹⁴⁶ In verse 30 the text is called again כָּל-הַתּוֹרָה הַזֹּאת (“all this law”). Though תּוֹרָה is used, BRICHTO does not believe that this is a law because of the long ritual description.¹⁴⁷ The deliberate use of תּוֹרָה alone, of course, does not mark the text as ‘law’. But in the context of Leviticus and Numbers,¹⁴⁸ the introductory formula¹⁴⁹ and the reference to this text as a “law” in the repeated case description (verse 29) hint at real legislation, although not before a human but before a transcendent ‘court’.¹⁵⁰

¹⁴⁴ See VON WEIHER, “Bemerkungen zu § 2KH und zur Anwendung des Flußordals”, 97.

¹⁴⁵ WENHAM, *Numbers*, TOTC, 83, italics his.

¹⁴⁶ Both cases are outlined in verse 14 and repeated in verses 29f., although in verse 30 the positive outcome for the wife is not mentioned again. However, since it is stated both in verse 14 and in verse 28, it is implied.

¹⁴⁷ See BRICHTO, “The Case of the Šōṭā and a Reconsideration of Biblical ‘Law’”, 68.

¹⁴⁸ תּוֹרַת זֹאת (“This is the law...”) is used 14 times in Leviticus, at the beginning of a particular law, at the end of it or both. In Numbers this formula is used only 3 times, in Num 5:29 and in connection with the Nazirite vow in Num 6:13, 21. Nevertheless, the laws in numbers belong to the same category as the laws in Leviticus – the realm of sacral law.

¹⁴⁹ וַיְדַבֵּר יְהוָה אֶל-מֹשֶׁה לֵאמֹר: “and Yahweh spoke to Moses, saying...”

¹⁵⁰ Thus, FRYMER-KENSKY calls Num 5 a “suprarational trial”: FRYMER-KENSKY, “The Trial Before God”, 47. In my view, in Leviticus and Numbers the laws do not have a legal but a religious connotation since they are given in context of sacral law: offering instructions, purity rites and other special instructions as in Numbers. Since the sacral and the legal sphere were conceived of as one sphere by the ancient Israelites (which finds support in Numbers 5: where the human court does not succeed, a case is referred to a higher authority) we should not divide profane and sacral law. Thus, FRYMER-KENSKY understands Num 5 as a “religio-legal procedure [...], a divine ritual instruction (Torah)”: FRYMER-KENSKY, “The Strange Case of the Suspected SOTA”, 24f. Although the laws of

(10) The text leaves open what happens after the procedure. Num 5:27 indicates that “the water that brings the curse shall enter into her and cause bitter pain.” This pain is depicted as an immediate consequence. But the text mentions two further consequences, in order to ensure whether the woman is guilty:

(1) “her womb shall swell” (verse 27)

(2) “her thigh shall fall away” (verse 27)

In my view, this protects the woman as well: it could well be that the whole ritual caused problems in her digestive system. Therefore, “bitter pain” would not be enough to indicate guilt. But the anatomic changes described subsequently make the woman’s guilt obvious for everyone.¹⁵¹ Thus, if her guilt is proven, “the woman shall become a curse among her people.” (verse 27)

It is interesting to note that the death penalty is not mentioned in this text. Since in ancient Israel always at least two witnesses had to be present for an ordinary trial, there could be none in this case. WENHAM argues that the barrenness and the public shame after a positive outcome of the ordeal should not be understood as “a mild alternative to the death penalty prescribed for adulterers caught red-handed.”¹⁵²

3.2.3.3 Conclusion

The whole procedure of Num 5:11–31 seems quite strange to modern minds. But from its ancient Near Eastern background it is clear that where a human court cannot find an adequate answer, one has to appeal to a ‘higher authority’.¹⁵³ In my opinion, Num 5:11–31 serves five purposes:

Firstly, it grants a husband legitimacy to enquire about the faithfulness of his wife in cases where there was only a slight suspicion of adultery. In the context of ancient Israel, this was important in order to secure that a family had legitimate heirs. Furthermore, since uncleanness was conceived of having severe consequences not just for a marriage but for the whole nation, it was important to have a means to prove cleanness even when there were no witnesses.

Leviticus and Numbers are rather sacral instructions than laws, they were nevertheless binding and authoritative for the people. And in this sense, they were *laws*.

¹⁵¹ One could, of course, argue that the woman is still in a bad position. What did she do in the period in between the ritual and the visible consequences? In my view, the text clearly states that in case of her guilt, the consequences will definitely happen and will be visible for everyone – implying that it does not take a long period of time to see the consequences as suggested by VON NORDHEIM who argues that the woman is pregnant and will have a miscarriage as consequence of the ritual (“Das Gottesurteil”, 306). See my comments on his views above.

¹⁵² WENHAM, *Numbers*, 85.

¹⁵³ There are many examples of ordeal procedures in the ancient Near Eastern law collections. See **2.3.7 THE ORDEAL**.

Secondly, it gives the innocent wife the possibility for rehabilitation. She knows that she will be cleared of suspicion if she is innocent. Thus, this procedure is a way to calm public opinion.¹⁵⁴ Although it was not the woman who initiated the (legal) procedure, I follow VON NORDHEIM who points out that Num 5 is fundamentally different from the ancient Near Eastern and Medieval ordeals:

“Die Schuld muß sich also beweisen, nicht die Unschuld! Das Verfahren des Gottesurteils gibt der Frau die Möglichkeit, ihre Unschuld zu unterstreichen, die sowohl ihr Mann wie alle Außenstehenden anerkennen müssen!“¹⁵⁵

Thus, if the wife was innocent, she had nothing to fear.¹⁵⁶

Thirdly, within the literary context of Num 1:1–10:11 this text emphasises purity within marriage by stressing the fact that adultery is a disruption of the marriage bond and calling adultery a sin which defiles the wife and makes her unclean (*cf.* Num 5:14).

Fourthly, it reflects a means to be sure of the legitimacy of heirs. Barrenness was a very severe punishment in ancient Israel, “a catastrophe in biblical times.”¹⁵⁷ Accordingly, the law assumes the bitterness of barrenness as well-known.

Fifthly, all the laws and warnings concerning adultery would simply have been unnecessary if adultery was not an option for many in society. Therefore, the text might have functioned as a deterrent for would-be adulterers and -adulteresses. Since it was normally quite difficult to catch a couple *in flagrante delicto*,¹⁵⁸ this law could well have erected a further obstacle for anyone who thought of committing adultery because it points out that mere suspicion can suffice to trigger a humiliating trial with severe consequences for the woman – if she is guilty.¹⁵⁹

¹⁵⁴ *Cf.* LH § 132, where the public accuses someone’s wife. Therefore, VON NORDHEIM calls Numbers 5:11–31 a protective ordeal (“Schutzordal”): VON NORDHEIM, “Das Gottesurteil”, 297.

¹⁵⁵ VON NORDHEIM, “Das Gottesurteil”, 307.

¹⁵⁶ SAALSCHÜTZ mentions that the whole procedure pressurized the woman in order to achieve her confession. See SAALSCHÜTZ, *Das mosaische Recht*, 572. Such confessions are reported elsewhere in the ancient Near East (see VON WEIHER, “Bemerkungen zu § 2KH und zur Anwendung des Flußordals”, 97f.). In my view, it is difficult to make a decision on the psychology of Num 5:11–31. It could well be that during the ritual, a guilty woman would have confessed her guilt at the point where she had to say “Amen, amen.” But the text is silent about such an outcome.

¹⁵⁷ WENHAM, *Numbers*, 85.

¹⁵⁸ “Most cases are not discovered in this way. Moreover, people rarely engage in sexual intercourse in the presence of two witnesses...” (FRYMER-KENSKY, “The Trial before God of an Accused Adulteress”, 46f.)

¹⁵⁹ It must be emphasised, however, that Num 5:11–31 does not deal with all possible circumstances. For example, the text is not concerned with what happened to the adulterer – he is not mentioned in the procedure or its consequences. It is also left unclear what happened directly after the ritual or how long one had to wait to see its effects. The text simply assumes that if there is a physical reaction to the ritual, the woman is guilty.

3.2.4 The Treatment of Adultery in Deuteronomy 22

According to CHRISTENSEN, Deuteronomy is arguably arranged in a concentric manner:

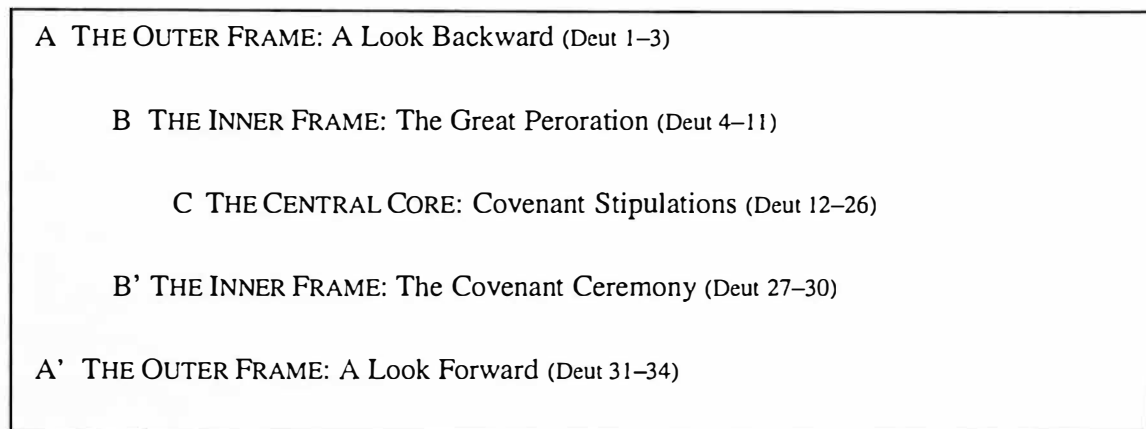


Diagram 11: The Structure of the Book of Deuteronomy¹⁶⁰

Deut 22:13–29¹⁶¹ contains several laws about adultery and seduction. MCCONVILLE argues that these can be structured in a concentric manner as well:

Main structure	Punishments	Verse	Elements of each law
Married women	A Damages to be paid, no divorce	19	1. Definition of status 2. Circumstances of the offence 3. Evidence required 4. Punishment 5. Comment
	B Woman executed	21	
	C Man and woman executed	22	
Unmarried women	C' Man and woman executed	24	
	B' Man executed	25	
	A' Damages to be paid, no divorce	29	

Diagram 12: The Concentric Structure of Deuteronomy 22:13–29¹⁶²

Deut 22 is part of the covenant stipulations in Deuteronomy. There are four main legal cases (introduced by **וְאִם**, “if”) – two of which have sub-cases (**וְאִם**), “and if”) – in Deut 22:13–29:¹⁶³

¹⁶⁰ Taken from Duane L. CHRISTENSEN, *Deuteronomy 1-11*, WBC 6A, Waco: Word Books, 1991, xli. Obviously, it is possible to structure the text in different variations. Nevertheless, I prefer CHRISTENSEN's structure because it is sensitive to the ancient Near Eastern suzerain-vassal treaty formula on which Deuteronomy's structure arguably is based. For a detailed exposition of the ancient Near Eastern treaty formula and its connections to Deuteronomy see WEINFELD, *Deuteronomy and the Deuteronomistic School*, 59–157.

¹⁶¹ Some translations and commentaries count Deuteronomy 22:1–30 instead of 22:1–29.

¹⁶² Adopted and graphically translated from MCCONVILLE, *Deuteronomy*, 336.

¹⁶³ Cf. Gordon J. WENHAM and J.G. MCCONVILLE, “Drafting Techniques in Some Deuteronomistic Laws”, *VT* 30, 1980, 249f.

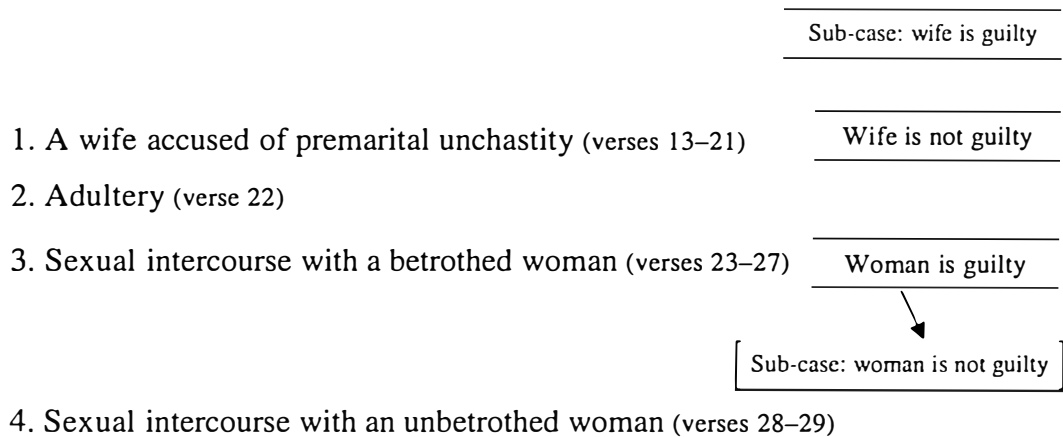


Diagram 13: Cases and Sub-Cases in Deuteronomy 22:13–29

Deut 22:13–29 belongs to the covenant stipulations outlining the duties of the ancient Israelites toward their “suzerain, the author of the treaty”, Yahweh.¹⁶⁴ I already noted above that the commandments were given in a covenantal context. WRIGHT shows that the central section of Deuteronomy is governed by the Decalogue in Deut 5:6–21.¹⁶⁵ Even if that might not be the case for each and every commandment,¹⁶⁶ the treaty formula makes the laws of Deut 12–26 in a special way obligatory.

3.2.4.1 Deuteronomy 22:13–21

As already pointed out, Deut 22:13–21 consists of two cases. LOCHER argues that Deut 22:13–19 originally was a record of an actual legal decision (“Prozessprotokoll”).¹⁶⁷ Verses 20–21 have been added once they were transformed into a casuistic law, in order to balance the case.¹⁶⁸ In my view, more important – and better to prove – than the background or origin of Deut 22:13–21 is its function. This becomes evident in my treatment of the two cases.

¹⁶⁴ WENHAM, *Leviticus*, 30.

¹⁶⁵ See WRIGHT who mentions that the central section of Deuteronomy, chapters 12–26, can be structured in correspondence with the different commandments of the Decalogue: Deut 12–13 = 1–3, Deut 14:28–16:17 = 4, Deut 16:28–18:22 = 5, Deut 19–21:9 = 6, Deut 22:13–30 = 7, Deut 23–26 = 8–10. (See WRIGHT, *Deuteronomy*, 5.) According to this view, the content of our present passage would be connected to Exodus 20:14 and Deuteronomy 5:18, both through the structure of the passage and its content. See likewise Gordon J. WENHAM, *Exploring the Old Testament*, vol. 1, Downers Grove: InterVarsity, 2003, 133–139.

¹⁶⁶ WRIGHT himself points out that this structure does not fit all of the commandments. But nevertheless he correctly states “it seems broadly convincing that the Decalogue has influenced the ordering of the legal material in Deuteronomy.” (WRIGHT, *Deuteronomy*, 5.)

¹⁶⁷ Clemens LOCHER, *Die Ehre einer Frau in Israel: Exegetische und rechtsvergleichende Studien zu Deuteronomium 22,13–21*, OBO 70, Freiburg/Switzerland: Universitätsverlag, 1986, 109.

¹⁶⁸ *Ibid.*, 108f.

3.2.4.1.1 The Unsubstantiated Suspicion of a Wife's Premarital Unchastity

Although the case seems to be simple, its interpretation is rather complex: a man marries, but then begins to hate (שָׂנֵא) his wife, accuses her openly by spreading a rumour: "I took this woman, and when I came near to her, I did not find in her evidence of virginity (בְּחֻלִּים)." (verse 14) The parents of the wife accused in this manner go to the elders in the city gate and present to them the בְּחֻלִּים, in form of a garment (שְׂמֹלֶה). This evidence leads to a threefold punishment of the husband (verse 19):

1. He gets whipped by the elders of his city.
2. He is made to pay 100 shekels of silver to his father-in-law.¹⁶⁹
3. He is forbidden ever to divorce his wife.

To the summary of content I would like to add a few observations concerning the text. שָׂנֵא ("to hate") is often used in the sense of "not to be able to endure a woman any longer."¹⁷⁰ In many other Old Testament passages, it expresses an attitude of dislike and rejection, of man as well as of God. Furthermore, in connection with marriage it often refers to divorce.¹⁷¹ Though it cannot be proved that Deut 22:13–19 refers to divorce when employing שָׂנֵא, it is most likely that the husband spread rumours in order to get rid of his wife, that this is "an attempt to end an unwanted marriage."¹⁷²

¹⁶⁹ Cf. Deut 22:29 where a man has to pay half the amount (= 50 shekels) for sexual intercourse with an unbetrothed woman, with the result that he has to marry her and is forbidden to ever divorce her. PRESSLER assumes that the 50 shekels in Deut 22:29 are the "fixed sum for the bridewealth." (Carolyn PRESSLER, *The View of Women Found in Deuteromic Family Law*, BZAW 216, Berlin: de Gruyter, 1991, 28.) PHILLIPS also assumes that the 50 shekels of Deut 22:29 indicate "that the bride price had become standardized at 50 shekels." (PHILLIPS, "Another Look at Adultery", 9.) In contrast, WEINFELD, *Deuteronomy and the Deuteronomic School*, 285, argues that the 50 shekels in Deut 22:29 (for the seduction of an unbetrothed woman) are a fine and not the equivalent to the marriage price. The ancient Near Eastern evidence, however, confirms PRESSLER's and PHILLIPS' view: in ancient Near Eastern law, the highest marriage price mentioned is 60 shekels for a "first-ranking wife" (LU §9; LH §§ 138f.), if the husband was a *muškēnum* ("commoner") he only had to pay 20 shekels of silver (LH §140). Since the economic situation in the ancient Near East seems to have been very stable, the 50 shekels of Deut 22:29 could well reflect a typical marriage price. It is noteworthy that the 100 shekels mentioned here are the highest pecuniary penalty mentioned in the Old Testament (see SAALSCHÜTZ, *Das mosaische Recht*, 472).

¹⁷⁰ HALOT, 1339.

¹⁷¹ To hate one's spouse is also an expression found in Babylonian law and Aramaic papyri as referring to divorce. See NIDOTTE, vol. 3, 1258. For a detailed argument to read Mal 2:16 (where שָׂנֵא is employed in the context of divorce), see HUGENBERGER, *Marriage as a Covenant*, 48–83.

¹⁷² MCCONVILLE, *Deuteronomy*, 339. LOCHER assumes that a divorce case could be in the oldest literary form of the text, long before it came into its present form: *Die Ehre einer Frau*, 242f. PRESSLER mentions that divorce is rather not in sight here since Deuteronomy "uses the piel stem of פָּלַשׁ to refer to divorce. It is better, therefore, to interpret שָׂנֵא as referring to the emotion which motivates rejection rather than to action." (PRESSLER, *The View of Women*, 23 n.4.) In my view, it is difficult to neatly distinguish between a strong dislike of the spouse and the intention to get divorced.

The main object of dispute in Deut 22:13–21 is the understanding of בְּתוּלִים (“evidence of virginity”, v. 14).¹⁷³ There are two positions:

(1) The first position understands בְּתוּלִים as evidence that the wife has been a *virgo intacta* on the night of the consummation of marriage.¹⁷⁴ It consists of a blood-stained garment. PATAI writes about this procedure:

“For the garment to serve as a conclusive proof of the bride’s virginity, it had to be delivered into her parents’ hands, not only immediately upon the consummation of the marriage, but also under public surveillance; otherwise the parents could produce, at a later date, any bloodstained garment when confronted with an accusation of lack of virginity in their daughter.”¹⁷⁵

Although this is the traditional understanding of בְּתוּלִים, there are three problems with PATAI’s view. Firstly, since we do not know much about marriage customs in Old Testament times, PATAI explains biblical procedures with the help of modern customs in the Middle East. But despite all cultural and geographical parallels it might be difficult to take a modern example to explain biblical practices which are approximately 3,000 years older. PATAI acknowledges this problem, arguing:

“No student of culture would, of course, assume that life in the Middle East is essentially comparable to the life of the ancient Hebrews as reflected in the Bible... Changes have occurred, as they must, in every century and every generation. But in the Middle East, possibly more than in any other world area, changes have been slow.”¹⁷⁶

Secondly, and more importantly, if the בְּתוּלִים was collected right after the consummation of the marriage and if it was customary that this was done by the parents under some sort of public surveillance¹⁷⁷ why, then, does the husband claim that he did not find the בְּתוּלִים with his wife? If it is so important – underlined by the gravity of the possible consequences¹⁷⁸ – he should have assured himself of the בְּתוּלִים. And if he did, the suspicions and accusations against his wife make no sense because he would have known that his parents-in-law are in possession of an

¹⁷³ The use of the plural (“ים”) serves as “Ausdruck des dem Bezeichneten beigemessenen Affektionswert und nicht als Ausdruck einer Vielheit.” (Benjamin KEDAR, *Biblische Semantik*, Stuttgart: Kohlhammer, 1981, 111.) Cf. GK §124d.

¹⁷⁴ For a detailed argument for this position see LOCHER, *Die Ehre einer Frau*, 176–192.

¹⁷⁵ PATAI, *Sex and Family in the Bible*, 67.

¹⁷⁶ *Ibid.*, 13.

¹⁷⁷ “Zusätzlich ist mit einem gewohnheitsrechtlich festgelegten Sicherungsmechanismus (z.B. durch Zeugen) zu rechnen, der dieses Beweismittel gegen die naheliegende Möglichkeit der Fälschung schützte.” (LOCHER, *Die Ehre einer Frau*, 192.)

¹⁷⁸ WRIGHT points out that the husband must have known that his wife is going to be killed if his accusation is substantiated. See WRIGHT, *God’s People in God’s Land*, 215 n.104.

undeniable proof.¹⁷⁹ Thirdly, a woman could be a virgin and still have a broken or nonexistent hymen due to an accident or for other physical reasons.¹⁸⁰ Thus, a blood-stained bed-sheet might not be the infallible evidence of virginity as supposed by PATAI and others.

(2) The second position sees בְּחֻלִים as proof that the wife has not been *pregnant* just before the wedding. WENHAM argues that the husband's claim not to have found the בְּחֻלִים with his wife is connected to the fact that "in the first month after marriage there were no signs of menstruation in the girl [...], or perhaps she was showing even more positive marks of advanced pregnancy."¹⁸¹ According to this view, בְּחֻלִים would refer to the girl's menstruation and thus be a kind of "pregnancy test."¹⁸² In order to prove that their daughter was not pregnant at the time of the wedding, the parents would then show a piece of garment that she had worn in the month before marriage, proving that she has had her regular menstruation.¹⁸³ WENHAM points out that the spreading of the garment in front of the elders (Deut 22:17) proves that the elders carefully examined the garment "to satisfy themselves that it was used by the girl during the period of her betrothal and that the stains were genuine."¹⁸⁴ The possibility of faking the garment would thus be excluded.¹⁸⁵ The strength of WENHAM's thesis lies in the fact that the blood-stains of menstruation clearly prove that the woman was not pregnant prior to her wedding.¹⁸⁶ Furthermore, since according to WENHAM the בְּחֻלִים does not consist of a blood-stained bed-sheet, a broken hymen would not necessarily result in a wrong accusation on the husband's side.

Nevertheless, there are several problems with WENHAM's view: (1) Since it can prove only that the bride was not pregnant at the time of the wedding, it would not exclude the possibility of adultery during the time of betrothal, for the wife "may still be guilty of betrothal infidelity, without having conceived."¹⁸⁷ Moreover, if the bride

¹⁷⁹ WADSWORTH writes that "the accusing husband would be very foolish to risk one hundred shekels and be whipped for something of which he is certain." (Tom WADSWORTH, "Is there a Hebrew Word for Virgin? Betuhlah in the OT", *ResQ* 23, 1980, 165.)

¹⁸⁰ PRESSLER denies this and states that "the husband could reasonably expect to find hymenal blood after intercourse with his new bride." (PRESSLER, *View of Women*, 27.)

¹⁸¹ Gordon J. WENHAM, "B^ETŪLAH 'A Girl of Marriageable Age'", *VT* 22, 1972, 334. See also PHILLIPS, "Another Look at Adultery", 6–11.

¹⁸² WENHAM, "B^ETŪLAH", 336.

¹⁸³ Cf. *ibid.*, 334.

¹⁸⁴ *Ibid.*, 335.

¹⁸⁵ Otherwise, the elders could not come to a decision about the בְּחֻלִים.

¹⁸⁶ In a personal conversation Prof. WENHAM told me that the faking of the garment would be difficult since people in those days had only few garments which could be easily recognized.

¹⁸⁷ WADSWORTH, "Is there a Hebrew Word for Virgin?", 166.

was pregnant prior to the wedding, “it is difficult to understand why it would be assumed that the husband was not the father.”¹⁸⁸ (2) If the elders knew that the **בְּחֻלִּים** spread out in front of them was genuine, why was the *husband* not aware of the existence of such an undeniable proof of his wife’s virginity? He risked paying a huge amount of money for his accusation.¹⁸⁹ Even if LOCHER is right in his assumption that Deut 22:13–19 reflects a real court case¹⁹⁰ – and thus no legal decision existed on such a case prior to the incident –, the husband must have known that he had to suffer consequences in case of a wrong accusation. (3) WENHAM assumes that there was a time span in between the wedding and the accusation since “there is nothing in the first part of the law to suggest that the marriage may not have been in existence for some time.”¹⁹¹ WADSWORTH in contrast notes that nothing in the text indicates “that the marriage existed for some time.”¹⁹² In my view, the text reflects a sequence but leaves open whether there is a time span implied. (4) It is rather unlikely that the husband would suspect his wife of infidelity when the monthly period was missing, since the normal reaction would presumably have been a positive one: the couple’s sexual encounter was immediately successful.

Thus, the exact meaning of **בְּחֻלִּים** in Deut 22:13–19 is difficult to determine. Maybe we are too far removed from the ancient practice of the **בְּחֻלִּים**. Moreover, the textual evidence concerning this practice is too little. It might probably be better to concentrate on the facts of the case, including the sub-case in verses 20–21. Both revolve around the question whether or not the husband or the parents-in-law can prove the **בְּחֻלִּים**. If the parents prove them, the punishment of the husband is threefold, as already noted: he gets whipped, has to pay the double value of a typical marriage price and is not allowed to divorce his wife, *i.e.* is condemned to care for her and supply her with all that she needs¹⁹³ – *although* he hates her. Though it might

¹⁸⁸ PRESSLER, *The View of Women*, 27. It must be emphasised, however, that premarital sexual intercourse of a betrothed couple finds no treatment elsewhere in the Old Testament. Thus, it is unlikely to be referred to here.

¹⁸⁹ The text speaks of a fine of 100 shekels of silver. WENHAM takes Jacob’s serving for Rachel in Gen 29:18–20 to underline that the bride money often was “equivalent to several years’ wages.” (WENHAM, *Story as Torah*, 118.) Since 50 shekels of silver were a considerable amount, the 100 shekels in Deut 22:19 reflect a very expensive fine.

¹⁹⁰ See LOCHER, *Die Ehre einer Frau*, 109.

¹⁹¹ WENHAM, “*B^ETŪLAH*”, 331.

¹⁹² WADSWORTH, “Is there a Hebrew Word for Virgin?”, 166.

¹⁹³ See Tikva FRYMER-KENSKY, “Virginity in the Bible”, *Gender and Law in the Hebrew Bible and the Ancien Near East*, Matthews, Victor H., Bernard M. Levinson and Tikva Frymer-Kensky (eds.), JSOTSup 262, Sheffield: Sheffield Academic Press, 1998, 94. Moreover, Deut 22:13–19 protects the wife from the false accusation of adultery by stipulating a public humiliation and a high fine as deterrents and forbidding the husband to ever divorce his wife.

seem a bit strange to us, the ‘winner’ of Deut 22:13–19 definitely is the slandered woman:

“The law takes the view that the security and provision of a household – even in the home of such a man – is preferable to the insecurity of a divorced woman that nobody else is likely to marry. Such a law protects women, who in many cultures are vulnerable to cruel husbands.”¹⁹⁴

Since it can be reasonably assumed that the time of betrothal lasted at least a few months in order to prepare the wedding, it is most likely that any kind of illegitimate sexual intercourse would have normally fallen into the period of betrothal.¹⁹⁵ It would have been looked at as adultery. And this is exactly what is supposed in the case of the substantiated suspicion in Deut 22:20–21.

3.2.4.1.2 The Substantiated Suspicion of a Wife’s Premarital Unchastity

The sub-case starts with *וְאִם־אָמְתָה הָיָה הַדָּבָר הַזֶּה* (“If, however, the charge is true...”). Thus, the parents were not able to prove the *בְּחוּלִים* and the husband’s charges are true. The consequences are severe: the young woman (*הַנְּעָרָה*, no longer called “wife”) is to be “stoned to death”, in front “of her father’s house”. She has done “an outrageous thing in Israel by whoring (*זְנָה*) in her father’s house” (verse 21). The act of stoning on the door-step of the house of the adulterous woman’s father reflects his responsibility: he obviously had not taken special care of his daughter during the time of her betrothal. Otherwise, the adultery would not have happened. This kind of death penalty thus emphasises the father’s failure as a custodian of his daughter. Such an “outrageous thing” (Deut 22:21) should not have happened at all.

Although *זָנָה* may refer to prostitution, it is used here in its primary literal meaning, “to commit fornication (as wife, betrothed)”.¹⁹⁶ WENHAM assumes that the truth about the accusation could be validated if a fully developed child were born, too early to be the husband’s own child and therefore a proof for the fornication of his wife prior to marriage.¹⁹⁷ In my view, it is not entirely evident that the wife is

¹⁹⁴ WRIGHT, *Deuteronomy*, 243. Already SAALSCHÜTZ pointed out that the protection of the honour of the woman plays an important role in Deut 22:13–19: “Man sieht es, der Gesetzgeber will nicht nur die Männer vor Untreue schützen, sondern auch die Würde der Frauen erhalten und geachtet sehen.” (SAALSCHÜTZ, *Das mosaische Recht*, 565f.)

¹⁹⁵ This is confirmed by the fact that women were normally married at a very early age in ancient Israel. It is very likely that girls were married once they became adolescent which would be demarcated by their first menstruation. (See WENHAM, “*B^ETŪLAH*”, 335.) Therefore, there was no big time span left for illicit sexual intercourse. See WESTBROOK, “Adultery”, 574, who also argues that the woman must have been betrothed.

¹⁹⁶ HALOT, 275. Cf. NIDOTTE, vol. 1, 1122: “have illicit sex”.

¹⁹⁷ See WENHAM, “*B^ETŪLAH*”, 336. One problem with his view is that the text does not speak of pregnancy and does not mention a child being born in verse 20. Moreover, there does not seem to lay

pregnant. This sub-case assumes that the woman had sexual intercourse during her betrothal time and thus she is stoned for having committed adultery.¹⁹⁸ The last sentence (verse 21b) is important for an understanding of the text: “So you shall purge the evil from you midst.” The cruel deed of stoning the unchaste woman has an ultimate aim: the purity of the people of Israel (Deut 22:21). Behind this stands the conviction that adultery is a serious crime. The evil (הָרַע) should get no room to flourish. To “purge the evil from your midst/from Israel” is a frequent exhortation in Deuteronomy.¹⁹⁹ ‘Evil’ thereby is defined as anything that opposes the will of Yahweh – it is thus not just a question of morality but rather of a stumbling block to the covenant relationship of Israel with Yahweh. This is underlined by the fact that the stoning of the woman was to be executed by “the men of her city” (verse 21). The adultery affected the whole community, was an offence against all of Israel and therefore had to be punished by society at large.

In my view, the laws of Deut 22:13–21 have at least three functions. The main function seems to have been the emphasis of sexual premarital fidelity for young women in ancient Israel. Another function lies in the protection of innocent wives’ marital status. The third function underlines that a husband should not spread rumours about his wife too lightly since wrong accusations could have severe consequences. Thus, these laws have both protecting and deterring functions.

3.2.4.2 Deuteronomy 22:22

²² If a man is found lying with the wife of another man, both of them shall die, the man who lay with the woman, and the woman. So you shall purge the evil from Israel.

This law is also a ‘classic’ *topos* for the legal treatment of adultery. It contains no allusion to force, therefore the sexual intercourse presumably is consensual.²⁰⁰ Deut

a period of months in between verses 19 and 20, as is supposed by WENHAM when he states that the husband had to wait and see until the child was born in order to decide if he was the father or not.

¹⁹⁸ See, for this interpretation, PHILLIPS, “Another Look at Adultery”, 10; WENHAM, “*B^{ET}ŪLAH*”, 332. Taking בְּתוּלָה as “virgin” in the literal sense, LOCHER points out that Deut 22:13–21 is the only law in the ancient Near East that takes the loss of virginity in the state of an inchoate marriage as its theme. See LOCHER, *Die Ehre einer Frau*, 237. For a different view, see PRESSLER who argues that “the purpose of this sub-case is to include entering into a first marriage as a non-virgin among the sexual offenses punishable by death.” (PRESSLER, *The View of Women*, 30.) I cannot follow her conclusion, primarily because of Exod 22:15–16 and Deut 22:28–29, both emphasising that premarital sex of an unbetrothed woman is not punishable by death. Exod 22:16 explicitly states that the girl can still marry after her father refused her seducer to marry her – although she is not a virgin anymore. Moreover, as MCCONVILLE points out, PRESSLER’s argument that the parents brought forward the charges against the husband does not quite fit verses 20–21 which deal “with the eventuality that the man’s charge is proven.” (MCCONVILLE, *Deuteronomy*, 339.)

¹⁹⁹ See Deut 13:5; 17:7, 12; 19:19; 21:21; 22:21, 22, 24; 24:7. Outside of Deuteronomy in Judg 20:13.

²⁰⁰ See MCCONVILLE, *Deuteronomy*, 341.

22:22 is essentially the same case as in Lev 20:10, although there are three minor differences: firstly, here the rather rare phrase *עם-אִשָּׁה בְּעִלְת־בַּעַל* (literally: “with the wife who is married by a husband”) is used.²⁰¹ Secondly, it is explicitly mentioned that they get caught *in flagrante delicto*, so there are witnesses present.²⁰² Lev 20:10 leaves the couple’s discovery open. Thirdly, Deut 22:22 does not employ the phrase *מוֹת יוֹמָת* (“they shall surely be put to death”).²⁰³

Both laws emphasise that the man as well as the woman have to die for their offence. By repeating the subject of the sentence, the wording of Deut 22:22 leaves no doubt that both parties have to die. According to PHILLIPS, “both of them” refers to an innovation of Deuteronomy, “that the woman is now also being made subject to the criminal law of adultery.”²⁰⁴ There are, however, two objections to PHILLIPS’s thesis: firstly, redundancy is very common in biblical Hebrew.²⁰⁵ Secondly, both ancient Near Eastern and Old Testament laws prescribe the death penalty for *both* man and woman in substantiated cases of adultery.²⁰⁶ Thus, it seems difficult to uphold the claim of a deuteronomic innovation.²⁰⁷

In my view, despite the few minor differences mentioned above, Deut 22:22 expresses the content of Lev 20:10 in deuteronomic terms. Thus, as well as in Deut 22:21, 24 the same “expurgation formula”²⁰⁸ is used at the end of the law: “So you shall purge the evil from Israel.”²⁰⁹ Both Lev 20:10 and Deut 22:22 insist on the death penalty as standard punishment for substantiated cases of adultery.

²⁰¹ The text underlines the fact that this wife belongs to another man. Thus the phrase “emphasizes the husband’s claims over his wife. It clearly specifies her marital status.” (PRESSLER, *The View of Women*, 31.) *בְּעִלְת־בַּעַל* is used as well in Gen 20:3, underlining that Sarah is Abraham’s wife.

²⁰² In difference from Numbers 5:11–31. See above, 3.2.3 THE TREATMENT OF ADULTERY IN NUMBERS 5:11–31.

²⁰³ Since this phrase does not occur in Deuteronomy (see LISOWSKY, *Konkordanz*, 769), it would be rather untypical. Still, it marks a difference between the two laws. OTTO argues that Deut 22:22a originally was a *מוֹת יוֹמָת* law, “which was superficially transformed into a casuistic legal sentence.” (Eckart OTTO, “False Weights in the Scales of Biblical Justice? Different Views of Women from Patriarchal Hierarchy to Religious Equality in the Book of Deuteronomy”, *GLHBANE*, 132.) Instead of taking different literary strata to explain Deut 22:22, I would rather argue that the use of *מוֹת יוֹמָת* laws is typical of Leviticus and Numbers but not of Deuteronomy. Thus, Deut 22:22 essentially agrees with Lev 20:10 although it employs different words for it.

²⁰⁴ PHILLIPS, “Adultery”, 6.

²⁰⁵ See WADSWORTH’s examples: WADSWORTH, “Is there a Hebrew Word for Virgin?”, 167.

²⁰⁶ See Lev 20:10; Deut 22:24. For ancient Near Eastern texts see: LH §129; MAL A §§ 13, 15; HL §197. See the discussion of these texts in CHAPTER 2.

²⁰⁷ For a detailed rejection of PHILLIPS’s arguments, see PRESSLER, *The View of Women*, 33–35.

²⁰⁸ *Ibid.*, 30.

²⁰⁹ It seems to me that the use of ‘Israel’ here is just a variation to ‘your midst’ in Deut 22:21, 24.

3.2.4.3 Deuteronomy 22:23-27

As already mentioned in chapter 2, MAL A deliberately introduces a differentiation to the treatment of adultery: the intention of both man and woman and the location of the act. The two cases of Deut 22:23–27²¹⁰ also differentiate locations of the adulterous act. Moreover, they state explicitly the implication of Deut 22:13–21: a betrothed woman legally belonged to her husband as if she was already married.²¹¹ Therefore, the punishment for sexual intercourse with a betrothed woman equals that of adultery with a married woman.

3.2.4.3.1 Deuteronomy 22:23–24

The elements of each law of Deut 22:13–29 mentioned in the concentric structure above²¹² can be demonstrated very well in Deut 22:23–24.

(1) Definition of status

The woman is defined as בְּחֹלָה מְאֻזָּה לְאִישׁ (“a young woman, betrothed to a man”). Thus, she is betrothed and not yet married.

(2) Circumstances of the offence

“A man meets her in the city and lies with her”, which implies consensual intercourse.²¹³

(3) Evidence required

The text says that *both of them* are to be brought “out to the gate of that city.” This has two implications: firstly, they must have been caught *in flagrante delicto* – otherwise they would not have caught both the adulterer and the adulteress. Secondly, since the gate (שַׁעַר) was the place of the city court this phrase might well hint at the fact that there has been a proper trial with proper charges. The death penalty had to happen outside of the city, marked by the description of the way which should be taken (“out to the gate”). It is obvious that the way out of a city in ancient Israel led through its gate(s). Although redundancy is a common phenomenon in biblical Hebrew, the way described could well refer to the gate as local court. Thus, it would point to the underlying legal procedure.²¹⁴

²¹⁰ The main case is Deut 22:23–24, introduced by כִּי (“if”), followed by a sub-case in verses 25–27, introduced by וְאִם (“and if”). See WENHAM and MCCONVILLE, “Drafting Techniques”, 249.

²¹¹ This reflects the common understanding of the status of betrothal in the ancient Near East. See 2.1.3 MARRIAGE IN THE ANCIENT NEAR EAST.

²¹² See DIAGRAM 13 in the introduction above.

²¹³ See MCCONVILLE, *Deuteronomy*, 341.

²¹⁴ This would be in line with the gravity of the offence.

(4) Punishment

The punishment equals that of Deut 22:22 with the difference that the method of the death penalty is outlined here: death by stoning.

(5) Comment

It is commented why both of them have to die: the man because *עָנָה אֶת־אִשְׁתּוֹ רַעְהוּ* (“he humiliated the wife of his neighbour”²¹⁵), the woman because she “did not cry for help though she was in the city”, which is most probably taken as proof that she was not forced to have sex but deliberately wanted it although she must have known that this is a serious crime. Thus, both the location as well as the intention are considered here. This leads us to the sub-case.

3.2.4.3.2 Deuteronomy 22:25–27

Compared to the main case, there are two differences in the circumstances of this text: firstly, it happens “in the open country”, (verse 25). Secondly, the man “seizes her” (*וַהֲחִיזִיקָהּ*). *חִזַּק* in the *Hiphil* always has a forceful connotation, thus implying the man’s guilt for the adultery, denoting forceful sexual intercourse.²¹⁶

Harold C. WASHINGTON doubts whether the two cases in Deut 22:25–29 deal with rape, claiming that biblical law “has no category for sexual assault, nor does biblical Hebrew have a word for rape as such.”²¹⁷ In my view, it is difficult to hold that the absence of a word or a technical term in a certain language proves that the concept behind it does not exist.²¹⁸ The force in *חִזַּק* – given that the context specifies which part of the semantic range of the word is meant²¹⁹ – can well point to rape in the context of unwanted or not consensual sexual intercourse.

Since Deut 22:25–27 happens “in the open country”, the woman is not sentenced to death but only the man. It is assumed that she cried for help but no one was around to help her (verse 27). This protects the woman from being wrongly sentenced and is accompanied by “a legal declaration of the woman’s innocence.”²²⁰ Hence, Deut 22:23–24 assumes consensual sexual intercourse, whereas Deut 22:25–27 protects

²¹⁵ Although she is only betrothed, she is already called ‘wife’ and not ‘young woman’ or the like.

²¹⁶ For the interpretation of *עָמָה וְשָׁכַב עִמָּה* (“he seizes her and lies with her”) as rape see MCCONVILLE, *Deuteronomy*, 341; OTTO, “False Weights”, 133f. and WEINFELD, *Deuteronomy and the Deuteronomistic School*, 286.

²¹⁷ Harold C. WASHINGTON, “‘Lest He Die in the Battle and another Man Take Her’: Violence and the Construction of Gender in the Laws of Deuteronomy 20–22”, *GLHBANE*, 208.

²¹⁸ See my argument above, 2.2.1.2 LH IS DESCRIPTIVE.

²¹⁹ I follow SILVA here: “The context does not merely help us understand meaning - it virtually *makes* meaning.” (SILVA, *Biblical Words and Their Meaning*, 139.)

²²⁰ MCCONVILLE, *Deuteronomy*, 342.

the betrothed woman in case of forceful intercourse in a place where her cries for help could not be heard.²²¹ Therefore, the law protects her from getting wrongly accused of adultery in case of rape.²²²

Thus, the two laws of Deuteronomy 22:23–27 point out that sexual intercourse with a betrothed woman equals adultery and reflect the proper behaviour of betrothed women in case of a stranger’s attempt to have sexual intercourse with them. The main function of these laws is the protection of the somewhat vulnerable state of betrothal, where the daughter was pledged to another man but still lived in her father’s house.²²³

3.2.4.4 Deuteronomy 22:28–29

There is a discussion about the precise understanding of this law. MCCONVILLE holds that this last case in Deut 22:13–29 deals with the rape of an unbetrothed woman.²²⁴ WEINFELD, in contrast, argues that nothing in the text points to forceful sexual intercourse for in difference to Deut 22:25 not קָזַח (“to seize”, forceful) is used, but שָׁפַח (“to take hold of”).²²⁵ I am inclined to follow WEINFELD because it would be rather odd to make marriage to a rapist obligatory.²²⁶ The use of the *Piel* of עָנָה (“to humiliate”²²⁷) in Deut 22:29 has to be seen in connection with its use in Deut 22:24, where it refers to the violation of the fiancé’s rights in the context of consensual sexual intercourse. Thus, it is neither connected to rape nor to forceful sexual

²²¹ It seems to me that the judges most probably investigated each case as detailed as possible. Thus, the two laws of Deut 22:23–27 should not be read in a simplistic manner supposing that ‘sex in the city’ always leads to the death penalty whereas ‘sex in the open country’ only leads to the death of the male seducer. Since the investigation of the judges/elders is presupposed, the texts are somewhat cryptic because they reflect a legal decision. Thus, we neither get to know who the witnesses were in the second law – if no one was around to rescue the woman – or why a betrothed woman could be on her own in the open country.

²²² See OTTO, *Theologische Ethik*, 191.

²²³ This state has been called ‘inchoate marriage’ and was a common phenomenon in the ancient Near East. See my treatment above, 2.1.3 MARRIAGE IN THE ANCIENT NEAR EAST. I

²²⁴ See MCCONVILLE, *Deuteronomy*, 342; PRESSLER speaks of a “violation of an unbetrothed girl” (PRESSLER, *The View of Women*, 35). See also NIV’s translation: “... and rapes her...” (Deut 22:28).

²²⁵ See WEINFELD, *Deuteronomy and the Deuteronomistic School*, 286 and PHILLIPS, “Another Look at Adultery”, 13. Since שָׁפַח in Deut 22:28 is not used with קָזַח but with accusative of the person, there is no strong vigour in the action. See NIDOTTE, vol. 4, 326. I already noted above that this vigour – or force – is characteristic of קָזַח.

²²⁶ See Deut 22:29. One could, of course, argue that being married to a rapist would at least secure the economic survival of the young woman and since she had been raped it would be very difficult for the father to give his daughter in marriage to anyone else. In my view, it seems rather unlikely that rape is in view here because if marriage was made obligatory in case of rape – against the will of the daughter’s parents –, it could be an ‘easy’ way to get married, provided that the financial resources were given to pay 50 shekels of silver. Since the father has a right of *veto* in the parallel case in Exod 22:15–16 (ET 22:16–17), this way to get married would be a rather odd deuteronomistic invention. It seems most probable that the father’s right of *veto* is presupposed in Deut 22:28f. as well.

²²⁷ HALOT, 853.

intercourse. In my view, Deut 22:29 thus states that the young woman's status changed because she has had premarital sexual intercourse.²²⁸ This change in status is the reason for an obligatory marriage, in order to protect the young woman. Deut 22:28f. is thus not a case of adultery but of premarital sexual intercourse. Nevertheless, I included this short treatment because it clearly belongs to the series of laws on sexual intercourse in Deut 22:13–29.²²⁹

3.2.4.5 *The Thesis of the Composition of the Death Penalty for Adultery*

There is one last problem in the treatment of Deut 22:13–21, formulated by WENHAM who correctly assumes that Deut 22:20–21 deals with a substantiated case of adultery. He takes the legal passage about the consequence of a false accusation in Deut 19:18f.²³⁰ and asks why the husband had to pay a fine (Deut 22:18f.), rather than getting executed for his false accusation. WENHAM's answer is that the penalty "of 100 shekels suggests that composition was possible in the case of adultery."²³¹

There are, however, several objections to WENHAM's thesis: firstly, the husband does not act as a witness in a court case²³² but 'only' brings a bad name upon his wife.²³³ This is confirmed by the explanation of the elders' sentence: "because he has brought a bad name upon a virgin of Israel." (Deut 22:19) That Deut 19:18f. is not applied in Deut 22:13–21 finds further support in the fact that the husband is only one single witness, whereas two witnesses are required by the law (cf. Deut 19:15). Secondly, the case in Deut 22:13–19 is between the husband and his parents-in-law. Thus, the case is judged according to the object of dispute – which is the rumour the husband spread, and not the charge of adultery. That he has attempted to end his

²²⁸ The Old Testament emphasises in different passages a high esteem of young women who have not had premarital sexual intercourse. See, for example, Gen 24:16; Num 31:18, 35; Judg 11:39; 21:12. The change of the young woman's status in Deut 22:28f. had several consequences which are not explicitly mentioned, but implied within the context of the marriage regulations in ancient Israel: (1) In relation to her future husband, she is not 'untouched' anymore. (2) In relation to her father or the head of the family, it is more difficult to give her to another husband (the typical Old Testament phrases being either to 'give Y as wife to X' or to 'take Y as a wife'). That she has had sexual intercourse certainly plays a role in the negotiation of the bride money with any future husband. (3) In relation to herself, she would most probably feel like a second-class woman, having lost her innocence. She might also fear to be pregnant which is not very likely but still possible.

²²⁹ For the unity of Deut 22:13–29 see PRESSLER, *The View of Women*, 21.

²³⁰ "18... if the witness is a false witness and has accused his brother falsely, 19 then you shall do to him as he had meant to do to his brother."

²³¹ WENHAM, "*B^ETŪLAH*", 333. WESTBROOK points out that composition was a common way to solve legal cases in the ancient Near East. See WESTBROOK, *Studies*, 70–83.

²³² In my view, the case is not concerned with false witness in a court since it only starts afterwards, with the parents going to the elders in the gate – which is the local court –, presenting the *בְּתוּלָה*. The parents-in-law are thus the plaintiff, see PRESSLER, *The View of Women*, 24.

²³³ I am not at all implying that slander was looked upon as a peccadillo, but from a legal point of view it certainly was treated in a different category than giving false witness in a court case.

marriage without financial loss is reflected in his punishment: he is forbidden to divorce his wife²³⁴ and sentenced to a fine of twice the amount of the normal bride money. Thirdly, there is no other case in the extant legal texts of the Old Testament where the death penalty for adultery can be averted by paying a certain amount of money. Prov 6:35 – quoted by WENHAM to support his theory – underlines that the husband will not accept any bribe or ransom money on his way to court.²³⁵ Furthermore, it must be emphasised that monetary composition in case of adultery is not mentioned in the extant ancient Near Eastern texts either. There are only two contexts where pecuniary composition is mentioned in connection with adultery in ancient Near Eastern texts: (1) If false accusations have been made.²³⁶ (2) If a man travels with another man's wife, not knowing that she is married, or knowing it but it has been proved that he did not have sexual intercourse with her.²³⁷ Therefore, WENHAM's argument that Deut 22:13–19 deals with the monetary composition of the penalty for adultery seems very unlikely in the context of both the legal texts of the Old Testament and the ancient Near East.²³⁸

3.2.4.6 Conclusion on the Treatment of Adultery in Deuteronomy 22

In my view, the series of laws on sexual intercourse in Deut 22:13–29 serves four main functions: firstly, it reflects the law-giver's concern to protect the social nucleus of the family in ancient Israel. Secondly, it protects women from false accusations and social discrimination. Thirdly, it serves as a deterrent for anyone who is tempted to have sexual intercourse with an unbetrothed woman or even to commit adultery. It thus underlines the general pedagogical function of Deuteronomy.²³⁹ Fourthly, it may well have functioned as a guideline for legal decisions. Hence, Deut 22:13–29 erected standards that everyone should know about in order to help living up to

²³⁴ In the end, the prohibition of divorce protects the woman, as MCCONVILLE correctly points out: "The prevention of divorce neatly mirrors the accuser's intention to end the marriage at once, and at the same time reverses the position of the woman, who, instead of being rejected, receives greater than usual protection." (MCCONVILLE, *Deuteronomy*, 340.)

²³⁵ See my treatment below, **4.2.3 PROVERBS 6:20–35**.

²³⁶ This is the most important parallel to Deut 22:13–19. There are three cases dealing with false accusations of promiscuity or adultery. LU §14 stipulates the payment of 20 shekels of silver for a false accusation of the wife of a young man. LL §33 prescribes the payment of 10 shekels of silver for a false accusation of a man's virgin daughter and MAL A §18 stipulates the payment of 3,600 shekels of lead for someone who spreads the rumour of a man's wife's infidelity.

²³⁷ See MAL A §22 where the man has to pay 7,200 shekels of lead. If the man's wife insists that the man had sexual intercourse with her, he has to undergo the ordeal. See **2.3.7 THE ORDEAL**.

²³⁸ See my treatment of the death penalty as mandatory punishment for adultery in **3.3.1 THE DEATH PENALTY** and **4.3.1 THE DEATH PENALTY**. In my view, Ancient Israelite law ruled out the possibility of composition for adultery as it ruled out the possibility of composition for homicide. For the latter see PHILLIPS, "Another Look at Murder", 109.

²³⁹ See my comments in **5.3.4 THE PEDAGOGY OF PROVERBS 1–9 AND DEUTERONOMY**.

them.²⁴⁰ The placement of a long set of laws into the covenant treaty formula of Deut 12–26 makes such an understanding quite probable. In connection with this covenantal context the idea of keeping the law is undeniably linked up to the relationship of the people of Israel to her God, Yahweh. This leads to a general discussion of the different concepts of adultery in the legal texts of the Old Testament, similar to the discussion of ancient Near Eastern concepts of adultery in Chapter 2.

3.3 Concepts of Adultery in the Legal texts of the Old Testament

3.3.1 The Death Penalty

The standard punishment for a substantiated charge of adultery is death, in ancient Near Eastern law as well as in Old Testament law. I have pointed out in chapter 2 that the husband and the king had a special role in connection with the death penalty for adultery in some ancient Near Eastern law collections. Under certain circumstances, they could use their right to *veto* and thereby avert the death penalty – with the general rule of equal treatment for both the wife and the adulterer.

The legal passages of the Old Testament dealing with adultery do not give room to forgiveness, as it were. One seeks in vain for a ‘mild’ treatment, for a hint of grace in the legal texts or a case where the possibility of averting the sentence is clearly expressed. In my view, this difference to the ancient Near Eastern law collections is due to the nature of Old Testament law – which I have shortly discussed above.²⁴¹ Both GREENBERG and KORNFELD emphasise that the nature of Israel’s law is different because the law-giver is different and therefore it is only a matter of consistency that the treatment of adultery is different from the rest of the ancient Near East. If keeping the law is part of keeping the covenant with Yahweh, if the law reflects the will of Yahweh²⁴² and hence is prescriptive, the death penalty is mandatory for any substantiated case of adultery. GREENBERG thus calls adultery an “absolute wrong” and “the offended party is God, whose injury no man can pardon or mitigate.”²⁴³ Likewise, KORNFELD argues that for ancient Israel, “l’adultère est

²⁴⁰ See Gordon J. WENHAM, “Law and the Legal System in the Bible”, *Law, Morality and the Bible: A Symposium*, Kayne, B.N. and G.J. Wenham (eds.), Leicester: Inter-Varsity, 1978, 26f.

²⁴¹ See 3.1.2 THE NATURE OF OLD TESTAMENT LAW.

²⁴² See GREENBERG, “Some Postulates of Biblical Criminal Law”, 11.

²⁴³ *Ibid.*, 12 and 13. See also Anthony PHILLIPS, *Ancient Israel’s Criminal Law: A New Approach to the Decalogue*, Oxford: Blackwell, 1970, 117.

considéré comme un obstacle à la volonté de Yahvé.”²⁴⁴ Consequently, the law demands a severe punishment.²⁴⁵ Moreover, since adultery was a threat to society it was treated – like homicide – as a capital crime. Furthermore, as Lev 18:20–29 shows, it was conceived of as a serious sin polluting the land, a sin to which there was no purification rite.

Although both GREENBERG and KORNFELD argue that the death penalty for adultery is mandatory, the majority of scholars look for a different interpretation of the Old Testament legal passages dealing with adultery. They hold that the death penalty for adultery was not mandatory in ancient Israel. I would like to look in turn at the arguments of two main proponents of this view: MCKEATING and WESTBROOK.

MCKEATING points out that “we have no instance of the biblical law on adultery actually being put into effect.”²⁴⁶ For MCKEATING, the law had an important function “in helping to define the norms of behaviour even where it appears to be widely disregarded.”²⁴⁷ He concludes:

“As far as adultery is concerned, the law constitutes a forceful statement of what is desirable. Marital fidelity is desirable and anything that threatens it is at least potentially a capital offence. The fact that the law is rarely applied, however, suggests that in practice adultery was not *so* far beyond the bounds of the tolerable.”²⁴⁸

MCKEATING’s position rests heavily on an argument from silence: since we have no instance of the death penalty for adultery being implemented, it did not happen and thus adultery nearly was tolerable in ancient Israel. I would like to discuss four of MCKEATING’s presuppositions:

(1) MCKEATING seems to imply that if adultery was punished with the death penalty, its implementation would have been attested. But there are many things in the Old Testament which were not recorded either because of their relative unimportance (like culinary technique) or because they were well-known (like marriage customs). The occurrences of adultery – either literally or metaphorically – in all parts of the Old Testament testify to the fact that everyone in ancient Israel knew that adultery was a serious disruption of the social order, being forbidden by

²⁴⁴ KORNFELD, “L’adultère dans l’orient antique”, 95.

²⁴⁵ Cf. *ibid.*, 96.

²⁴⁶ MCKEATING, “Sanctions against Adultery”, 59.

²⁴⁷ *Ibid.*, 69.

²⁴⁸ *Ibid.* (italics his)

the law.²⁴⁹ If this knowledge can be taken for granted why, then, should the implementation of the death penalty have been written down? Since there is plenty of witness to the death penalty contained in the legal texts of the Old Testament, they suffice as deterrent. This is confirmed by the fact that almost everywhere in the Old Testament adultery is connected to death, at least in a metaphorical way.²⁵⁰ Hence, although there is no mention of the death penalty for adultery in the extant Old Testament texts, there can be no doubt about its lethal (and thus, legal) consequences.

(2) MCKEATING assumes that the Old Testament laws reflected ideals of behaviour.²⁵¹ It is my thesis that the law is only concerned with the boundaries of life, clearly demarcating ‘in’ and ‘out’ in respect to the ancient Israelite community of faith. The law does not necessarily reflect what is ‘desirable’ – to stay with MCKEATING’s terminology²⁵² –, but rather what is not tolerable. That person behaves ideally who does not have to ask where the boundaries lie but keeps herself on the middle of the way of life, as it were. If MCKEATING were right, the legal texts of the Old Testament would reflect high ethical ideals. In my view, society’s needs and the establishment of legal rules are reciprocal. It is not ethical ideals with which the legal texts are concerned but the establishment of order.²⁵³

(3) MCKEATING seems to understand the Decalogue as descriptive, rather than prescriptive. Accordingly, “You shall not commit adultery” is a piece of good advice, and not a prohibition. But – as I have argued above²⁵⁴ – neither Hebrew grammar nor the prominent place of the Decalogue within the Old Testament canon lends support to such a thesis. It seems more in line with the thrust of the Decalogue, both in

²⁴⁹ This holds true even if scholars assume that parts of the law reflect later developments in the ancient Israelite society since the death penalty for adultery had its counterpart in much older ancient Near Eastern laws. Nevertheless, some scholars bring forward developmental theories on the origin of the Old Testament laws dealing with adultery. OTTO, for example, argues that the laws on adultery developed from the incest laws. See OTTO, *Theologische Ethik*, 40f. In my view, this is rather difficult to prove since the oldest extant ancient Near Eastern law collection – LU – already dealt with adultery, long before the first Old Testament law on adultery was formulated. It is my opinion that the laws on adultery became necessary with the existence of the family. Since both the ancient Near Eastern law collections as well as the Old Testament legal texts presuppose the existence of families, it is impossible to show up the origin of adultery with the extant textual material.

²⁵⁰ See especially SCHULZ, *Todesrecht*, 15–36 and below, **4.3.1 THE DEATH PENALTY**.

²⁵¹ “Some ‘laws’, at least in the Old Testament, are in any case not law as that word is generally understood, but statements of principle, or of ideals, and we confuse the issue badly if we do not recognise them as such.” (MCKEATING, “Sanctions against Adultery”, 65.)

²⁵² Of course, the law reflects the will of Yahweh – as I have portrayed in this chapter – but the will of Yahweh is still more than the keeping of the law.

²⁵³ In my view, in any society law is given to guarantee at least a basic order for the people, irrespective of era, geography or religious orientation. Order is thus one of the basic assumptions that make up the ancient Israelite worldview. See **5.2.3.2 ORDER**.

²⁵⁴ See **3.2.1 THE TREATMENT OF ADULTERY IN THE DECALOGUE**.

Exodus and in Deuteronomy, that this prohibitive is not just 'desirable' but obligatory – especially if the covenantal background of the Decalogue is considered.

(4) MCKEATING assumes that adultery is “at least potentially a capital offence”²⁵⁵ since it is not reported to have been put into effect. I already argued why I believe that such a report is not compelling, given the general understanding of adultery's consequences in the Old Testament. In my view, it is difficult to call a capital offence 'potentially capital' because it questions the whole idea of punishment. A capital offence deserves capital punishment.²⁵⁶ Moreover, if it were 'potentially capital', it would cease to function as a deterrent.²⁵⁷

Thus, I cannot follow MCKEATING's arguments, mostly because of his presuppositions which I found wanting in several respects, as expressed above. This leads us to the second proponent of the death penalty for adultery as being not mandatory – WESTBROOK – who points out that the imperative 'you shall kill' could also be rendered 'you may kill' and thus emphasises that the death penalty may be a maximum penalty rather than the ultimate penalty under every circumstance.²⁵⁸ Furthermore, he lists Proverbs 6:32-35:

“The passage assumes that the penalty for adultery was vengeance by the husband, which he could commute to ransom at his own discretion. So far from being ineluctable, therefore, punishment was no more than a private arrangement between the wronged husband and the adulterer.”²⁵⁹

In my view, adultery in ancient Israel was never dealt with solely on the level of the individual person.²⁶⁰ Rather, it was treated as a matter of the community,²⁶¹ even in

²⁵⁵ MCKEATING, “Sanctions against Adultery”, 59.

²⁵⁶ One could, of course, argue that adultery is not a capital crime. But such an argument would have to disprove that both the ancient Near Eastern law collections as well as the legal texts of the Old Testament present adultery as capital crime. I am inclined to think that this is impossible.

²⁵⁷ I am well aware of the current debate about the deterrent function of the death penalty in the U.S.A. For a recent contribution to that debate see Jeffrey FAGAN, “Deterrence and the Death Penalty: A Critical Review of the New Evidence” (<http://www.deathpenaltyinfo.org/article.php?scid=12&did=167>; last time accessed on 24.12. 2005). In several respects, however, the situation in ancient Israel differs from that of modern U.S.A. Firstly, there were no prisons in ancient Israel and thus life sentences – as alternative punishment – did not exist. Secondly, the high murder rate in the U.S.A. is due to an increase in gun homicides which obviously played no role in ancient Israel. Thirdly, since ancient Israel was a high context society – in difference to modern U.S.A. as a low-context society [for the terminology see SIMKINS, *Creator and Creation*, 41f.] –, everyone was confronted with the death penalty. Thus, Deut 22:20f. shows that the father was held responsible for the pre-marital sexual conduct of his (betrothed) daughter since his daughter was stoned on the door-step of his house by all men of the *community* in a substantiated case of adultery. Hence, it seems to me that the death penalty as ultimate expulsion from life could very well have served as a deterrent measure in ancient Israel – in contrast to 21st century U.S.A.

²⁵⁸ See WESTBROOK, “Adultery”, 544. Cf. WESTBROOK, *Studies*, 53.

²⁵⁹ WESTBROOK, “Adultery”, 545.

²⁶⁰ KORNFIELD assumes that prior to the Mosaic law the vengeance for adultery was in the hands of the husband. See KORNFIELD, “L'adultère dans l'orient antique”, 95. He cites Gen 38:24 which in my view is problematic since Judah was not Tamar's husband but her father-in-law.

the texts dealing with adultery in Prov 1–9.²⁶² Moreover, it is unlikely that composition was possible in the case of adultery.²⁶³ I find WESTBROOK’s thesis of the death penalty as a maximum penalty that could be transformed into a ‘milder’ form of penalty (*e.g.*, ransom) wanting in at least two respects:

(1) WESTBROOK claims that the “Hebrew verb could equally be translated ‘shall’ or even ‘may’.”²⁶⁴ But the Hebrew texts do not support his claim. Lev 20:10 explicitly states מוֹת־יוֹמָת (“he shall surely be put to death”).²⁶⁵ The same construction is used in Exod 31:14 in the context of keeping the Sabbath: מוֹת יוֹמָת מִחַלְלֵיהָ (“Everyone who profanes it shall be put to death.”). And in the only instance of the death penalty being put into effect reported in the Pentateuch – in Numbers 15:32–36 – exactly this happens. The term מוֹת־יוֹמָת thus designates “the death penalty inflicted by man.”²⁶⁶ It is interesting to note that וַיָּמָתוּ (“they shall die”) in Deut 22:22 refers to the first half of the sentence, being a *sequential waw consecutive*: “If a man..., then...”²⁶⁷ If the first part is given (adultery), then the next follows (death penalty). This interpretation finds further support in the emphasis on the penalty for both the man *and* the woman. Moreover, the following “expurgation formula”²⁶⁸ emphasises the importance of the death penalty being put into effect. Thus, I do not follow WESTBROOK’s claim.

(2) WESTBROOK’s thesis of the death penalty as maximum penalty is refuted by the constant mention of it in connection with adultery in the Old Testament. In my view, it is important that the death penalty is equally prescribed in cases of seduction/rape of a betrothed woman. Nowhere do we find a ‘milder’ punishment in connection with adultery in the legal texts of the Old Testament.²⁶⁹ Only where the case is clearly *not* adultery, is there the possibility of pecuniary punishment.²⁷⁰

²⁶¹ See PHILLIPS, “Another Look at Murder”, 121.

²⁶² See my detailed treatment of the relevant passages in CHAPTER 4.

²⁶³ See above, 3.2.4.5 THE THESIS OF THE COMPOSITION OF THE DEATH PENALTY FOR ADULTERY.

²⁶⁴ WESTBROOK, “Adultery”, 544.

²⁶⁵ See my treatment in 3.2.2.3 LEVITICUS 20:10.

²⁶⁶ MILGROM, *Numbers*, 406; see also his discussion of Num 15:32–36 on pages 408–410. Likewise BOECKER, *Recht und Gesetz*, 171.

²⁶⁷ Cf. *A Guide to Biblical Hebrew Syntax*, 84f.

²⁶⁸ PRESSLER, *The View of Women*, 30.

²⁶⁹ This distinguishes Old Testament law from ancient Near Eastern law where there clearly is the possibility of averting the death penalty, either by the husband or by the king. For a discussion of WENHAM’s proposal concerning Deut 22:19 see above, 3.2.4.5 THE THESIS OF THE COMPOSITION OF THE DEATH PENALTY FOR ADULTERY.

²⁷⁰ As in Exod 22:15f. (ET 22:16f.) and Deut 22:28f. I have shown above that Lev 19:20–22 could possibly be an exception, although even there the normal punishment of the death penalty is mentioned: “They shall not be put to death because she was not free.” (Lev 19:20b)

Thus, in my view the death penalty in substantiated cases of adultery was mandatory – although we do not have written records of its implementation elsewhere in the Old Testament. The death penalty was not a ‘maximum penalty’, nor was it possible to transform the penalty into a pecuniary payment. Rather, the death penalty for substantiated cases of adultery served both as a major deterrent and as a protection of one of the most valuable goods in ancient Israel – the family:

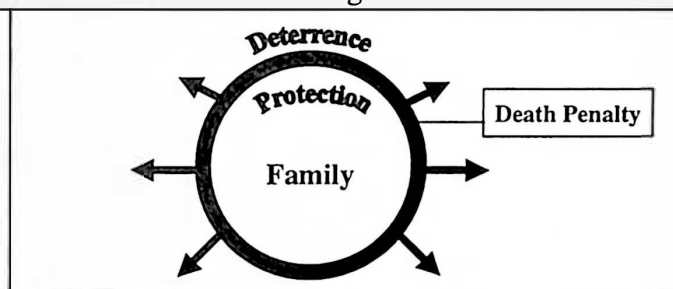


Diagram 14: The Two Functions of the Death Penalty

Following GREENBERG and KORNFELD, I understand the death penalty for adultery as mandatory because of the nature of ancient Israelite law which is fundamentally connected to Yahweh and the covenant between him and the people of Israel. The prohibition of adultery is part of this covenant relationship and the textual witness of the covenant – as contained in the legal texts of the Old Testament – clearly prescribes the death penalty for adultery. Moreover, in contrast to the ancient Near Eastern law collections Old Testament law does not even under special circumstances allow for punishment at the wronged husband’s discretion but prescribes the death penalty as mandatory in a substantiated case of adultery. The sanction of adultery was thereby a matter of the community, rather than the individual.²⁷¹

3.3.2 The Role of Social Status

Social status does not play a major role in connection with the laws concerning adultery in the Old Testament. The laws distinguish between slave women and free women. Thus, Lev 19:20–22 explicitly states that the death penalty does not apply in the case of adultery with a slave girl since she was “not yet ransomed” (verse 20) – although she was betrothed. A second distinction is universal in the ancient Near East, between a woman who is not betrothed and one who is betrothed or married. Adultery only applied to cases where the woman was betrothed or married.

²⁷¹ See below, 3.3.4 THE ROLE OF THE COMMUNITY.

All other cases were considered lesser offences which were punished with monetary payments and the duty to marry the woman.²⁷²

3.3.3 Establishing the Legal Case

The legal texts of the Old Testament are remarkably silent when it comes to court procedures or the question how justice was administered in ancient Israel. The extant texts on adultery do not give us a coherent picture of how the case was dealt with. Still, there are a few hints within the texts helping us understand how the ancient Israelites treated a serious crime such as adultery:

(1) At least two witnesses were demanded by the law because “only on the evidence of two witnesses or of three witnesses shall a charge be established.” (Deut 19:15b) Furthermore: “On the evidence of two witnesses or of three witnesses the one who is to die shall be put to death; a person shall not be put to death on the evidence of one witness.” (Deut 17:6) This reduces the occasions on which a capital crime like adultery is punished to those cases when the couple were caught *in flagrante delicto*.²⁷³ Thus, Num 5:13 states “... and there is no witness against her, since she was not taken in the act...” Similarly, Deut 22:22 mentions the fact that “a man is found lying with the wife of another man...” The necessity of witnesses for any legal case emphasises that the administration of law in ancient Israel was a matter of the community rather than the individual, at least from the time of Deuteronomy onwards.

(2) Especially Deut 22 emphasises the role of “the elders” and “the gate” when referring to the legal procedures. Material evidence should be brought “to the elders of the city in the gate” (Deut 22:15). It is also up to the elders to put the punishment into action: “Then the elders shall take the man and whip him, and they shall fine him...” (Deut 22:18f.) Similarly, if a betrothed woman commits adultery, the couple shall be brought “out to the gate of that city” (Deut 22:24), which arguably hints at a legal procedure as well.²⁷⁴

(3) It is not just the role of the elders or some sort of a local ‘police’ to pursue crimes but of the entire population. Hence, the often repeated call to ‘purge the evil

²⁷² See Exod 22:15f. (ET 22:16f.) and Deut 22:28f. The amount of the damages to be paid reflects the understanding of marriage and its value in ancient Israel since even where marriage did not follow the damages equalled a typical marriage payment.

²⁷³ Cf. WENHAM, “Law and the Legal System”, 43: “The demand for at least two witnesses [...] would have in practice limited the application of these penalties [e.g., death penalty] to flagrant violations of the law. Many secret offenders would inevitably have escaped punishment.”

²⁷⁴ See my argument above: 3.2.4.3.1 DEUTERONOMY 22:23–24.

from your midst” (Deut 22:21, 22, 24). This is confirmed by Num 5 which begins with an exhortation to “speak to the people of Israel” (Num 5:12) and also emphasises in the case description that the presumed act of adultery was “undetected”, thus no one was around to be a witness, neither the husband nor anyone else.

(4) Num 5 reports a procedure where there was a suspicion of adultery but no witnesses etc. were around. The described ordeal was a means to establish a case where no ordinary court procedure could be held.²⁷⁵ I interpret Num 5 as a law that serves several purposes and protects marriage since it gives the husband possibility for the proof of suspicions and the wife the opportunity for rehabilitation. Compared to other ordeal procedures in the ancient Near East, Num 5 is quite mild and does not necessarily endanger the life of the suspected wife.

Thus, there existed a certain legal system in ancient Israel which helped to prosecute crimes. Although this legal system cannot be compared with modern-day state prosecution, the establishment of a legal case in case of adultery was an important task of the local community. The execution of the death penalty in a substantiated case of adultery was a communal matter (*cf.* Deut 22:21). This leads us to the role of the community.

3.3.4 The Role of the Community

The discussion so far has shown that the community played a large role in the establishment of law cases and the pursuit of adultery. This stands in stark contrast to MCKEATING’s thesis who interprets the texts on adultery in a completely different way:

“If, as I have concluded, the sanctions of law against adultery really were, in Israel, employed as a last resort, rarely brought into play, then this suggests that for the majority of Israelites adultery was basically a private matter, for the private conscience of individuals, and to be countered by the unofficial action of offended husbands.”²⁷⁶

The legal texts of the Old Testament do not support his conclusions since adultery was never looked at as a ‘private matter’ in ancient Israel and neither was individualism a trait of the ancient Israelite society.²⁷⁷ That which MCKEATING presumably envisages here, namely the individual revenge through a husband

²⁷⁵ See my comments in 3.2.3 *The Treatment of Adultery in Numbers 5:11–31*.

²⁷⁶ MCKEATING, “Sanctions against Adultery”, 69. Similarly, LOEWENSTAMM writes: “According to the laws of both lands [ancient Israel and Mesopotamia] the execution of the adulterer and adulteress was left to the husband’s discretion.” (LOEWENSTAMM, “The Laws of Adultery and Murder”, 153.)

²⁷⁷ I will deal with the alleged individual revenge of a husband in 4.2.3 *PROVERBS 6:20–35*.

sanctioned by the law, can be found in ancient Near Eastern legal texts but not in the legal texts of the Old Testament. It seems highly unlikely that the writers of the Old Testament law forgot this feature of individual revenge. Rather, they did deliberately not incorporate it into their set of laws on adultery.

Moreover, the prosecution of adultery was not just a matter of “the private conscience of individuals”, as MCKEATING emphasises, but rather a matter of the community. Thus, I agree with FRYMER-KENSKY’s statement:

“Issues such as adultery, incest, homosexuality, and bestiality are not simply the private concerns of families. Like murder, they are treated [in Old Testament law] as a national issue for, like murder, sexual abominations are thought to pollute the land. The very survival of Israel was at stake.”²⁷⁸

This is underlined by the covenant context of Old Testament law, as a promulgation of the will of Yahweh to his people. The pollution of the land potentially endangered the whole of Israelite society. Therefore, it was important to look after each other and to strive together for holiness. This is the main message of Leviticus which also contains several laws on adultery. Thus, WENHAM writes:

“The public character of the biblical legislation is reflected in the large number of motive clauses which give reasons why certain laws should be obeyed [...]. Such reminders are more in character in a sermon addressed to the nation than in a piece of literature designed only for the edification of those administering the law.”²⁷⁹

Therefore, although this is a crass example, in the substantiated case of the adultery of a betrothed woman in ancient Israel, the implementation of the death penalty was a community action for “the men of her city shall stone her to death with stones, because she has done an outrageous thing in Israel...” (Deut 22:21) Thus, neither the pursuit of the punishment of adultery nor the establishment of a case was left to the individual action of the husband in ancient Israel.²⁸⁰

3.3.5 The Circumstances of Adultery

Deut 22 emphasises that the circumstances in which adultery happened were decisive for the direction of the case. The status of the women involved is mentioned as well

²⁷⁸ Tikva FRYMER-KENSKY, “Law and Philosophy: The Case of Sex in the Bible”, *Semeia* 45, 1989, 97.

²⁷⁹ WENHAM, “Law and the Legal System”, 26.

²⁸⁰ Of course, the husband had to play a role in establishing the case. But it seems to me that he is rather the one who starts the legal process, a feature that can be observed for other areas of Old Testament law as well, for example in the case of murder: see WENHAM, “Law and the Legal System”, 42. Num 5 is not an exception: there is no one there as witness, so the husband is the only person who can take the first step. And even Deut 22:13–21 reflects the same view: the husband obviously started the rumours but it is not up to him to hold judgment over the case but to the elders. And it is not after the charges are proven that the death penalty could be implemented.

as the location where the intercourse took place and last but not least if it was consensual sexual intercourse or rape. Unlike MAL A §§12–16, Deut 22 does not take the intentions into consideration (whether the adulterer knew that the woman was married etc.). Lev 19:20–22 considers the social status of the woman and Num 5:13 states that there were neither facts nor witnesses for the assumed adultery. The prohibitions of adultery in the Decalogue and the corresponding laws in Leviticus are not concerned with many circumstances of the case. They are rather general laws, leaving the “reader to fill in the gaps by logical deduction.”²⁸¹ Deut 22:26 supports this view of Old Testament law because it mirrors such a reflection: “For this case is like that of a man attacking and murdering his neighbour...” Thus, the administration of justice in ancient Israel was not so much a matter of legal knowledge but rather of “wisdom and experience.”²⁸²

3.3.6 Adultery as Sin against God

What is the ‘spiritual side’ of adultery, as depicted in the legal texts of the Old Testament? I already mentioned that the pollution of the land plays a role in ancient Israel’s striving for holiness and purity. This is evident in the Book of Leviticus.²⁸³ Thus, through adultery the male becomes “unclean” (נִדָּבָה, Lev 18:20)²⁸⁴ – and through his uncleanness his nation and the land he is living in become endangered by divine judgment.²⁸⁵ The man who has sexual intercourse with a betrothed slave woman is exempt from the death penalty – which is explicitly stated, Lev 19:20 – and needs to bring a guilt offering “for his sin that he has committed” (verse 22). Adultery is here explicitly called a sin (חַטָּאת):

“This shows that adultery was regarded not just as an offense against the girl’s fiancé and her parents, but as a grave sin demanding the dearest kind of sacrificial atonement.”²⁸⁶

MILGROM adds that the reason for bringing a sin offering for adultery lies in the fact that the Israelites considered adultery as “a violation of the Sinaitic covenant.”²⁸⁷

This fits well with the Deuteronomic view of adultery (Deut 22:13–29) where the

²⁸¹ This is WESTBROOK’s general statement on the way in which legal texts were put together in the ancient Near East (to which he counts the biblical laws as well): WESTBROOK, *Studies*, 4.

²⁸² WENHAM, “Law and the Legal System”, 49.

²⁸³ See WENHAM, *Leviticus*, 15–32.

²⁸⁴ WENHAM writes that “uncleanness is the converse of cleanness. ... Unlike cleanness, though, uncleanness is contagious and incompatible with holiness.” (WENHAM, *Leviticus*, 20.)

²⁸⁵ See my comments to above: 3.2.2.1 LEVITICUS 18:20.

²⁸⁶ WENHAM, *Leviticus*, 270.

²⁸⁷ MILGROM, *Leviticus*, CC, 238.

exhortation “to purge the evil from your midst” also underlines the importance of purity within the covenant community.²⁸⁸

Last but not least Num 5:11–31 emphasises that Yahweh knows about all the facts in the case of adultery – with whom, when, where and if.²⁸⁹ Thus, the text expects that if the case is substantiated there will be a divine punishment.²⁹⁰

Accordingly, GREENBERG supposes that the main difference between ancient Near Eastern and Old Testament law lies in its permanent reference to God.²⁹¹ He writes that “adultery is not merely a wrong against the husband, it is a sin against God, an absolute wrong.”²⁹² LOEWENSTAMM objects against such a view because he finds a connection of adultery and sin/guilt against the gods *Ninurta*, *Šamaš* and *Marduk* in ancient Near Eastern hymns and incantations, thus claiming that “all the great gods were likely to punish this sin.”²⁹³

However, the texts LOEWENSTAMM cites are not explicitly stating divine punishment. They rather emphasise that adultery leads to guilt. Moreover, they are all poetic or religious texts, not legal texts. Thus, it is a peculiarity of Old Testament law to connect the concept of sinning against Yahweh with obedience towards the law. Furthermore, the notion that adultery pollutes a land and thus has an influence not on just one life but on the whole of society is another peculiarity of Old Testament law in comparison with ancient Near Eastern law. The covenant relationship between the ancient Israelites and Yahweh which got endangered by sins like adultery, is another peculiarity of Old Testament law in comparison with its ancient Near Eastern counterpart.

²⁸⁸ See my comments above: 3.2.4.1.2 THE SUBSTANTIATED SUSPICION OF A WIFE’S PREMARITAL UNCHASTITY.

²⁸⁹ All these facts are explicitly stated to be not known, neither by the husband nor by anyone else: Num 5:13.

²⁹⁰ HUTTER finds the concept of adultery as sin against God in the prophetic literature of the Old Testament as well: “Ehebruch, Unzucht (z^enut) und Glaubensabfall werden in der prophetischen Verkündigung miteinander verbunden, was wohl nur ein konsequentes theologisches Weiterdenken jener Linie ist, die Ehebruch unbeschadet aller juristischen Aspekte als Sünde gegen Gott sieht.” (HUTTER, “Ehebruch-Verbot”, 102.)

²⁹¹ See GREENBERG, “Some Postulates”, 5–28.

²⁹² *Ibid.*, 12. Cf. KORNFELD, “L’adultère”, 95: “Délit religieux et moral contre Dieu plus encore que délit contre le mari, on comprend que l’adultère soit confondu avec l’antique notion du péché...”

²⁹³ LOEWENSTAMM, “The Laws of Adultery and Murder”, 147: “He who has intercourse with (another) man’s wife, his guilt is grievous {*Ninurta*} ... A man who covets his neighbor’s wife will ... before his appointed day {probably refers to premature death; *Šamaš*} ... entered the house of his friend, approached the wife of his friend {*Šurpu*, tablet II, an incantation to the great gods asking to punish all types of sinners} ... went secretly to his friend’s wife {*Marduk*}.”

3.4 Conclusion

Adultery is many times referred to in the legal texts of the Old Testament.²⁹⁴ Here again, as in the rest of the ancient Near East, it is defined as “sexual intercourse with a married or betrothed woman by someone who was not her husband.”²⁹⁵ And as in the ancient Near Eastern texts, adultery in ancient Israel was not considered as peccadillo but as capital crime, including the severe punishment of the death penalty.²⁹⁶ And similarly to my conclusion concerning the ancient Near Eastern evidence, adultery was an attack on the institution of marriage and on the wider community. Moreover, as I have tried to show in the course of the current chapter, adultery was also an attack on the ancient Israelites’ relationship to Yahweh.

Within the covenantal and relational context of the *תּוֹרָה* it becomes clear that adultery is prohibited as something that displeases Yahweh. The logic is compelling: whoever commits adultery places himself – or herself – outside of the covenant relationship to Yahweh. The Old Testament depicts both marriage and procreation as God’s idea (Gen 1–2). Therefore, an attack on marriage is also an attack on God. Yahweh prohibited adultery in order to protect marriage, progeny and the society.²⁹⁷

In this chapter, I have investigated every legal text of the Old Testament that stands in connection with adultery. The emphasis lay hereby on an exegesis of the relevant texts and the discussion of alternative interpretations being brought forward by experts in the field. Thereby, several peculiarities of the Old Testament legal treatment of adultery – in comparison with its ancient Near Eastern counterparts – became evident.

There are several differences between the treatment of adultery in the legal texts of the Old Testament and the law collections of the ancient Near East. The main difference consists in the person of the law-giver: it is not a king but God, Yahweh, himself. The Old Testament laws are depicted as being given in a covenantal context. Yahweh acts as “suzerain, the author of the [covenant] treaty.”²⁹⁸ The people of ancient Israel stood on the other side of the covenant, the law thus being obligatory within the context of the covenant. In contrast with a ‘normal king’, Yahweh – who has absolute authority over his people – gives timeless laws that are meant to last for ages and not just for a generation.

²⁹⁴ See Exod 20:14, Lev 18:20, 19:20–22 and 20:10, Num 5:11–31, Deut 5:18, 22:13–21, 22:22, 22:23–27 and 22:28f.

²⁹⁵ WENHAM, *Leviticus*, 258.

²⁹⁶ See OTTO, *Theologische Ethik*, 47: “In Israel ist der eindeutig bezeugte Ehebruch konsequent ein Fall uneingeschränkten Todesrechts.”

²⁹⁷ See above, 3.3.6 ADULTERY AS SIN AGAINST GOD.

²⁹⁸ WENHAM, *Leviticus*, 30.

Furthermore, in comparison to ancient Near Eastern laws on adultery the husband is not given the right to avert the death penalty in the Old Testament. Moreover, fewer cases are discussed in the Old Testament laws and these with less differentiation than in their ancient Near Eastern counterparts.

The prohibition of adultery is part of Yahweh's foundational manifesto to Israel, the Decalogue, reflecting "the essential character of God himself."²⁹⁹ Although the Decalogue does not specify a punishment for adultery, it is clear that adultery opposes the will of Yahweh and thus endangers the covenant with him. This becomes evident in the repeated treatment of adultery in different legal texts that all stand in connection with the Decalogue.³⁰⁰ The texts in Leviticus (18:20; 19:20–22; 20:10) stress the fact that adultery opposes the holiness of God. Accordingly, it is labelled as 'sin' and is connected to the concept of uncleanness.

Since in ancient Israel at least two witnesses were necessary to make a successful charge (Deut 19:15), Num 5:11–31 meets the problem that adultery in many cases goes unnoticed. It gave the husband the right to enquire about the faithfulness of his wife by the use of an ordeal. On the other hand, Num 5:11–31 is remarkably different from ancient Near Eastern ordeals because not the wife's innocence stands to be proven but her guilt. This protects the wife and gives her – in case of innocence – the possibility of total rehabilitation.

The deuteronomic texts in Deut 22:13–29 emphasise the circumstances of adultery – whether it happened in the city or on an open field – and also distinguish between sexual intercourse with a woman that is married, one that is betrothed or one that is neither married nor betrothed. As in ancient Near Eastern law, sex with a betrothed woman already is considered tantamount to adultery. The deuteronomic texts also stress the role of the community in both the establishment of a legal case about adultery as well as its punishment.

The Old Testament legal texts unanimously agree on the death penalty for a substantiated case of adultery. Although the implementation of the death penalty in cases of adultery is not recorded in the Old Testament, I argued that the death penalty nevertheless was put into practice. The death penalty was neither a possible 'maximum penalty', nor could it be transformed into a monetary payment. Rather, it served as a major deterrent to protect one of the most valuable goods in ancient Israel: the purity and security of the family.

²⁹⁹ CHILDS, *Exodus*, 397.

³⁰⁰ This is, as I have discussed above, most obvious in Deuteronomy where the laws in chapters 12–26 can be shown to be an exposition of the Decalogue in Deut 5:6–21.

CHAPTER FOUR:

“HEAR MY SON...”

Adultery in Proverbs 1–9

4.1 Introduction

After the investigation of the ancient Near Eastern as well as the Old Testament evidence on adultery in chapters 2 and 3, I would like to turn to the study of adultery in Prov 1–9. Within these nine chapters the warnings against adultery receive much attention. They can be found in chapters 2, 5, 6 and 7 respectively. Thus, a quarter of Prov 1–9 focuses on the dangers of adultery.¹

The book of Proverbs belongs to the כְּתָבִים, the ‘writings’, and within the כְּתָבִים to the wisdom literature of the Old Testament. The genre of its first nine chapters is primarily the genre of instruction, its outlook is clearly didactic.² Therefore, FOX labelled it as “didactic wisdom.”³ Before I embark on a detailed investigation of texts and concepts concerning adultery in Prov 1–9, I want to provide an overview of the nature of Old Testament wisdom, the genre of instruction, the dating of Prov 1–9, its setting, its root metaphor and its literary structure.

¹ Of the 256 verses of Prov 1–9, 70 deal with the warnings against adultery (= 27,3%): 2:16–19; 5:1–23; 6:20–35 and 7:1–27. The subject of adultery/the ‘strange’ woman only plays a very minor role in chapters 10–31, in Prov 23:27 and 30:20.

² There are three wisdom poems in Prov 1–9, belonging to the genre of poetry.

³ FOX, *Proverbs 1–9*, 18.

4.1.1 On the Nature of Old Testament Wisdom

There exist a number of excellent introductions to Old Testament wisdom.⁴ In what follows, I do not intend to re-invent the wheel but to focus on a few characteristics of Old Testament wisdom which are important for the study of Prov 1–9 in order to provide a framework for the exegesis.

Definitions for ‘wisdom’ are probably legion.⁵ Wisdom is a common ancient Near Eastern phenomenon. Wisdom literature has been found throughout the entire ancient Near East.⁶ It has many different literary genres: proverbs, parables, fables, numerical sayings, riddles, hymns, instructions, dialogues, confessions, beatitudes and sentences.⁷ Since wisdom is so widespread and varied, a definition can only be very broad.

In his introduction to wisdom, CRENSHAW makes four observations in order to define wisdom in the Old Testament:⁸

- (1) Wisdom signifies a literary corpus.
- (2) Wisdom is best defined with the help of Ancient Near Eastern parallels.
- (3) Wisdom is a particular attitude toward reality, a worldview.
- (4) Wisdom addresses common problems (*e.g.*, adultery) with thematic coherence.

DELL makes a helpful distinction between wisdom literature and wisdom as an attribute that is God-given and can be pursued.⁹ FOX distinguishes between “didactic and critical (or speculative) Wisdom”, Prov 1–9 clearly belonging to the former.¹⁰ WHYBRAY defined wisdom in the Book of Proverbs as “*life-skill: the ability of the individual to conduct his life in the best possible way and to the best possible effect.*”¹¹ According to CRENSHAW, the goal of the didactic wisdom in Prov 1–9 is “the formation of character.”¹² Last but not least KIDNER points out that this

⁴ See, for example, CLIFFORD, “Introduction to Wisdom Literature”; CRENSHAW, *Old Testament Wisdom*; DELL, ‘*Get Wisdom, Get Insight*’; idem, “Wisdom Literature”; LUCAS, *A Guide to the Psalms & Wisdom Literature*; MURPHY, *The Tree of Life*.

⁵ See for a few definitions James L. CRENSHAW, “Prolegomenon”, *Studies in Ancient Israelite Wisdom*, Crenshaw, James L. (ed.), New York: KTAV Publishing House, 1976, 3–5.

⁶ For a comprehensive collection see LAMBERT, *BWL*.

⁷ See for an introduction to wisdom genres P. J. NEL, “The Genres of Wisdom Literature”, *JNSL* 9, 1981, 129–142.

⁸ See CRENSHAW, *Old Testament Wisdom*, 9f.

⁹ See DELL, ‘*Get Wisdom, Get Insight*’, 1.

¹⁰ FOX, *Proverbs* 1–9, 17.

¹¹ Roger Norman WHYBRAY, *Proverbs*, NCB, Grand Rapids: Eerdmans, 1994, 4. (*italics his*)

¹² CRENSHAW, *Old Testament Wisdom*, 3.

formation is not just in the hands of parents and teachers: “wisdom comes by revelation.”¹³

Thus, wisdom has both an immanent and a transcendent dimension which becomes evident in the most often repeated dictum in Old Testament wisdom: “the fear of Yahweh is the beginning of knowledge.”¹⁴ The two main ingredients of ancient Israelite Wisdom were knowledge derived from experience and insights out of the divine perspective, from God. Both are equally important. Both belong inherently to the wisdom enterprise. I agree with DELL who writes that definitions of wisdom “are usually too broad and fail to do justice to the divine aspect of the wisdom enterprise.”¹⁵ It is important to note that Old Testament wisdom is depicted as both a human achievement *and* a gift from God (*cf.* Prov 2:1–6). Since the legal texts of the Old Testament are depicted to be given either in a theophany (Decalogue) or from God through his servant Moses, the transcendent dimension of Old Testament wisdom already provides a connection between wisdom and the legal corpus of the Old Testament.

4.1.2 The Genre of Instruction

Prov 1–9 belongs to the genre of instruction. Differing from Prov 10ff., the first nine chapters consist of longer teaching discourses¹⁶ and not of short, proverbial sayings. The genre of instruction was an established genre in ancient Egypt as well. Today, there are at least six Egyptian instructions preserved, dating from approximately 2400 BC until 400 BC.¹⁷

It is difficult to answer the question how instruction in ancient Israel was passed on since we do not know much about education in ancient Israel.¹⁸ Still, we have different literary witnesses from which it is possible to deduce the basic form of instruction: an experienced teacher (‘father’) passes on his knowledge to less

¹³ KIDNER, *Proverbs*, 38. (italics his)

¹⁴ In slight variations in Prov 1:7; 9:10; Job 28:28 and Ps 111:10.

¹⁵ DELL, ‘*Get Wisdom, Get Insight*’, 6. See also James L. CRENSHAW, *Education in Ancient Israel: Across the Deadening Silence*, New York: Doubleday, 1998, 239–253.

¹⁶ See below, 4.1.6 THE LITERARY STRUCTURE OF PROVERBS 1–9.

¹⁷ *The Instruction of Pthahotep* (c. 2400 BC), *The Instruction of Merikare* (c. 2100 BC), *The Instruction of Amenemhet* (c. 1100 BC?), *The Instruction of Ani* (c. 1580–1080 BC), *The Instruction of Amenemope* (c. 1200 BC) and *The Instruction of Onchsheshonqy* (c. 400 BC). See LUCAS, *A Guide to the Psalms & Wisdom Literature*, 88. For an older, but still valuable discussion of the Egyptian instructions see MCKANE, *Proverbs*, 51–150. FOX mentions that Prov 1–9 shows less “flexibility and variation” than the Egyptian instructions. See Michael V. FOX, “Ideas of Wisdom in Proverbs 1-9”, *JBL* 116, 1997, 615. Nevertheless, most of Prov 1–9 belongs to the same genre.

¹⁸ See CRENSHAW, *Education in Ancient Israel*, 4.

experienced students ('sons').¹⁹ It is not quite clear if the teacher was a real father who taught his son(s). Anyway, the experience of the teacher does not refer to many years of teaching but rather to many years of observing life and reality. Thus, a wisdom teacher would normally be much older than his students. This is most obvious if the setting is that of a family where the parents teach their children since Prov 1–9 refers to both the instruction of the father and the mother (*cf.* Prov 1:8; 6:20). In this chapter, I consistently refer to the 'father' teaching a 'son' to give expression to the general educational setting without implying that it is always a *real* father teaching his son(s).

The aim of the instruction is clear: "The emphasis is on practice. When the sage says 'listen,' 'hear,' the meaning is 'obey.'"²⁰ The context of Prov 1–9 is thus both educational and instructive, it is learning for life.²¹ The rationale behind the instruction in Prov 1–9 is the same as that of a training course in driving safety: one does not learn how to drive on a sunny day on a straight road but rather one gets trained for dangerous situations. And adultery or the contact with the 'strange' woman is depicted as such a dangerous situation in Prov 1–9.²²

For the purpose of this study it is important to note that the instructions in Prov 1–9 were *originally* oral instructions that have been noted literarily at a later point in time. Although this aspect might be obvious and thus superfluous, it has largely been neglected in the scholarly discussion. Both WESTERMANN and GOLKA assume an oral origin for the proverbial collection in Prov 10–29, arguing that the proverbs derive

¹⁹ In Egyptian instructions and in the Mesopotamian *Instruction of Šuruppak* the expression "my son" is used for the designation of the student. See CRENSHAW, *Education in Ancient Israel*, 54. In contrast to CRENSHAW, DAY points out that the personal address "my son" is practically never used in Egyptian instructions but can frequently be found in Mesopotamian and Aramaic wisdom: see John DAY, "Foreign Semitic Influence on the Wisdom of Israel and Its Appropriation in the Book of Proverbs", *Wisdom in Ancient Israel: Essays in Honour of J.A. Emerton*, Day, John, Robert P. Gordon and H.G.M. Williamson (eds.), Cambridge: University Press, 1995, 65f. See also CLIFFORD's remarks on the student's designation as 'son' in the Babylonian *Counsels of Wisdom*: CLIFFORD, *Proverbs*, 11. Despite some possible differences in the usage of the address 'son' in Egyptian and Mesopotamian wisdom, the term is used throughout to designate students, both in ancient Near Eastern and Old Testament instructions.

²⁰ MURPHY, *Proverbs*, xxiii.

²¹ For an analysis of the pedagogy of Prov 1–9 see 5.3.4 THE PEDAGOGY OF PROVERBS 1–9 AND DEUTERONOMY. See also Daniel J. ESTES, *Hear, My Son: Teaching and Learning in Proverbs 1–9*, New Studies in Biblical Theology 4, Leicester: Apollon, 1997.

²² Although the prologue includes the "wise" (1:5) among the recipients of the text as it now stands, it seems to me that the *primary* audience were young males on the verge to adulthood, either being just married (5:15–19) or on the way to it (*cf.* 18:22; 19:14). Prov 7 draws the vivid picture of an inexperienced young man who falls into the trap of another man's wife (who obviously is experienced).

from folk sayings which do not require literary parallels in Egypt or Mesopotamia.²³ Their contribution is important insofar as it acknowledges that Israel had its own tradition of proverbial sayings.²⁴ This does not mean that the Egyptian instructions have no connection with their ancient Israelite counterpart. It is obvious that the Egyptian and Mesopotamian instructions were known in ancient Israel²⁵ and influenced the current literary form of the instructions. But it means that the written instructions have their *primary* base in the originally oral discourse of parental advice:

“Unquestionably the family was one locus of instruction, particularly instruction of youth. Presumably this was on an oral level, and for centuries before a book like Proverbs, for instance, was written.”²⁶

Most scholars nevertheless investigate Prov 1–9 from a primarily literary point of view.²⁷ FOX’s comment is typical for the way in which most commentators deal with Prov 1–9:

“The Wisdom tradition is self-consciously *literary*, but it uses a genre setting (*Sitz im Leben*) that was originally oral, namely, parental advice, the most fundamental form of education. That does not mean that *these* texts were ever declaimed by the authors to their children, but that this setting is the way the authors want their teachings understood.”²⁸

Thus, according to FOX the genre of instruction is only used to create with the readers the *feeling* of a real life setting. I agree with FOX that the literary form of Prov 1–9 has been chosen deliberately. But this literary form only evokes a feeling of authenticity in the readers *if they know this parental instruction from their own*

²³ See WESTERMANN, *Roots of Wisdom*, 109f. and GOLKA, *The Leopard’s Spots*, 16–35. For a critique of the thesis that the *whole* book is dominated by a folk setting see FOX, *Proverbs 1–9*, 9f.

²⁴ In my view the book of Proverbs is a good example for a mix of an indigenous wisdom tradition and the takeover of foreign wisdom traditions. The clearest example consists of the use of *The Instruction of Amenemope* in Prov 22:17–24:22. The parallels between both texts are so close that some kind of relationship must be assumed. See LUCAS, *A Guide to the Psalms & Wisdom Literature*, 105–107. SCOTT explains this relationship with the fact that the scribe producing Prov 22:17ff. either had a copy of *Amenemope* or knew it by heart, completing the Egyptian instructions with “admonitions of the Hebrew wisdom teachers.” (SCOTT, *Proverbs*, 20f.)

²⁵ See DAY, “Foreign Semitic Influence”, 55–70. DAY argues that the Mesopotamian influence is greater than normally admitted.

²⁶ Roland E. MURPHY, *Wisdom Literature: Job, Proverbs, Ruth, Canticles, Ecclesiastes, and Esther*, The Forms of the Old Testament Literature 13, Grand Rapids: Eerdmans, 1981, 7.

²⁷ Thus, PREUB argues that the lectures in Prov 1–9 do not reflect oral discourse but that they were always and solely meant to be *written* discourses: “Diese Lehrreden sind außerdem nicht mehr echte Reden, sondern vielmehr eindeutig Schreibe.” (PREUB, *Einführung*, 61.) MCKANE rightly emphasises that the form of instruction is an international genre but then he proceeds to solely look at it as a literary genre. See MCKANE, *Proverbs*, 1–10. He spends more than 130 pages of his commentary on an in-depth description of the ancient Near Eastern genre of instruction but is only concerned with the literary features of Prov 1–9. See MCKANE, *Proverbs*, 51–182. See also CRENSHAW’s chapter on literacy in his *Education in Ancient Israel*, 29–49.

²⁸ FOX, *Proverbs 1–9*, 75. (italics his)

experience.²⁹ Thus, it is very likely that both a literary convention has been used in Prov 1–9 and pieces of oral parental advice as passed on from generation to generation.³⁰ In my view, the didactic nature of the instructions is the key to their interpretation which has to take into consideration that they originally were given in an *oral* discourse, in a real life situation.³¹ The literary fixation does not mean the instructions were not effective anymore but rather implies that they became available for a wider audience.

4.1.3 The Date of Proverbs 1–9

It is difficult to date the whole book of Proverbs with certainty. This has two main reasons: first, apart from the ascription to Solomon in 1:1 and 10:1 and the mention of the “men of Hezekiah” who copied “proverbs of Solomon” in 25:1 there is no other *historical* contact to any of the other Old Testament books, people or events. Second, the book of Proverbs is a collection of proverbs, sayings, instructions etc. It is very difficult to date exactly the time of the collection since it lies in the nature of a collection that some of the sayings can be quite old whereas others may well be younger.

These reasons led mainstream scholars to date the end redaction of Proverbs, including the allegedly youngest part of the book – Prov 1–9 – in between the sixth and the third century BC.³² The collection process thereby found an end well before Ben Sira in the second century BC, “for he was strongly influenced by Proverbs.”³³ On the other hand, there are scholars who emphasise that the time of Solomon would

²⁹ With this comment I do not mean parental instruction as such – which was obviously an important point in any culture at any given time – but instruction as it is given in Prov 1–9, *i.e.* similar subjects and emphases and a similar way of putting the instruction into words. Thus, in order to function as genre, Prov 1–9 necessarily has to reflect the real setting known to the (implied) audience.

³⁰ See especially Prov 4 which emphasises that the teacher of the ‘father’ was his ‘father’. The teaching he passes on is identical with the one he himself is giving. Of course, this could as well be a trick to make the instruction even more real but in my view it is more natural to assume an original oral setting that was well-known by the readers. CRENSHAW argues that the context of parental education is the most likely setting for Proverbs. See James L. CRENSHAW, “The Sage in Proverbs”, Gammie, J.G. and Leo G. Perdue (eds.), *The Sage in Israel and the Ancient Near East*, Winona Lake: Eisenbrauns, 1990, 205–216.

³¹ For a detailed analysis of the educational nature of Prov 1–9 see ESTES, *Hear My Son*.

³² See, for example, MCKANE, *Proverbs*, 8 and more recently Christine Roy YODER, *Wisdom as Woman of Substance: A Socioeconomic Reading of Proverbs 1-9 and 31:10-31*, BZAW 304, Berlin: de Gruyter, 2001, 38, mostly because of the use of late Biblical Hebrew (= post-exilic).

³³ FOX, *Proverbs 1–9*, 6. FOX takes Prov 1–9 as the youngest part of Proverbs and dates it to the early Hellenistic period (third century BC) because its social background “resembles the setting of Ben Sira more than Ezra-Nehemia.” (FOX, *Proverbs 1–9*, 49.)

very well fit both the form and content of Proverbs, including Proverbs 1–9.³⁴ And indeed, some of the so-called assured results for a late date of Proverbs 1–9 might not be as stable as they appear at first glance since already MCKANE has pointed out that the form of instruction is rather old and would fit to a pre-exilic date of Proverbs 1–9.³⁵ Similarly, KAYATZ has shown that form and content of Prov 1–9 fit Solomon's time very well with its openness towards the Egyptian culture.³⁶ CLIFFORD writes that the presumed use of Aramaisms in Proverbs is no argument for its late date since late Biblical Hebrew often imitated earlier Hebrew.³⁷ Furthermore, he argues that the problem of the 'strange' woman does not need to be connected to the time of Ezra and Nehemiah since the warnings in Prov 1–9 are not directed "against exogamous marriages but against extramarital affairs."³⁸ Moreover, the rather theological nature of Prov 1–9 only points to a late date if one assumes a development from a secular to a religious wisdom. This idea is ill-founded since its primary presupposition – namely that international wisdom is secular – was found lacking upon closer examination.³⁹

It seems to me that the late dating of Prov 1–9 is an outflow from the view of wisdom literature as Old Testament theology's step-child because it does not fit into the theological grid of the Exodus, the covenants etc. It has been labelled a 'foreign element' in the Old Testament which might have led some to date it rather late,

³⁴ See KITCHEN who in several articles argues for an early date, at least for Prov 1–24 which he ascribes to king Solomon, under utilization of many Egyptian parallels. His main thesis is that the book of Proverbs reflects a transitional state because it shows features being known only of literature that stems from the 2nd millennium BC but also reflects details that fit to the early 1st millennium BC: Kenneth A. KITCHEN, "Proverbs and Wisdom Books of the Ancient Near East: The Factual History of a Literary Form", *TynB* 28, 1977, 69–114; idem, "The Basic Literary Forms and Formulations of Ancient Instructional Writings in Egypt and Western Asia", *Studien zu altägyptischen Lebenslehren*, Hornung, Erik and Othmar Keel (eds.), OBO 28, Freiburg/Switzerland: Universitätsverlag, 1979, 235–282; idem, "Egypt and Israel During the First Millennium B.C.", *Congress Volume: Jerusalem 1986*, VTSup 40, 1988, 107–123.

³⁵ See MCKANE, *Proverbs*, 8.

³⁶ See Christa KAYATZ, *Studien zu Proverbien 1-9: Eine form- und motivgeschichtliche Untersuchung unter Einbeziehung ägyptischen Vergleichsmaterials*, WMANT 22, Neukirchen-Vluyn: Neukirchener Verlag, 1966, 135–139.

³⁷ See CLIFFORD, *Proverbs*, 4. He also notes that Aramaisms are more frequent in chapters 10ff. See also KITCHEN, "Proverbs and Wisdom Books", 104 who investigates all assumed Aramaisms in detail.

³⁸ CLIFFORD, *Proverbs*, 6. See also 4.4 WHO IS THE 'STRANGE' WOMAN?

³⁹ CLIFFORD writes that wisdom in the ancient Near East – and thus in Proverbs as well – was "thoroughly religious [... it] was always part of a religious worldview." (CLIFFORD, *Proverbs*, 9.) STEIERT points into the same direction when he states that wisdom is always "eingebunden in die religiöse Erfahrungswelt ihrer Umgebung." (STEIERT, *Weisheit*, 57.) See also KAYATZ, *Studien*, 5f.; BARTHOLOMEW, *Reading Proverbs with Integrity*, 4. For a detailed study on the originality of the theology of Proverbs see L. BOSTRÖM. The most recent contribution to the original theological conception of Prov 1–9 is by Katharine J. DELL, *The Book of Proverbs in Social and Theological Context*, Cambridge: Cambridge University Press, forthcoming in April 2006.

together with other ‘foreign elements’ that spread in ancient Israel after the Exile up until Hellenistic times.⁴⁰ Moreover, it seems to derive from the idea that there must have been a religious development in the book of Proverbs.⁴¹

Furthermore, there are a few remaining questions if one understands Proverbs as post-exilic: (1) Does the positive outlook of the book of Proverbs adequately reflect the situation after the Exile?⁴² (2) Why do we find no explicit mention of temple and cult, of Jerusalem and the Davidic line of kings – symbols that were very important for the national identity after the Exile?⁴³ (3) Why is Proverbs 1–9 much closer to ancient Egyptian wisdom than to Babylonian wisdom? After 70 years in the Exile a greater influence of Babylonian thought could be expected. But the creation hymns in Prov 3 and 8 – to take but one example – do not seem to be influenced much by Babylonian creation myths.⁴⁴

In my opinion, the Book of Proverbs should be dated as pre-exilic, including Prov 1–9.⁴⁵ The strong influence of Egyptian wisdom fits much better in the time before the Exile. And the time of King Solomon’s court with its international connections matches with the framework necessary to collect and produce the

⁴⁰ “Es ist anerkannt, daß die Lehre der Weisheit in der Welt des Alten Testaments einen Fremdkörper darstellt.” (GESE, *Lehre und Wirklichkeit in der alten Weisheit*, 2.) See STEIERT for a detailed refutation of GESE’s view: STEIERT, *Die Weisheit Israels*.

⁴¹ MCKANE thus assumes a “Yahwistic reinterpretation of an older, empirical, mundane wisdom.” (MCKANE, *Proverbs*, 17.) Similarly, SCHÄFER suggests a theological reinterpretation of Prov 1–9 in the late Persian period. See SCHÄFER, *Poesie*, 268. In contrast to MCKANE and SCHÄFER, I agree with HEIM who finds in his investigation of Prov 10:1–22:16 a “profound influence of Yahweh-sayings on surrounding material.” (HEIM, *Like Grapes of Gold*, 316.) See also chapter 4 in Stuart WEEKS, *Early Israelite Wisdom*, Oxford: Clarendon, 1994, 57–73. In my view, the fear of Yahweh is so fundamental to the wisdom enterprise that a theological reinterpretation is highly questionable. See below, 5.2.2.4 **THE FEAR OF YAHWEH**.

⁴² “The entire book of Proverbs reflects prosperity and optimism, which would certainly suit the affluent times of Solomon more than the impoverished post-exilic community.” (ESTES, *Hear, My Son*, 17.)

⁴³ MARTIN calls Proverbs “ahistorical and acultic.” (James D. MARTIN, *Proverbs*, Sheffield: Sheffield Academic Press, 1995, 91.) ERNST arrives at a similar conclusion, speaking of a “Kultkritik”: ERNST, *Weisheitliche Kultkritik*. PERDUE, however, comes to a different conclusion: “the Hebrew sages considered cultic religion to be a significant topic for sapiential reflection.” (Leo G. PERDUE, *Wisdom and Cult: A Critical Analysis of the Views of Cult in the Wisdom Literatures of Israel and the Ancient Near East*, Missoula: Scholars Press, 1977, 225.) In my opinion, the truth lies somewhere in the middle. The book of Proverbs is not acultic since the wisdom teachers belonged to the nation of Israel but it did not consider the cult an important topic either. See PREUB, *Einführung*, 43–44. For the use of cultic concepts in Prov 1–9 see 5.3.3 **THE OFFERING OF FIRSTFRUITS**.

⁴⁴ In both texts the *chaos*-motif is missing and there is not even a hint to a *demiurge* – which would be characteristic of the Babylonian creation myths.

⁴⁵ “Gegen eine vorexilische Datierung spricht nichts.” (Bernhard LANG, “Schule und Unterricht im alten Israel”, *La Sagesse de l’Ancien Testament*, BETL 51, Gilbert, Maurice (ed.), Gemblout: Editions Duculot, 1979, 192.)

instructions and sayings of the Book of Proverbs.⁴⁶ Thus, I agree with KIDNER who writes that the contents of Proverbs “could all have been in existence, though not gathered into one book (see again 25:1) in Solomon’s lifetime.”⁴⁷ The mention of the “men of Hezekiah king of Judah” in Prov 25:1 explicitly states that it took a while until Proverbs came into its literary form and it could well be that this is the real *terminus ad quem* for the composition of Proverbs, rather than some later time before Ben Sira in the second century BC.⁴⁸

4.1.4 The Setting of Proverbs 1–9

Many settings have been proposed for the Book of Proverbs. WHYBRAY, for example, ascribed a good number of verses to a community which was “normally reasonably prosperous but might experience hardship.”⁴⁹ WESTERMANN sees the main setting – at least for Prov 10–29 – rather with the simple people, in oral folk sayings: “The people among whom these proverbs originated lived by the work of their own hands. They were farmers, husbandmen, craftsmen, housewives and servants.”⁵⁰ In contrast, SKLADNY supposes for chapters 28 and 29 that these were

⁴⁶ WHYBRAY has pointed out that Israel had a very good contact to Egypt long *before* Solomon. See Roger Norman WHYBRAY, “Wisdom Literature in the Reigns of David and Solomon”, *Studies in the Period of David and Solomon and Other Essays: Papers Read at the International Symposium for Biblical Studies, December 1979*, Ishida, T. (ed.), Tokyo: Yamakawa Shuppansha, 1982, 16f. After the Exile, the role of Egypt was very different since it had lost much of its power and influence.

As already noted above, there is a strong connection between Prov 22:17–24:22 and *Amenemope*. Since *The Instruction of Amenemope* is 250 years older than Solomon, it is highly likely that it was available at the Solomonic court. Concerning Prov 1–9, KAYATZ has rightly pointed out that the prologue of Proverbs (Prov 1:1–7) resembles the beginning of *Amenemope* with an arrangement of infinitives stating the purpose of the book. See KAYATZ, *Studien zu Proverbien 1–9*, 24f. The alleged rural setting of some proverbs and sayings does not contradict a collection at the Solomonic court since it lies in its nature that it is gathered from all sorts of backgrounds. Thus, BRUEGGEMANN states: “I therefore conclude it is *sociologically probable* that Solomon was a patron of a wisdom that was at once emancipatory *and* ideological.” (Walter BRUEGGEMANN, “The Social Significance of Solomon as a Patron for Wisdom”, *SIANE*, Gammie, J.G. and Leo G. Perdue (eds.), Winona Lake: Eisenbrauns, 1990, 131, italics his.) Already VON RAD arrived at a similar conclusion, see his *Wisdom in Israel*, 76.

⁴⁷ KIDNER, *Proverbs*, 27. Cf. STEINMANN who provides a detailed argument for Prov 1–9 as stemming from Solomon: STEINMANN, “Proverbs 1–9 as a Solomonic Composition”, 659–674. See also *NIDOTTE*, vol. 4, 1080f.

⁴⁸ FOX mentions that there “has not yet been a thorough historical-linguistic study of the Hebrew of Prov 1–9. The language is neither clearly late nor early.” (FOX, *Proverbs 1–9*, 48.) In the meantime YODER produced such a study, finding features of late Biblical Hebrew in Prov 1–9. In total, she concludes, it seems likely that Prov 1–9 is post-exilic, but rather earlier than Eccl, Esth, Ezra, Neh and 1–2 Chron. See YODER, *Wisdom as Woman of Substance*, 38. Although I agree with Yoder that Prov 1–9 was composed prior to the Old Testament books listed, I am not convinced by her linguistic analysis and the conclusions drawn from it since it is difficult to date texts merely on linguistic grounds. Furthermore, our knowledge of Biblical Hebrew is too scarce to produce an absolute time for the composition of Prov 1–9.

⁴⁹ Roger Norman WHYBRAY, “Poverty, Wealth, and Point of View in Proverbs”, *ET* 100, 1988–89, 335.

⁵⁰ WESTERMANN, *Roots of Wisdom*, 17. Cf. GOLKA, *The Leopard’s Spots*. FOX disagrees with the thesis that the whole book is placed in a folk setting because “this setting does not dominate the book.” (FOX, *Proverbs 1–9*, 9.)

instructions for a future monarch.⁵¹ ESTES gives a lucid study of the pedagogical theory underlying Proverbs 1–9, thus voting for a school setting of the text.⁵² This view is confirmed by HERMISSON and LEMAIRE who see the primary setting for Proverbs in schools – although in difference to ESTES these schools explicitly train officials.⁵³ GOLKA opposed this view, claiming somewhat sharply:

“Hermisson’s investigations seem to me to be hindered by a bourgeois-elitist concept of education. [...] The origin of this way of thinking in the 19th century German idealism is self-evident.”⁵⁴

HARAN assumes that most people in ancient Israel were illiterate and tries to show that the abecedaries found in different places are no more than “the immature writing of an artisan”⁵⁵ – thus, from a few abecedaries one cannot necessarily conclude the existence of schools in the place where they were found. Last but not least SHUPAK tries to answer the question of a setting for Proverbs not from epigraphic evidence but through parallels to the Egyptian schools and found evidence for schools in ancient Israel:

“It would be reasonable to assume, therefore, that the first schools in Israel were inspired by an Egyptian archetype; and that the Book of Proverbs– and especially its second collection – served as learning material in such schools.”⁵⁶

This short overview shows that the matter is diverse. KASSIS concludes that “no single setting, whether school, family or clan should be regarded as the origin of the proverbial wisdom in Proverbs.”⁵⁷ In my opinion, it is likely that there were schools in ancient Israel.⁵⁸ But the question remains if these schools alone can account for the

⁵¹ SKLADNY, *Die ältesten Spruchsammlungen*, 57f. Cf. FOX, *Proverbs 1–9*, 10.

⁵² See ESTES, *Hear, My Son*. Although ESTES states that “wisdom is transmitted both by parents and by teachers” (32), he argues for a school setting.

⁵³ See HERMISSON, *Studien*, 97–136; André LEMAIRE, “The Sage in School and Temple”, *SIANE*, 165 – 181. For the existence of schools – at least for scribes – in ancient Israel from an epigraphic perspective see Emile PUECH, “Les écoles dans l’Israël préexilique: données épigraphiques”, *Congress Volume: Jerusalem, 1986*, VTSup 40, Leiden: Brill, 1988, 189–203. WHYBRAY argues against such a class of professional scribes: Roger Norman WHYBRAY, *The Intellectual Tradition in the Old Testament*, BZAW 135, Berlin: de Gruyter, 1974, 54.

⁵⁴ GOLKA, *The Leopard’s Spots*, 14.

⁵⁵ Menahem HARAN, “On the Diffusion of Literacy and Schools in Ancient Israel”, *Congress Volume: Jerusalem, 1986*, VTSup 40, Leiden: Brill, 1988, 93.

⁵⁶ Nili SHUPAK, “The ‘Sitz im Leben’ of the Book of Proverbs in the Light of a Comparison of Biblical and Egyptian Wisdom Literature”, *RB* 94, 1987, 117.

⁵⁷ Riad Aziz KASSIS, *The Book of Proverbs and Arabic Proverbial Works*, VTSup 74, Leiden: Brill, 1999, ix. See also Carole R. FONTAINE, “Wisdom in Proverbs”, *In Search of Wisdom: Essays in Memory of John G. Gammie*, Perdue, Leo Garrett, Bernard Brendon Scott and William Johnston Wiseman (eds.), Louisville, Kentucky: Westminster/John Knox Press, 1993, 101.

⁵⁸ We should not envisage a complex school system which would have left more traits both in the biblical writings as well as in other epigraphic and archaeological evidence. But some educational system can very well be presumed. See LEMAIRE, “The Sage in School and Temple”, 165–181 and CRENSHAW, *Education in Ancient Israel*, 85–113.

setting (and purpose) of Proverbs. It seems to me that all the different proposed settings have their validity because they touch part of the reality that lies beneath the collection of proverbs, sayings and instructions in the Book of Proverbs. Nevertheless, the pedagogical context of Prov 1–9 is evident and I presume that its primary setting might have been the wider family⁵⁹ but that the literary setting in which it is placed now hints at a wider audience, most probably in some sort of school. The primary target audience seems to consist of young adolescent men on the verge of adulthood.⁶⁰

4.1.5 The Root Metaphor of Proverbs 1–9

After the short look at genre, date and setting of Prov 1–9 in the preceding passage, it seems important to comment on the metaphorical system of Prov 1–9 because of its rich use of metaphors. A metaphor can be defined as a “figure of speech whereby a word uses an unexpressed comparison to indicate what it is similar to.”⁶¹ The comparison thereby is an “implied, but in many ways even more direct, comparison because the reader is expected to identify the comparison without ‘like’ or ‘as’.”⁶² Metaphors are very flexible since they are – at least in the beginning – not fixed by convention, opening up the realm of imagination.

There are different kinds of metaphors, functioning on different levels.⁶³ According to RICOEUR, root metaphors “organize metaphors into networks.”⁶⁴ Thus, a root

⁵⁹ See, for example, the emphasis that some of the instructions are the teaching of both the father and the mother: Prov 1:8 and 6:20. According to WHYBRAY, both verses mark the beginning of one of the ten instructions in Prov 1–9. See Roger Norman WHYBRAY, *The Composition of the Book of Proverbs*, JSOTSup 168, Sheffield: Academic Press, 1994, 13. Thus, the context is *parental* teaching.

⁶⁰ This becomes evident in the repeated address to the student as ‘son’ (Prov 1:8, 10, 15; 2:1; 3:1, 11, 21; 4:10, 20; 5:1, 20; 6:1, 3, 20; 7:1. Moreover, the repeated metaphor of the ‘way’ seems to hint to a life situation where one has to decide which way to take, where to go. Furthermore, the repeated warnings against adultery make most sense to someone who has no experience whatsoever in ‘real life’. Thus, Prov 7:7 explicitly states “I have seen among the simple, I have perceived among the youths, a young man lacking sense...” From a didactic perspective, this story has its biggest effect if the listener can identify himself with that young man (see my comments on the passage below). This would also fit in the context of character formation that definitely underlies the book of Proverbs: “Der Charakter ist in der Zeit der Adoleszenz jedoch am stärksten prägar, so daß die Sprüche hier ihre stärkste Wirkung entfalten können.” (DELKURT, *Ethische Einsichten*, 139.)

⁶¹ Walter C. KAISER and Moisés SILVA, *An Introduction to Biblical Hermeneutics: The Search for Meaning*, Grand Rapids: Zondervan, 1994, 285.

⁶² Grant R. OSBORNE, *The Hermeneutical Spiral: A Comprehensive Introduction to Biblical Interpretation*, Downers Grove: InterVarsity, 1991, 103.

⁶³ For an excellent philosophical as well as linguistic overview see Paul RICOEUR, *The Rule of Metaphor: The Creation of Meaning in Language*, 1977, London: Routledge and Kegan Paul, 2003.

⁶⁴ *Ibid.*, 288. RICOEUR borrowed the term ‘root metaphor’ from S.C. PEPPER who employed it to refer to “the basic analogy” that generates “world theories” in order to “understand the world.” “Some root metaphors prove more fertile than others, have greater powers of expansion and of adjustment. These survive in comparison with the others and generate the relatively adequate world theories.” (Stephen Coburn PEPPER, *World Hypotheses: A Study in Evidence*, 1942, fifth printing, Berkeley: University of California Press, 1966, 91f.)

metaphor is the very foundation for a worldview and serves as hermeneutical key for the proper understanding of other metaphors being employed in a certain context.⁶⁵

Claudia V. CAMP proposes that ‘Woman Wisdom’ could serve as root metaphor in Prov 1–9.⁶⁶ According to CAMP, the female imagery of Woman Wisdom replaces the human, male king as “communicator of the divine will”⁶⁷ in the post-exilic community. It “generates a model for theological language.”⁶⁸ Thus, CAMP calls for acknowledging “the Goddess in Wisdom” as a “liberating step” in the application of this root metaphor.⁶⁹ In my view, such an interpretation is far off the text of Prov 1–9 for at least three reasons: firstly, CAMP does not seem to consider the implied audience of Prov 1–9 (young men on the verge of adulthood) – which in my view provides an excellent explanation for the deliberate use of female imagery in Prov 1–9.⁷⁰ Secondly, CAMP’s thesis of Woman Wisdom as some sort of ‘Goddess’ seems to be at odds with the exclusive monotheism reflected in Prov 1–9. This raises the question if such an interpretation can be valid at all.⁷¹ Thirdly, CAMP’s interpretation relies on the view that Prov 1–9 reflects a post-exilic setting since the alleged replacement of the king plays a distinctive role for the proper understanding of Woman Wisdom as root metaphor. Although I agree with CAMP that the female imagery in Prov 1–9 is important for a proper understanding of the text, it seems to me that Woman Wisdom does not serve as root metaphor for the entire text. Rather, as I am going to show below, the female imagery is part of the expression of the worldview of Prov 1–9 – which I understand as the root metaphor in these chapters.

Norman C. HABEL took a different approach than CAMP. Following RICOEUR’s definition of metaphor as symbol⁷², he spoke of the ‘way’ as the “nuclear symbol” in

⁶⁵ For a detailed discussion of the concept of worldview in connection with Prov 1–9 see 5.2.2 THE WORLDVIEW OF PROVERBS 1–9.

⁶⁶ See Claudia V. CAMP, “Woman Wisdom as a Root Metaphor: A Theological Consideration”, *The Listening Heart*, Høglund, Kenneth G. et al. (eds.), JSOTSup 58, Sheffield: JSOT, 1987, 45–76. For a discussion of the origins of personified Wisdom see FOX, *Proverbs 1–9*, 331–341.

⁶⁷ CAMP, “Woman Wisdom”, 46.

⁶⁸ *Ibid.*, 55.

⁶⁹ *Ibid.*, 61.

⁷⁰ Young males certainly were more easily attracted by the lures of the ‘strange’ woman than experienced males. See especially my exegesis of Prov 7 below.

⁷¹ See, for example, John DAY’s remarks on the improbability of a connection between Asherah and Wisdom in Prov 1–9: John DAY, “Yahweh and the Gods and Goddesses of Canaan”, *Ein Gott allein? JHWH-Verehrung und biblischer Monotheismus im Kontext der israelitischen und altorientalischen Religionsgeschichte*, Dietrich, W. and M.A. Klopfenstein (eds.), OBO 139, Freiburg, 1994, 186.

⁷² “A symbol is a double meaning linguistic expression that requires an interpretation.” (Paul RICOEUR, *Freud and Philosophy: An Essay on Interpretation*, transl. by Denis Savage, New Haven: Yale University Press, 1970, 9.)

Prov 1–9, thus referring to what I would call – following RICOEUR as well – a root metaphor:

“It is our contention that among the various primary ‘spontaneous’ symbolic expressions in the wisdom materials of Proverbs 1-9, *derek*, ‘the route,’ ‘the way,’ ‘the road,’ is the basic or nuclear expression.”⁷³

HABEL’s emphasis on the way as an important metaphor in Prov 1–9 is valuable but it remains questionable to me if דֶרֶךְ (“way”) can serve as root metaphor. BARTHOLOMEW, for example, distinguishes between “root metaphor” and “surface metaphors”, labelling the root metaphor proposals of both CAMP and HABEL as surface metaphors. I follow his proposal for a different root metaphor in Prov 1–9:

“In Proverbs 1–9 a worldview is evoked through the repetition of powerful metaphors: the two types of love, the two paths or ways, the two women, Lady Folly and Lady Wisdom, and the culmination of Proverbs 1–9 in the two houses (Proverbs 9) with the two invitations and the two meals.”⁷⁴

According to BARTHOLOMEW, the underlying root metaphor of the two ways, the two women etc. is that of “*creation ordered by God’s wisdom*. Together the metaphors evoke a human world made by God.”⁷⁵ The root metaphor BARTHOLOMEW employs here is the underlying reality, the worldview, in which the surface metaphors are grounded. Confirming this, VAN LEEUWEN argues that Prov 1–9 is “primarily concerned to inculcate a particular Yahwistic worldview.”⁷⁶ It then follows that the educational outlook⁷⁷ of Prov 1–9 alludes not only to its setting but connects the root metaphor with reality through its emphasis on decisions:

“Making the right choice obviously is part of a proverb’s intent. It places the issues in black-and-white statements so those who are being trained can begin the process of successful living, with their relationship with Yahweh always in view.”⁷⁸

The dichotomous structure of Prov 1–9 that has been described by VAN LEEUWEN⁷⁹ reflects a worldview that places the ‘son’ – and even the wise are still ‘sons’ (cf. Prov 1:5) – right into a decision: either for wisdom or folly, life or death, the ‘strange’ woman or one’s own wife etc. The ‘son’ stands at a cross-roads and has to choose

⁷³ Norman C. HABEL, “The Symbolism of Wisdom in Proverbs 1-9”, *Interpretation* 26, 1972, 133.

⁷⁴ BARTHOLOMEW, *Reading Proverbs*, 10.

⁷⁵ *Ibid.*, 11. (italics his)

⁷⁶ Raymond C. VAN LEEUWEN, “Liminality and Worldview in Proverbs 1-9”, *Semeia* 50, 1990, 113.

⁷⁷ “This [= Prov 1–9] is all pedagogical material, designed to be used in the preparation of boys or young men to face the problems and dangers of the adult world so that they may become wise and responsible members of it.” (WHYBRAY, *Composition*, 11.)

⁷⁸ Daniel P. BRICKER, “The Doctrine of the ‘Two Ways’ in Proverbs”, *JETS* 38, 1995, 517.

⁷⁹ See VAN LEEUWEN, “Liminality”.

between two possibilities. The choice he makes will inevitably influence his whole life. This becomes evident in the metaphorical pair of the way leading to life and blessing and the way leading to death and destruction. Both are connected to the ‘son’s choice throughout Prov 1–9. And the ‘son’s choice is inevitably connected to his worldview.

In the interpretation of the way-metaphor in Prov 1–9 I follow ZEHNDER who convincingly argues that דָרֶךְ (“way”) designates a *way of life*.⁸⁰ The metaphor emphasises that a lifestyle of wisdom leads to life and prosperity whereas a life in folly – although it might momentarily produce some pleasure – definitely leads to (an untimely?) death. The theme of fundamental choices running through Prov 1–9 thus reflects the pedagogical concern of the ‘father’: to inculcate a particular worldview. And in my view this worldview is the root metaphor of Prov 1–9.

4.1.6 The Literary Structure of Proverbs 1–9

I already mentioned above that the first nine chapters differ from the rest of the book of Proverbs because they consist of longer instructions instead of short proverbs – or proverbial clusters⁸¹ – as in Prov 10–31. Thus, it seems appropriate to treat these chapters as a literary unity. In the following passage, I would like to provide an outline of the literary structure of Prov 1–9, thereby discussing briefly a few different approaches to structuring these chapters.

SCHÄFER, for example, argues for an original corpus of *twelve* teaching poems (“Lehrgedichte”) in Prov 1–9.⁸² They have a dichotomous structure and originally formed an independent collection.⁸³ His study is stimulating from a form-critical and redaction-critical perspective, but fails to recognize the original theological content of Prov 1–9, since all Yahweh-sayings are by SCHÄFER’s definition late insertions into the text.⁸⁴ In contrast to SCHÄFER, WHYBRAY has argued that Prov 1–9 rather consists of *ten* distinct teaching discourses, the “ten instructions.”⁸⁵ They all belong

⁸⁰ See Markus ZEHNDER, “Zentrale Aspekte der Semantik der hebräischen Weg-Lexeme”, *Studien zur hebräischen Grammatik*, Wagner, Andreas (ed.), OBO 156, Freiburg/Switzerland: Universitätsverlag, 1997, 155–170.

⁸¹ In his investigation of Prov 10:1–22:16 HEIM convincingly shows that there is a certain thematic order in the proverbial collections as well. Nevertheless, these proverbial clusters still differ in form and genre from the instructions in Prov 1–9. See HEIM, *Like Grapes of Gold*.

⁸² SCHÄFER, *Poesie*, 251.

⁸³ See *ibid.*, 263.

⁸⁴ See his overview of the redaction history of Prov 1–9: *ibid.*, 272–293. I cannot see a *prima facie* reason for a source division as promulgated by SCHÄFER.

⁸⁵ WHYBRAY, *Composition*, 12. I prefer here CLIFFORD’s terminology: “lectures” instead of “instructions”, since the genre already is that of instruction. See CLIFFORD, *Proverbs*, 1.

to the same literary type and all begin in the same way.⁸⁶ WHYBRAY's division has influenced many recent commentaries.⁸⁷ See, for example, CLIFFORD's structure of Prov 1–9:

Verses	Content
1:1–7	Introduction to the book [including the maxim in 1:7]
1:8–19	Lecture I: The deadly alternative to parental wisdom
1:20–33	<i>Wisdom Poem I:</i> The risk of spurning me
2: 1–22	Lecture II: Seek wisdom and Yahweh will keep you safe
3:1–12	Lecture III: Trust in God leads to prosperity
3:13–20	<u>Interlude:</u> Wisdom's benefits and prestige
3:21–35	Lecture IV: Justice toward the neighbour brings blessing
4:1–9	Lecture V: A father's example
4:10–19	Lecture VI: Two ways of living life
4:20–27	Lecture VII: With your whole being heed my words and live
5:1–23	Lecture VIII: The wrong and the right woman
6:1–19	<u>Interlude:</u> Four short pieces [on folly and evil]
6:20–35	Lecture IX: The dangers of adultery
7:1–27	Lecture X: The deceptive woman
8:1–36	<i>Wisdom Poem II:</i> Become my disciple and I will bless you
9:1–6, 11 and 13–18	<i>Wisdom Poem III:</i> The two women invite passersby to their banquets [vv. 7–10 and 12 are assorted sayings]

Diagram 15: The Structure of Proverbs 1–9⁸⁸

PLÖGER arrives at a similar structure, although he sees the two wisdom poems in chapter 1 and chapter 8 as a frame for the teaching discourses in chapters 2–7.⁸⁹ His proposal is valuable because it emphasises the weight of Prov 8 and establishes a framework for the discourses. Nevertheless, PLÖGER's approach leaves the role and function of Prov 9 unclear.⁹⁰ For the exegesis in this chapter, I keep to the classical division into ten lectures as proposed by most commentators.

It is important to note that the theme of the 'strange' woman appears overture-like in lecture II (Prov 2:16ff.) and is expounded in lectures VIII to X.⁹¹ I agree with ALLETTI who assumes for the whole of Prov 1–9 the theme of "séduction".⁹² Within the main

⁸⁶ See *ibid.*, 13.

⁸⁷ See, for example, CLIFFORD, *Proverbs*, 1; FOX, *Proverbs 1–9*, 44f.; Arndt MEINHOLD, *Die Sprüche: Teil 1. Sprüche Kapitel 1–15*, Zürcher Bibelkommentare 16/1, Zürich: Theologischer Verlag, 1991, 46.

⁸⁸ Adopted with slight alterations from CLIFFORD, *Proverbs*, 1.

⁸⁹ See Otto PLÖGER, *Sprüche Salomos (Proverbia)*, BKAT 17, Neukirchen-Vluyn: Neukirchener Verlag, 1984, 6f.

⁹⁰ For a short but excellent article on the function of Prov 9 see Rick W. BYARGEON, "The Structure and Significance of Prov 9:7–12", *JETS* 40/3, 1997, 367–375.

⁹¹ MEINHOLD proposes to read lecture II (Prov 2:1–22) as teaching programme for lectures III–X, with Prov 2:16–19 corresponding to Lectures VIII–X. See MEINHOLD, *Sprüche*, 46.

⁹² J.N. ALLETTI, "Séduction et parole en Proverbes i-ix", *VT* 27, 1977, 129–144.

theme of seduction, the lures of adultery and/or the ‘strange’ woman receive special attention in Prov 1–9.

4.1.7 Outline of Chapter 4

Chapter 4 focuses on the investigation of adultery in Prov 1-9, showing connections with and differences from both the Ancient Near Eastern as well as the legal texts of the Old Testament. The main focus will rest on the detailed exegesis of relevant passages on adultery in Prov 1–9 and a discussion of major studies in the field. In a second step, concepts of adultery will be discussed – as in the preceding chapters. A third step will try to ascertain the identity of the ‘strange’ woman as a key figure in the warnings against adultery in Prov 1–9. A short synthesis of the findings so far concludes the longest chapter of this dissertation.

4.2 Exegesis of the Texts on Adultery in Proverbs 1–9

In a series of articles, A. ROBERT investigated in 1934/5 the literary connections between Prov 1–9 and the rest of the Old Testament.⁹³ I follow him in the assumption that Prov 2:16–19, 5; 6:20–35 and 7 – lectures II, VIII, IX and X – deal with adultery. But this thesis needs to be confirmed by a thorough exegesis of the relevant passages and their contexts, taking both form and content into consideration, which I will do in this section. According to FOX, each lecture consists of three parts:

- (1) The **exordium**, itself tripartite:
 - (a) an *address* to the audience (‘my son’ or ‘sons’)
 - (b) an *exhortation* to hear and remember the teachings
 - (c) *motivations* which support the exhortation
- (2) The **lesson** (the teaching proper)
- (3) The **conclusion** (a summary statement generalizing the principle of the lesson)⁹⁴

Diagram 16: The Rhetoric Structure of the Lectures in Proverbs 1–9

In the course of this chapter, I use FOX’s structure, employing PLÖGER’s designations which take up classical rhetoric: *exordium*, *propositio* and *peroratio*.⁹⁵

⁹³ See ROBERT, “Les attaches”.

⁹⁴ See Michael V. FOX, “Ideas of Wisdom in Proverbs 1-9”, *JBL* 116, 1997, 614f.

⁹⁵ See PLÖGER, *Sprüche*, 23f. Obviously, a different structure or designation is quite possible. Nevertheless, I am inclined to follow FOX and PLÖGER since – as we shall see – their general structure of the lectures fits the texts very well.

These structures are intended as visualisations of the text's intention.⁹⁸ They are later on explained in the exegesis and should then be easy to understand. The following basic rules are applied to the structures:








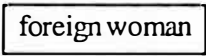


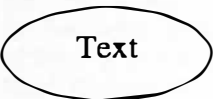
Formatting	Explanation
(a)  (b) 	There is no inherent meaning in a certain kind of line. Thus, (a) does not differ from (b) in meaning but only highlights a different connection.
(c)  (d) 	Generally, the thicker a line is, the more important is the connection and/or the contrast. Thus, in my view (c) would be more important than (d).
(e)  (f) 	Arrows (e) point out the direction of any connection. If the arrows are on both ends, the line expresses a contrast (f).
(g)  (h) 	Key words – either structural key words like (g) or other key words like (h) are put into boxes for a better overview. For the sake of better clarity, in Prov 5 and 6:20–35 key words are sometimes <u>underlined</u> , put in <i>italics</i> and/or made bold for emphasis. Too many boxes would have been even more confusing.
(i) Indentation	The lectures in Prov 1–9 are poetic texts. They normally have a clear syntactical structure, mostly operating with different kinds of parallelisms. Wherever there are subordinate clauses, these are indented (i).
(j)  (k) 	Horizontal lines either indicate the transition from one part of the lecture to the other, for example, <i>exordium</i> to <i>peroratio</i> : (j), or mark off the different parts of the <i>peroratio</i> : (k) (see Prov 6:20–35).
(l) 	Sometimes, whole passages are enclosed by an ellipsis (l). This helps to show that a passage forms a unit in regard to content and simplifies the graphical relation of that particular passage to other parts of the lecture.
(m) Page format	In order to provide a good overview, the structures were always put on one page (m). In the very dense poetics this was very difficult to achieve. Nevertheless, I hope that the structures help provide a better understanding of the texts.

Diagram 18: Key for the Structural Charts in Chapter 4

⁹⁸ These structures reflect my exegetical results and my point of view. I am well aware of the fact that one could structure the texts in a different way as well. Nevertheless, I tried to stick as closely as possible to the texts as they stand in order to point out their structure. The charts seemed to be a helpful way to illuminate the manifold textual relations within the lectures – as well as key words and concepts – which are exegetically highly complex.

These structures are intended as visualisations of the text's intention.⁹⁸ They are later on explained in the exegesis and should then be easy to understand. The following basic rules are applied to the structures:








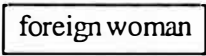


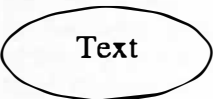
Formatting	Explanation
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(e)  (f) 	Arrows (e) point out the direction of any connection. If the arrows are on both ends, the line expresses a contrast (f).
(g)  (h) 	Key words – either structural key words like (g) or other key words like (h) are put into boxes for a better overview. For the sake of better clarity, in Prov 5 and 6:20–35 key words are sometimes <u>underlined</u> , put in <i>italics</i> and/or made bold for emphasis. Too many boxes would have been even more confusing.
(i) Indentation	The lectures in Prov 1–9 are poetic texts. They normally have a clear syntactical structure, mostly operating with different kinds of parallelisms. Wherever there are subordinate clauses, these are indented (i).
(j)  (k) 	Horizontal lines either indicate the transition from one part of the lecture to the other, for example, <i>exordium</i> to <i>peroratio</i> : (j), or mark off the different parts of the <i>peroratio</i> : (k) (see Prov 6:20–35).
(l) 	Sometimes, whole passages are enclosed by an ellipsis (l). This helps to show that a passage forms a unit in regard to content and simplifies the graphical relation of that particular passage to other parts of the lecture.
(m) Page format	In order to provide a good overview, the structures were always put on one page (m). In the very dense poetics this was very difficult to achieve. Nevertheless, I hope that the structures help provide a better understanding of the texts.

Diagram 18: Key for the Structural Charts in Chapter 4

⁹⁸ These structures reflect my exegetical results and my point of view. I am well aware of the fact that one could structure the texts in a different way as well. Nevertheless, I tried to stick as closely as possible to the texts as they stand in order to point out their structure. The charts seemed to be a helpful way to illuminate the manifold textual relations within the lectures – as well as key words and concepts – which are exegetically highly complex.

Chapter 2 is the second lecture in Prov 1–9. It is an acrostic poem, consisting of 22 lines.⁹⁹ In Hebrew it consists of one single sentence, with a clear flow of the argument from the beginning to its end. Thus, in his commentary on Proverbs MEINHOLD translates Prov 2 as one single sentence (in German).¹⁰⁰ He further suggests that this lecture is the “Lehrprogramm” for the other lectures.¹⁰¹ This view is substantiated by PLÖGER. He sees in lecture II a continuation of thought from chapter 1 and thus ascribes to both chapters an introductory character for the whole of Prov 1–9.¹⁰² I follow PLÖGER and MEINHOLD because lecture II takes up much of the vocabulary of the prologue (1:1–7), like “wisdom”, “knowledge” and “understanding” and continues to speak about “evil men” (cf. Prov 1:8–19). Moreover, it also introduces the theme of lectures VIII–X, adultery and the ‘strange’ woman.

WHYBRAY has tried to demonstrate that Prov 2 is the product of a lengthy compositional process where each syntactical element “has been simply duplicated or even tripled with identically constructed clauses, so producing a longer and seriously overloaded sentence.”¹⁰³ But in my view repetition is not necessarily a sign of editorial or redactional activity. On the contrary, it is an important rhetorical as well as didactic device. Moreover, deliberate omissions, repetitions and a certain redundancy are part of the genre of instruction and cannot be taken as proving a compositional history. Therefore, I follow FOX who emphasises the pedagogical intention of Prov 2 which “forms a meaningful, well-structured literary and conceptual unity.”¹⁰⁴

⁹⁹ See CLIFFORD, *Proverbs*, 45f. As ordering principle he proposes the use of the first letter of the alphabet, א, which stands frequently at the beginning of verses in the first half of this lecture whereas the first letter of the second half of the alphabet, ט, stands at the beginning of verses in the second half of Prov 2. For a detailed comparison of Prov 2 with the acrostic poem of Prov 31:10–31 see David Noel FREEDMAN, “Proverbs 2 and 31: A Study in Structural Complementarity”, *Tehilla le-Moshe: Biblical and Judaic Studies in Honor of Moshe Greenberg*, Cogan, Mordechai et al. (eds.), Winona Lake: Eisenbrauns, 1997, 47–55. FREEDMAN points out that Prov 2 does not employ the alphabet as ordering principle but since it has 22 lines (as many as there are letters in the Hebrew alphabet), it is counted as an acrostic poem. According to FREEDMAN, these poems are more frequent than those with a clear alphabetical order (cf. Lam 1–3).

¹⁰⁰ See MEINHOLD, *Sprüche*, 63. Likewise Helmer RINGGREN, *Sprüche*, ATD 16, Göttingen: Vandenhoeck & Ruprecht, 1962, 16f.

¹⁰¹ See Arndt MEINHOLD, “Vierfaches: Strukturprinzip und Häufigkeitsfigur in Prov 1-9”, *BN* 33, 1985, 56.

¹⁰² See PLÖGER, *Sprüche*, 29.

¹⁰³ WHYBRAY, *Composition*, 18. MAIER also supposes that 2:5–8 and 2:21–22 are later insertions into the text. See Christl MAIER, *Die ‘fremde’ Frau in Proverbien 1-9: Eine exegetische sozialgeschichtliche Studie*, OBO 144, Göttingen: Vandenhoeck & Ruprecht, 1995, 90. I cannot see a *prima facie* reason for such a hypothesis since the text makes sense as it stands. Insertions are not necessary for a better understanding of the text.

¹⁰⁴ Michael V. FOX, “The Pedagogy of Proverbs 2”, *JBL* 113, 1994, 237.

4.2.1.2 *The Content of Proverbs 2*

Although lecture II basically has the same structure as the other nine lectures, it also differs from them: the *exordium* takes up half of the chapter (verses 1–11) and imperatives are totally absent from the *propositio*.¹⁰⁵ This difference can be sufficiently explained by the chapter’s didactic goal. It is an invitation to seek wisdom (חִכְמָה, 4 times in chapter 2), understanding (תְּבוּנָה, 4 times) and knowledge (דַעַת, 3 times). Thus, the first four verses emphasise several ways how the student, the ‘son’, attains wisdom. The motivations underline the effects of living a wise life, with special consideration of the protection which accompanies the life of a wise person.¹⁰⁶ And exactly at this point – the emphasis on the protective side of wisdom – the *propositio* begins.

The two parts of the *propositio* (verses 12–15 and 16–19) are to a fair degree parallel. They begin with exactly the same words: לְהַצִּילֶךָ מִן (‘... and so save you from ...’). The infinitive construct of נָצַל in the *Hiphil* with a pre-fixed לְ ‘expresses the outcome or the consequence of the action of the finite verb.’¹⁰⁷ Thus, it takes up what has been said in the *exordium*, especially in verse 11: ‘discretion will watch over you, understanding will guard you.’¹⁰⁸

Both parts of the *propositio* serve as negative examples, describing ‘bad company’ for the youth. On the one hand, there are men who ‘rejoice in doing evil and delight in the perverseness of evil’ (verse 14) who are on ‘the way of evil’ (verse 12). On the other hand, there is the ‘strange woman’, the ‘foreign woman’ (verse 16).¹⁰⁹ The men are ‘of perverted speech’ (verse 12) whereas the woman utters ‘smooth words’ (verse 16).¹¹⁰ Both have forsaken either ‘the paths of uprightness’ (verse 13) or ‘the companion of her youth’ (verse 17). Thus, it is inevitable that they ‘walk in the ways of darkness’ (verse 13) or that the ‘strange’ woman’s paths lead ‘to the departed’ (verse 18). The whole section is full of negative expressions. It is painted in quite dark

¹⁰⁵ For a detailed analysis see FOX, ‘The Pedagogy of Proverbs 2’, 233–243.

¹⁰⁶ Prov 2:8 and 2:11 are chiastically juxtaposed: ‘⁸[Yahweh is] ... *guarding* [נָצַר] the paths of justice and *watching over* [שָׁמַר] the way of his saints. ... ¹¹ discretion will *watch over* [שָׁמַר] you, understanding will *guard* [נָצַר] you...’

¹⁰⁷ *A Guide to Biblical Hebrew Syntax*, 71.

¹⁰⁸ FOX argues as well for a dependency of the infinitives in verses 12 and 16 on verse 11. See FOX, *Proverbs 1–9*, 119. Likewise PLÖGER, *Sprüche*, 26.

¹⁰⁹ The ‘strange’ woman is called אִשָּׁה רָעָה (‘evil woman’) in Prov 6:24.

¹¹⁰ BERGER mentions that until the rabbinic time the voice of a woman was considered as sexually stimulating: P.-R. BERGER, ‘Zum Huren bereit bis hin zu einem Rundlaib Brot: Prov 6,26’, *ZAW* 99, 1987, 103.

language. The good news is: the youth can be delivered from all this – *if* he walks in the ways of wisdom.

ALTER mentions that verses 17–19 generate a “recognizable narrative [...], a monitory tale in which the forbidden woman [...] becomes a mythic figure of the all-consuming female.”¹¹¹ ALTER’s conclusion obviously depends on his definition of ‘poetry’ and ‘narrative’. It seems to me that Prov 2:17–19 is no more a narrative sequence than Prov 2:13–15.¹¹² These are vivid poetic statements that only have a single aim: to convince the youth that the company of both evil men as well as ‘strange’ women has serious consequences.

The *peroratio* says what the rest of the chapter already recommended: “walk in the way of the good” [and not in that of the evil], verse 20. To underline this message, the chapter ends with an antithetic parallelism:¹¹³



<p>“²¹ For the upright will inhabit the land, and those with integrity will remain in it,</p> <div style="display: flex; justify-content: space-around; align-items: center; margin: 10px 0;"> <div style="text-align: center;">  </div> <div style="text-align: center;">  </div> </div> <p>²² but the wicked will be cut off from the land, and the treacherous will be rooted out of it.”¹¹⁴</p>
--

Diagram 19: Antithetic Parallelism in Proverbs 2:21–22

This lecture highlights that it is not just about *knowing* what is wise. Rather, it is about *doing* it. Thus, a wise life is not a mere intellectual activity but it is concerned with one’s character.

4.2.1.3 Adultery in Proverbs 2

In verse 16 we find the first reference to the אִשָּׁה זָרָה (“strange woman”) and נְכַרְיָה (“strange [woman]”) in the book of Proverbs.¹¹⁵ Since these verses are parallel to verses 12–15, it is clear that the אִשָּׁה זָרָה is not a positive figure, but a rather dangerous one. In contrast to verse 12, where the evil men are mentioned in connection with their perverted speech, the אִשָּׁה נְכַרְיָה uses “smooth words”. The

¹¹¹ Robert ALTER, *The Art of Biblical Poetry*, New York: Basic Books, 1985, 25f.

¹¹² It is certainly a feature of Prov 1–9 – and especially the lectures on adultery – that they include narrative sequences (see Prov 5:12–14; 7:6–23). But the vivid descriptions of both the evil men and the ‘strange’ woman in Prov 2 are not narrative but rather poetic, employing synonymous parallelism.

¹¹³ I am well aware of the debate about the significance and meaning of parallelisms in Biblical Hebrew poetry. See the short discussion by OSBORNE, *The Hermeneutical Spiral*, 176–180. Nevertheless, the best description of the parallelism in Prov 2:21–22 seems to be ‘antithetic’. For the theme of the promise of land see 5.3.2 THE PROMISE OF LAND.

¹¹⁴ See WRIGHT’s summary of Prov 2:12–22: “One who gets entangled with such a woman [...] is likely to end up ruining his own family and substance. In so doing he will cut himself off from the privilege of sharing in the land with the rest of God’s people.” (WRIGHT, *God’s People*, 96.)

¹¹⁵ I will discuss the identity of the אִשָּׁה זָרָה later, in 4.4 WHO IS THE ‘STRANGE’ WOMAN?

root חלק (“[to be] smooth”) appears in all passages on adultery in Proverbs 1–9.¹¹⁶ It connotes an enticement and points metaphorically to a deceptive practice.¹¹⁷ This is one of the main problems with adultery: the ‘strange’ woman “promises much delight but delivers only disappointment.”¹¹⁸

Verse 17 supports this negative depiction of the ‘strange’ woman. The אִשָּׁה זָרָה has forsaken her אֱלֹהֵי נְעוּרֶיהָ, which FOX translates with “companion of her youth.”¹¹⁹ This refers to marriage, as implied by the parallel usage of the term in Jer 3:4.¹²⁰ Mal 2:14f. and Prov 5:18 employ a similar use for a wife, אִשְׁתּוֹ נְעוּרָה (“the wife of your youth”). Moreover, the אִשָּׁה זָרָה forgets the בְּרִית אֱלֹהֶיהָ (“the covenant of her God”). I follow HUGENBERGER’s interpretation of בְּרִית as a marriage covenant between a wife and her husband.¹²¹ FOX agrees with HUGENBERGER’s interpretation as well, writing:

“The marriage covenant morally bound the husband as well as the wife to sexual fidelity. [...] The marriage covenant is said to be *God’s* insofar as he is its witness and guarantor. [...] The marriage covenant is said to be of *her* God to underscore the fact that this woman is violating her own personal bond.”¹²²

The אִשָּׁה זָרָה has left her husband physically (עָזַב, “to leave”) and emotionally (שָׁכַח, “to forget”) disregarding the covenant that she once made in front of her God.¹²³ It seems unlikely that this is a reference to a foreign God since nowhere “in the Bible do we find the notion that foreigners had covenants with their gods, and it is doubtful that they did. [...] ‘Her God’ must be Yahweh.”¹²⁴

¹¹⁶ חלק emphasises the smoothness, as verb (Prov 2:16; 7:5), adjective (5:3) or noun (6:24; 7:21).

¹¹⁷ See NIDOTTE, vol. 2, 160.

¹¹⁸ ESTES, *Hear My Son*, 56.

¹¹⁹ FOX, *Proverbs 1–9*, 120.

¹²⁰ The use of אֱלֹהֵי נְעוּרָי (“companion of my youth”) as designation for Yahweh in Jer 3:4 is significant for our text. Jer 3:9 states that Israel committed adultery. The whole context of Jer 3 shows that Yahweh is like a husband whose wife has gone astray. For further Old Testament texts using אֱלֹהֵי in the sense of “companion” see HUGENBERGER, *Marriage as a Covenant*, 299f.

¹²¹ See HUGENBERGER, *Marriage as a Covenant*, 299–302.

¹²² FOX, *Proverbs 1–9*, 121. (italics his)

¹²³ See Ezek 16:8 for a marriage agreement that is called “covenant”. MEINHOLD argues that there – as well as in Prov 2 – not a marriage covenant but the general Sinaitic covenant is in view. See MEINHOLD, *Sprüche*, 69. Since the prohibition of adultery clearly was part of that covenant which I have shown in chapter 3, the sense would be not much different from HUGENBERGER’s interpretation: the ‘strange’ woman has left both her husband and her God.

¹²⁴ FOX, *Proverbs 1–9*, 120. PLÖGER, in contrast, interprets the use of אֱלֹהִים here as foreign God because elsewhere in Proverbs יהוה is used to designate the God of Israel. See PLÖGER, *Sprüche*, 27. I do not find his argument very convincing. Although the general designation of the covenant with the God of Israel would be בְּרִית יְהוָה אֱלֹהֵיכֶם (Deut 4:23 *etc.*), there are several references to הַאֱלֹהִים בְּרִית (“the covenant of God”): Lev 2:13; Judg 20:27; 1 Sam 4:4; 2 Sam 15:24; 1 Chron 16:6 and 2 Chron 34:32. Furthermore, SCHÄFER convincingly points out that the parallelism of

Adultery in Prov 2:17 is thus understood as the breaking of a covenant that another couple has made in front of God, as an affront against the husband and against God. To conclude: the זָרָה אִשָּׁה in Prov 2:16 is a married Israelite woman who left both her husband and her God, going astray as an adulteress.¹²⁵ This twofold desertion has severe consequences for both the זָרָה אִשָּׁה (v. 18) and for anyone who goes (בֹּא) to her (v. 19). Verse 18 begins with כִּי, thus referring to verse 16 and the relative clause in verse 17. Verses 18–19 show a movement away from the way of wisdom, away from the way to life, towards death:

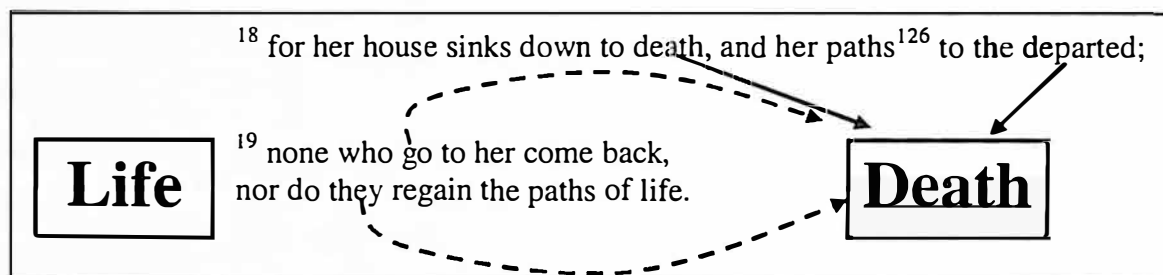


Diagram 20: Movement from Life to Death in Proverbs 2:18–19

To put it simply: there is no way *out* once a man goes *in* to the ‘strange’ woman. VAN LEEUWEN points out that the use of בֹּא with female suffix – בָּאִיָּהּ (“who go to her”) – often has sexual connotations “but the activity here symbolizes all irrevocable deeds, from which there is no turning back.”¹²⁷ I am not sure if all deeds are in view here. Rather, I follow FOX that “going to” has a sexual connotation and describes coming physically to the ‘strange’ woman.¹²⁸ The use of death metaphors and the parallelism to evil men in verses 12–15 makes clear that going to the זָרָה אִשָּׁה is not a casual thing but has dreadful consequences. The warning against adultery in Prov 2:16–19 is not direct but employs metaphorical imagery underlining the folly of choosing the false path. Thus, Prov 2:16–19 is like an overture to lectures VIII–X, setting the pace for more on the theme to come.

The theme of adultery/the ‘strange’ woman is only one among several themes in lecture II, other themes being the pursuit of wisdom and its rewards – for example, the protection (verse 11) against the company of those who “rejoice in doing evil”

הַיְהוָה יִרְאֵת יְהוָה (“fear of *Yahweh*”) and דַּעַת אֱלֹהִים (“knowledge of *God*”) in Prov 2:5 contradicts the thesis that אֱלֹהֵיהָ (“her *God*”) in Prov 2:17 refers to a foreign *God*. See SCHÄFER, *Poesie*, 62.

¹²⁵ MEINHOLD mentions that this view is more and more widely agreed. See MEINHOLD, *Sprüche*, 68.

¹²⁶ FOX clarifies rightly: “‘Her path’ is the path *to* her.” (FOX, *Proverbs 1–9*, 121, italics his.)

¹²⁷ VAN LEEUWEN, *Proverbs*, 45.

¹²⁸ See FOX, *Proverbs 1–9*, 122.

(verse 14) and against the ‘strange’ woman whose “house sinks down to death” (verse 18). This already anticipates one of the main functions of the pursuit of wisdom, as it is depicted in Prov 1–9: it protects from harm by avoiding certain situations or people, like the ‘strange’ woman.

4.2.2 Proverbs 5

The next passage to be discussed in connection with the themes of adultery and the ‘strange’ woman is the eighth lecture in Prov 1–9, Proverbs 5. According to CLIFFORD, its theme is “The wrong and the right woman.”¹²⁹ It thus takes up the theme of Prov 2:16–19. But this time the ‘strange’ woman is not contrasted with ‘evil men’ but with the ‘right’ woman for a man, *i.e.* his own wife.

4.2.2.1 The Structure of Proverbs 5¹³⁰

It seems appropriate to comment on proposals by different scholars concerning the structure of Prov 5 before moving on to an explanation of its content. SCHÄFER tries to prove that Prov 5:1–14 and 15–20 are two separate poems.¹³¹ But this is highly unlikely since firstly Proverbs 5 is structured as a typical lecture, with the tripartite structure of *exordium*, *propositio* (being sub-divided into three parts: verses 3–6; 7–14 and 15–20) and *peroratio*. Secondly, verse 3 and verse 20 form a thematic frame for the *propositio* through the explicit mention of the ‘strange’ woman, appearing only here in the text, in both cases referred to as זָרָה (“stranger” [female]).

SKEHAN – followed by SCOTT and CLIFFORD – argues “since Prov 6:22 is foreign to its present context” that it should be relocated after Prov 5:19, serving “to develop and clarify the thought.”¹³² The text would then read:

5:19 ... Let her breasts fill you at all times with delight; be intoxicated always in her love.

6:22 When you walk, she will lead you; when you lie down, she will watch over you; and when you awake, she will talk with you.

5:20 Why should you be intoxicated, my son, with a strange woman and embrace the bosom of an foreign woman?

¹²⁹ CLIFFORD, *Proverbs*, 1.

¹³⁰ For reasons of space the structure appears on the next page.

¹³¹ See SCHÄFER, *Poesie*, 126–150.

¹³² Patrick W. SKEHAN, “Proverbs 5:15–19 and 6:20–24”, *Studies in Israelite Poetry and Wisdom*, Washington: The Catholic Biblical Association of America, 1971, 5. [originally published in *CBQ* 8, 1946, 290-297.] Likewise SCOTT, *Proverbs, Ecclesiastes*, 55 and CLIFFORD, *Proverbs*, 68.

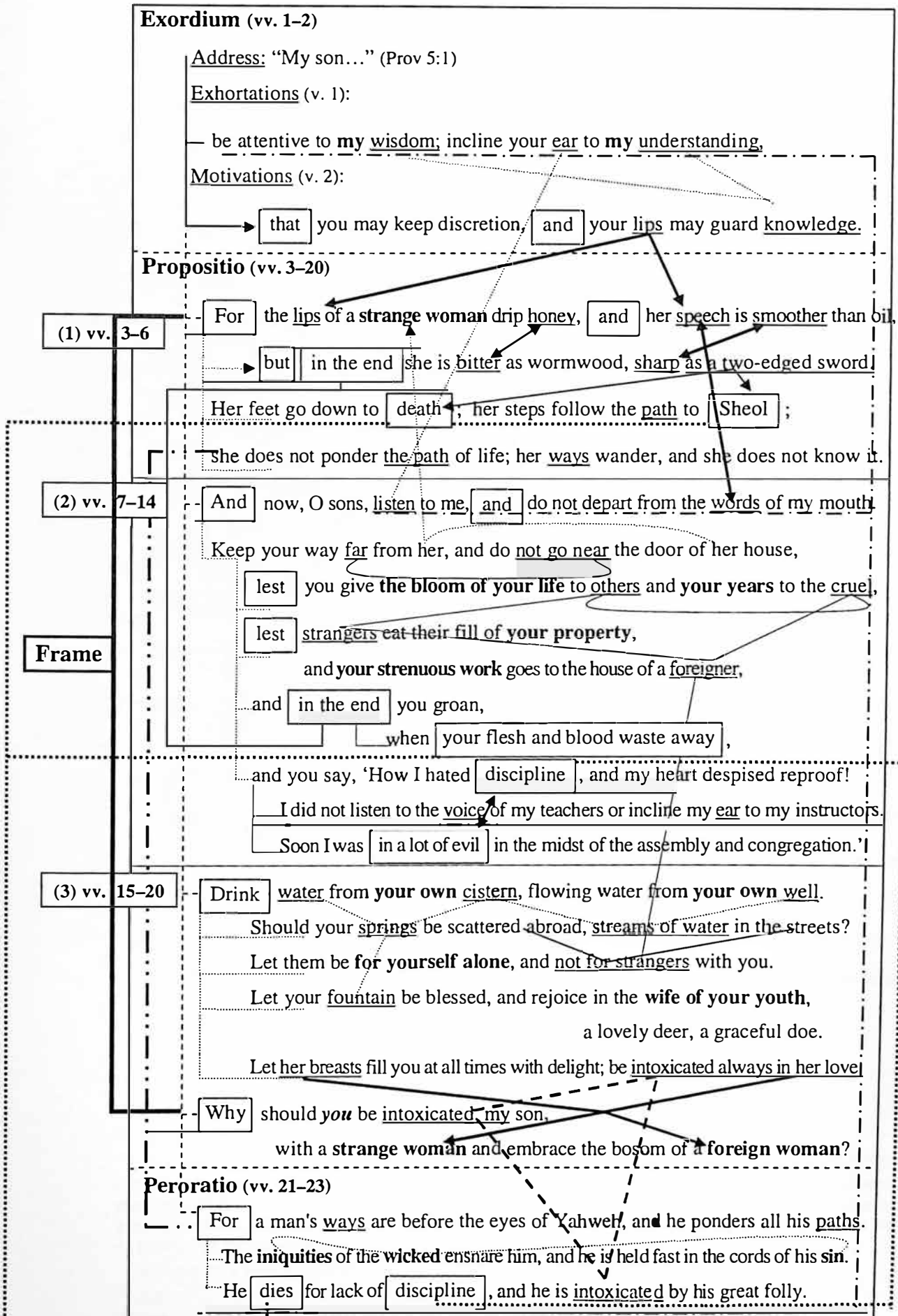


Diagram 21: The Structure of Proverbs 5

SKEHAN's main argument for such a re-location is that it fits better to the contexts of both Prov 5 and 6. He argues that Prov 6:22 "is out of harmony with the context"¹³³ because it employs a 3rd person *singular* feminine form, whereas Prov 6:21 uses 3rd person masculine *plural* suffixes. In my view, this is not a strong argument since the incongruence of number is a quite frequent phenomenon in Biblical Hebrew.¹³⁴ SKEHAN's suggestion for a textual re-location does not make more sense than leaving the text where it belongs (in the MT).¹³⁵ The details outlined in Prov 6:22 are more appropriate to the father's commandment and the mother's teaching (*cf.* Prov 6:20) than to the wife of a man, as proposed by SKEHAN. Moreover, there is no other textual evidence for an alteration of the MT in Prov 5:19–20 as proposed by SKEHAN. Although the LXX of Prov 5:19 has some extra vocabulary that according to SKEHAN allegedly fits with Prov 6:22,¹³⁶ the same LXX has Prov 6:22 in its proper place. Thus, although SKEHAN rightly states that Prov 5:19 has some textual difficulties,¹³⁷ there is no reason to follow his arguments.

Another attempt to deal with the difficulties in Prov 5 comes from WHYBRAY whose argument is mainly form-critical. He notes that the similarities between Prov 2, 5:1–23, 6:20–35 and 7:1–27 are "so striking that some kind of direct connection between them may be regarded as probable."¹³⁸ For him, this is some sort of "plagiarism" although he claims that it is not possible to determine "which was the model for others."¹³⁹ This form-critical argument holds that repetitious content must be the result of literary borrowing or plagiarism. The validity of this line of argument, however, is questionable. Every school teacher knows that repetition is an important feature in the successful learning process: *repetitio est mater studiorum*. If – as I suppose – the primary audience of Prov 1–9 consisted of young men on the verge of adulthood,¹⁴⁰ then illicit sex and adultery are *real* dangers and an excellent

¹³³ *Ibd.*, 1.

¹³⁴ See G-K, §145k.

¹³⁵ See my discussion below: 4.2.3 PROVERBS 6:20-35.

¹³⁶ SKEHAN, "Proverbs 5:15–19 and 6:20–24", 2–5.

¹³⁷ The text-critical apparatus of the BHS gives here as alternative for הַרְיֵיהָ ("her breasts") הַרְיָהּ ("her love"), from אָהַב ("love", *cf.* Prov 7:18). This reading is weak, stemming from the hexaplaric recension of the LXX and the corrected version of the Codex Sinaiticus. In my view, these variants arise from the fact that Prov 5:19 employs erotic language which might have caused some trouble in its translation and transmission.

¹³⁸ WHYBRAY, *Composition*, 34.

¹³⁹ *Ibd.*

¹⁴⁰ "The search for a suitable wife (or properly relating to the wife one has) and founding (or maintaining) a house – characteristic tasks of young manhood – become metaphors for acquiring

way of achieving a sense of danger with the young men is through continued repetition.¹⁴¹ Thus, it can be assumed with equal rights that the connection of the warnings against adultery in Prov 1–9 is deliberate and that there is a purpose in the order of the passages.¹⁴²

WHYBRAY also points out that Prov 5 differs from the other lectures on adultery because it does not start off with a “couplet in synonymous parallelism of which the first line reads ‘to save/keep you from the *’iššâ zārâ*’[...] and the second speaks of the *nokriyyâ* [...] and her smooth speech.”¹⁴³ FOX takes this up and assumes that a couplet “promising protection from the woman’s temptations” as in 2:16, 6:24 and 7:5 should be added.¹⁴⁴ Apart from textual parallels to the other warnings against adultery, his main reason for such an amendment is the motivation in verse 3 which “does not in itself provide a reason for the exhortation to listen to wisdom and hold fast to it in vv 1–2.”¹⁴⁵ FOX explains the missing couplet with a scribal error, a “parablebsis”¹⁴⁶ from לְשִׁמֹר (“that you may keep”) in Prov 5:2 to לְשִׁמְרֶךָ (“to keep you”), as in Prov 7:5. He thus proposes to take the allegedly missing couplet from Prov 7:5 and insert it between Prov 5:2 and 5:3. The text-critical apparatus of the BHS interestingly mentions לְשִׁמְרֶךָ as a proposed variant of לְשִׁמֹר in Prov 5:2.¹⁴⁷ But there is no external evidence for such a conjectural emendation. Neither the ancient versions nor the MT give witness to a *parablebsis* as assumed by FOX.¹⁴⁸

Concerning the internal criteria, there are several reasons to challenge FOX’s assumption of a logical break and a resulting textual emendation between Prov 5:2

wisdom and virtue and rejecting their opposites.” (CLIFFORD, *Proverbs*, 18.) Cf. DELKURT, *Ethische Einsichten*, 139.

¹⁴¹ It will become evident in the course of this exegesis that the repetition is multi-faceted and does not consist in a boring re-statement of facts.

¹⁴² This is the reason why I understand the rather general warning against adultery in Prov 2 as the overture to the rest of the warnings in Prov 1–9. See below, 4.5 CONCLUSIONS.

¹⁴³ WHYBRAY, *Composition*, 35.

¹⁴⁴ FOX, *Proverbs 1–9*, 191. See also R.B.Y. SCOTT, *Proverbs, Ecclesiastes*, AB 18, New York: Doubleday, 53 and Crawford H. TOY, *A Critical and Exegetical Commentary on the Book of Proverbs*, The International Critical Commentary, 1899, reprinted, Edinburgh: T&T Clark, 1977, 102.

¹⁴⁵ FOX, *Proverbs 1–9*, 191.

¹⁴⁶ *Ibid.* The term ‘parablebsis’ is sometimes used for the description of both *homoioarcton* and *homoioteleuton*, thus indicating a “scribal oversight”: TOV, *Textual Criticism*, 238. FOX envisages that the scribe may have jumped from 5:2 directly to 5:3, missing out one line that began with the same letters as verse 2 (*homoioarcton*).

¹⁴⁷ Unfortunately the BHS does not clarify who made that proposal. Moreover, it is in verse 2 and not in a verse that has disappeared between verses 2 and 3 as proposed by FOX *et al.*

¹⁴⁸ Although TOV has convincingly shown that external criteria do not play a major role in textual criticism of the Old Testament (see TOV, *Textual Criticism*, 298–302), I still find it noteworthy that any external evidence is missing for FOX’s argumentation.

and 5:3. Firstly, it must be asked why Prov 5:2 cannot simply reflect a variation of the wording in Prov 2:16, 6:24 and 7:5. After all, the designation for the ‘strange’ woman is varied as well: אִשָּׁה זָרָה (“strange woman”, 2:16 and 7:5), זָרָה (“strange” [female], 5:3, 20) and אִשָּׁה רָעָה (“evil woman”, 6:24). Secondly, the main emphasis in Prov 5:3 is on the honey-dripping lips (שִׁפְתַיִךְ) and the smooth speech of the ‘strange’ woman. There is a connection to the lips (שִׁפְתַיִךְ) of the ‘son’ which “may guard knowledge” (Prov 5:2).¹⁴⁹ This connection would be unnecessarily interrupted by an additional couplet. Thirdly, the short *exordium* may also have a rhetorical function, namely leading directly to the core of the teaching, the main theme of Prov 5: the ‘strange’ woman (Prov 5:3). Fourthly, the motivation that FOX misses is given in Prov 5:1 through the personal pronouns in חִכְמָתִי (“my wisdom”) and תְּבוּנָתִי (“my understanding”). The authority of lecture VIII is bound to the authority of the ‘father’ and the motivation needs no further reason for its brevity. In my view, there is thus absolutely no reason for a textual emendation in Prov 5, neither after 5:2 nor between 5:19 and 5:20.¹⁵⁰

4.2.2.2 The Content of Prov 5

4.2.2.2.1 The Exordium: Verses 1–2

Lecture VIII starts with the typical call for attention (*cf.* Prov 2:1–4) although it is unusual for Proverbs that the ‘father’ emphasises *his* wisdom and *his* understanding. FOX understands this usage by the ‘father’ as “claiming possession and authorship of the words and instructions.”¹⁵¹ This claim does not contradict Proverbs’ emphasis on the universality of wisdom because it is not the contrast between the universality and the particularity of wisdom that is in view but a hint to the twofold origin of wisdom: it is both a divine gift and a human acquisition. In this sense, the ‘father’ can very well claim both wisdom and understanding as being *his* because he knows about the divine giver and the continued (human) quest for wisdom. The call for attention is repeated in Prov 5:7 where the ‘father’ calls his ‘sons’ again not to depart from the words of *his* mouth. Thus, in Prov 5 it is not personified Wisdom who calls for

¹⁴⁹ *Cf.* MEINHOLD, *Sprüche*, 101: “Das Stichwort ‘Lippen’ bildet – obgleich gegensätzlich besetzt – eine Verbindungslinie zu V.3 und damit zwischen der Einleitung und dem Hauptteil der Lehrrede.” Likewise PLÖGER, *Sprüche*, 54f. For the unusual figure of speech (“guarding one’s lips”) see my comment below.

¹⁵⁰ PLÖGER comes to the same conclusion for both FOX’s and SKEHAN’s proposals for textual emendation: *Sprüche*, 54. *Cf.* MURPHY, *Proverbs*, 31.

¹⁵¹ FOX, *Proverbs 1–9*, 190. *Cf.* Prov 4:2: “... do not forsake *my* teaching.” (italics mine)

attention but the ‘father’ himself in his authority. His speech stands thereby in contrast to the “smooth speech” of the ‘strange’ woman (Prov 5:3).

“... your lips may guard (יִנְצֵרֶיךָ) knowledge” (verse 2) is an unusual figure of speech. Its closest parallel is in Mal 2:7: “For the lips of a priest should guard (יִשְׁמְרֶיךָ) knowledge, and people should seek instruction from his mouth, for he is the messenger of the LORD of hosts.”¹⁵² In other instances in Proverbs the folly of fools becomes evident through their speech.¹⁵³ Thus, Prov 5:2 speaks of the harmony of thought and speech.¹⁵⁴ If the ‘son’ treasures up wisdom and knowledge in his heart he will not only know when and what to answer but also how to control his tongue, to “keep discretion” (5:2a): “The lips, so to speak, are the border guards that allow thoughts to be released or to remain unspoken.”¹⁵⁵ Accordingly, there should be a difference between the speech of the ‘son’ and that of the ‘strange’ woman (cf. Prov 5:3).

The *propositio* is tripartite: the first part introduces the ‘strange’ woman’s speech and her ways as connected to death (verses 3–6). The second part is an exhortation by the ‘father’ to avoid the ‘strange’ woman and to take heed of his teaching instead (verses 7–14). The third part contrasts the (sexual) relationship to the ‘strange’ woman with the sexual relationship to one’s own wife and serves as a plea for marital fidelity (verses 15–20). I would like to look at each of the three parts in turn.

4.2.2.2.2 The First Part of the *Propositio*: Verses 3–6

Verses 3–6 are similar to Prov 2:18–19 with their strong emphasis on death. The section starts off with an antithetic parallelism in verses 3 and 4:

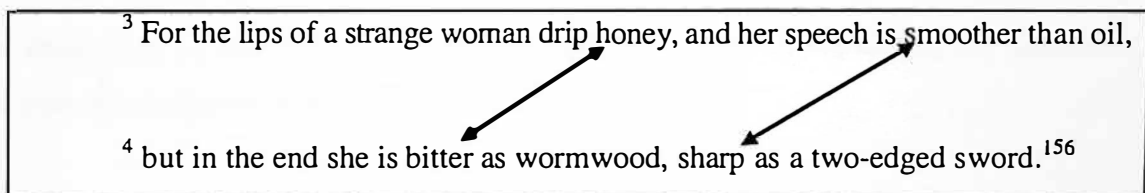


Diagram 22: Antitheses in Proverbs 5:3–4

¹⁵² FOX points out that נִצֵּר and שָׁמַר are synonyms: *Proverbs 1–9*, 191. See also *NIDOTTE*, vol. 3, 148.

¹⁵³ See, for example, Prov 12:23: “... the heart of fools proclaims folly”; 15:14: “... the mouths of fools feed on folly”; or Prov 15:28: “The heart of the righteous ponders how to answer, but the mouth of the wicked pours out evil things.”

¹⁵⁴ Cf. PLÖGER, *Sprüche*, 54.

¹⁵⁵ VAN LEEUWEN, “Proverbs”, *NIB*, vol. 5, 66.

¹⁵⁶ FOX mentions *Sa’adia’s* interesting comment on verses 4–5, seeing a progression from “bitter taste, to slashing [by sword], to death, to Sheol.” (FOX, *Proverbs 1–9*, 192.) I am not quite sure if such a progression is intended here although I think that verse 5 elaborates on the sharpness and bitterness of the ‘strange’ woman’s speech.

The honey that drips from the lips of the ‘strange’ woman is reminiscent of S of Songs 4:11: “Your lips drip nectar, my bride; honey and milk are under your tongue; the fragrance of your garments is like the fragrance of Lebanon.” FOX assumes that verse 3 might have started out as “praise of a beloved woman”¹⁵⁷ which is deliberately used here as antithesis to the ‘strange’ woman. The honey dripping from the ‘strange’ woman’s lips refers “metaphorically to beguiling speech and metonymically to luscious kisses.”¹⁵⁸

There is a rhetorical effect on the listener/reader in using familiar love-language for the description of the ‘strange’ woman – which is in itself an antithesis since the ‘strange’ woman is not out to give love but to get one’s life (*cf.* Prov 6:26). The ‘father’ portrays the ‘strange’ woman’s speech as smooth, “easy to swallow.”¹⁵⁹ His aim is pedagogical. The ‘son’ needs to know who the ‘strange’ woman is and the consequences of an affair with her in order to act wisely, placing him right into a decision: although the ‘strange’ woman might use the same language as a bride, he needs to learn to decide between the two. The ‘father’ provides the ‘son’ with a clue where to look in order to decide. He must look at the end of the affair, towards the outcome since the pleasures promised by the ‘strange’ woman turn out to be – “in the end” (אֶת־רֵיחַ־הַמָּוֶת, verse 4) – a deadly trap. It is not the end of the woman that is in view here but “the bitter fate she brings upon the youth who gives in to her lures.”¹⁶⁰ As in Prov 2:18–19, the language is clearly intended to evoke in the ‘son’ the picture of death lurking around the corner whenever he meets a ‘strange’ woman. This is underlined by the emphasis on death language in verse 5, explaining the bitterness and the sharpness of verse 4:

¹⁵⁷ FOX, *Proverbs 1–9*, 192.

¹⁵⁸ ALTER, *Poetry*, 182. GROSSBERG emphasises the similarities between the love language of Prov 7 and S of Songs, see Daniel GROSSBERG, “Two Kinds of Sexual relationships in the Hebrew Bible”, *Hebrew Studies* 35, 1994, 7–25. In my view, Prov 5 deliberately employs love language as well, in order to create a sharp contrast between the ‘harmless’ enticements of the ‘strange’ woman (Prov 5:3) and their lethal effects (Prov 5:4).

¹⁵⁹ VAN LEEUWEN, “Proverbs”, NIB, vol. 5, 66.

¹⁶⁰ FOX, *Proverbs 1–9*, 192.

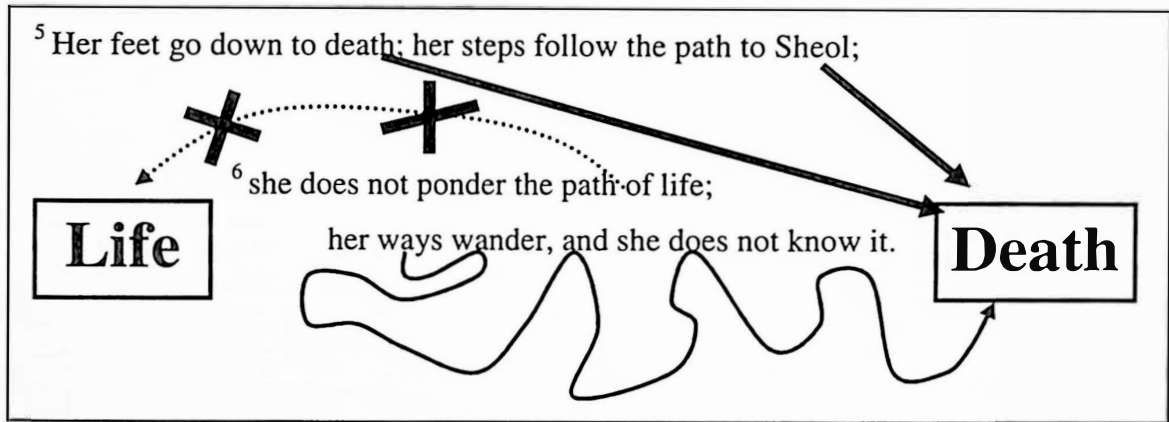


Diagram 23: Way Imagery in Proverbs 5:5-6

MCKANE puts this well: “she lives in the way a drunken driver steers his car.”¹⁶¹ Verse 6 focuses on the ‘strange’ woman.¹⁶² It stands in antithesis of verse 21:

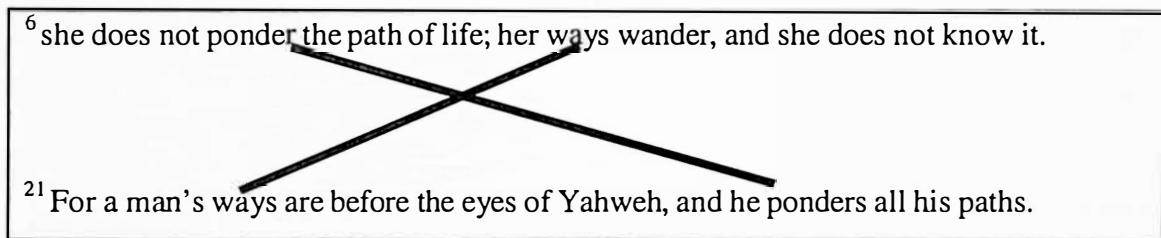


Diagram 24: Chiasm of Proverbs 5:6 and 21

The ‘strange’ woman is dangerous company because she does not care about the path of life, “her feet go down to death” (Prov 5:5). And, all the worse, she is totally unaware of it. She is so entangled in her way of life that she does not realize the effects of her behaviour.¹⁶³ Thus, this whole section is meant to illustrate to the ‘son’ who the ‘strange’ woman *really* is, by revealing some of her motives and thoughts.¹⁶⁴ The whole passage thus serves “as a message for the youth.”¹⁶⁵ The message is simple: this woman is very dangerous in her talk and in her life-style.¹⁶⁶ Thus, verses 3–6 serve as a kind of headline for the next two parts of the *propositio*, dealing with the possible consequences of an affair with the ‘strange’ woman.

4.2.2.2.3 The Second Part of the *Propositio*: Verses 7–14

The second part of the *propositio* begins with a call for attention, starting with **וְעַתָּה** (“and now...”). This sentence is logically related to the first part of the *propositio*:

¹⁶¹ MCKANE, *Proverbs*, 315.

¹⁶² For a discussion of the grammatical subject for verses 4–6 see MCKANE, *Proverbs*, 315.

¹⁶³ See PLÖGER, *Sprüche*, 55.

¹⁶⁴ See FOX, *Proverbs 1–9*, 193.

¹⁶⁵ MURPHY, *Proverbs*, 31.

¹⁶⁶ “She is a self-destructive fool, as is whoever follows her.” (FOX, *Proverbs 1–9*, 194.)

‘Since A is true, I now have to give to you a teaching on the consequences...’ The use of the plural (“sons”, Prov 5:7) serves to emphasise the universal validity of the lecture.¹⁶⁷ The call for attention is parallel to the call in verse 1 where the wisdom of the ‘father’ was emphasised. He says here as well: “listen to *me*, do not depart from the words of *my* mouth.” The phrase אִמְרֵי־פִי (“words of my mouth”) is used several times in Prov 1–9, in Prov 4:5 and 7:24 where it is employed in a parallel call to attention by the ‘father’.¹⁶⁸ As already noted above, the whole eighth lecture is connected to the authority and experience of the ‘father’.

Verse 8 refers back to the ‘strange’ woman in the first part of the *propositio*: “Keep your way far from her, and do not go near the door of her house.” The easiest way to avoid trouble is to stay far away from it. The parallelism of this verse consists in a wordplay between מֵעֲלֶיהָ (“far from her”) and אֶל־הַקָּרֵב (“do not go near”), both essentially saying the same thing because the latter is negated by אֶל־. This expresses a “specific or immediate prohibition.”¹⁶⁹

ALTER points out that פֶּתַח (“door”) literally means “opening”, euphemistically pointing “to the pudenda”.¹⁷⁰ I do not find this allusion entirely convincing since it is not just a door/opening being mentioned but the “door of her house”, as in Prov 9:14. Moreover, the metaphor of the way (דֶּרֶךְ) in the first half of the verse seems to support the literal interpretation of קָרֵב (“to go near”) and not the metaphorical, “to approach a woman sexually” which would fit ALTER’s proposal. Maybe the use of פֶּתַח (“opening”) instead of דֶּלֶת (“door”) is still deliberate here, emphasising that the entrance is not always covered¹⁷¹ and thereby designating not just the door but also the whole area in front of the door.¹⁷² The semantic field of פֶּתַח (“opening”)

¹⁶⁷ See PLÖGER, *Sprüche*, 55. Likewise FOX, *Proverbs 1–9*, 194.

¹⁶⁸ MÜLLER argues that Prov 5:7 is an admonition out of the “Darstellung eines Sachverhaltes” in the aforementioned verses (likewise 7:24). (Achim MÜLLER, “Formgeschichte und Textgrammatik am Beispiel der alttestamentlichen ‘Lehrrede’ in Prov 1-9”, *Studien zur hebräischen Grammatik*, Wagner, Andreas (ed.), OBO 156, Göttingen: Vandenhoeck & Ruprecht, 1997, 95.) This view rightly underlines that Prov 5:7 has got an important function within the text. But in contrast to MÜLLER, I would not see a major difference in form to the other lectures in Prov 1–9. Rather, it seems to me that this is a variation of the general outlook of the lectures in these chapters.

¹⁶⁹ *A Guide to Biblical Hebrew Syntax*, 130. It is difficult to decide whether this is a simple imperfect or a jussive since both forms are identical and both are used in prohibitions negated with אֶל־. See GK § 107p.

¹⁷⁰ ALTER, *Poetry*, 182. ‘Pudenda’ designates the “external genitals of either sex.” (*NIWCD*, 1020.)

¹⁷¹ “The word *delet* refers to any device that serves to cover an entrance and thereby to enable or to restrain access from one area to another.” (*NIDOTTE*, vol. 1, 962.)

¹⁷² The פֶּתַח of a house or a gate “refers not only to the opening itself, but to the area immediately in front of the opening.” (*NIDOTTE*, vol. 3, 717.)

seems to be broader than that of דֶּלֶת (“door”). The deliberate use of פֶּתַח would then make sense in the context of Prov 5:8 because it extends the distance that should be kept from the house of the ‘strange’ woman in order to be safe and thus emphasises that the whole area in front of her house is dangerous as well.¹⁷³

The trouble that the ‘son’ would encounter through an affair with a ‘strange’ woman is described in verses 9–14. These verses are all syntactically on the same level, mirroring the effects of such an affair. Verses 9–10 thereby focus on the negative consequences of the affair, whereas verses 11–14 consist of a fictional retrospect,¹⁷⁴ emphasising the fatality of an entanglement with the ‘strange’ woman. Verses 12 and 13 look back into the past, whereas verse 14 refers to the speaker’s (then) present situation, summing it up. The pedagogical aim of this section is implicitly posing the question if adultery is desirable at all, considering its dire consequences.

Verses 9–10 consist of two subordinate clauses introduced by פִּינֵי (“so that not, lest”¹⁷⁵), expressing “an undesirable action or situation that arises from another action as consequence,”¹⁷⁶ *i.e.* an affair with the ‘strange’ woman. These verses emphasise the utter loss that will occur after such an affair, a loss that will enrich others. There is a continual antithesis running through verses 9–10. On one side is the ‘son’s’ vigour, life, property (marked with a thick black line in the structure below) and on the other side stand the “others”, the “cruel”, “strangers”, and the “foreigner” (dotted line):

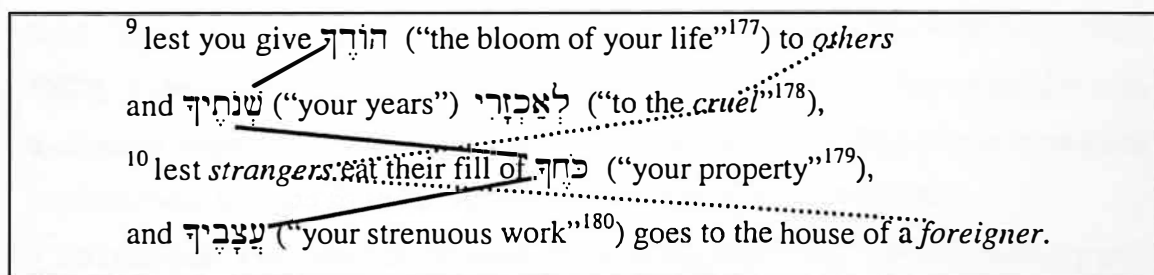


Diagram 25: Antitheses in Proverbs 5:9–10

¹⁷³ Prov 9:14 would be a similar case with Woman Folly sitting in front of her house, trying to catch passers-by with her alluring talk.

¹⁷⁴ VAN LEEUWEN calls it “a future autobiographical speech”: “Proverbs”, NIB, vol. 5, 68.

¹⁷⁵ HALOT, 936.

¹⁷⁶ *A Guide to Biblical Hebrew Syntax*, 155.

¹⁷⁷ HALOT, 241.

¹⁷⁸ HALOT, 45.

¹⁷⁹ HALOT, 469.

¹⁸⁰ HALOT, 865.

Several solutions have been proposed for a proper understanding of these verses. TOY believes that they deal primarily with a “loss of worldly wealth.”¹⁸¹ MCKANE thinks that they convey a “loss of dignity.”¹⁸² FOX takes the two verses as “two pairs in hendiadys [...] ‘the (sexual) vigor of your years’ and [...] ‘the strength (*i.e.*, produce) of your toil.”¹⁸³ VAN LEEUWEN speaks of an open-endedness “that permits the reader to apply the admonition to his or her own life-world, whatever the circumstances may be.”¹⁸⁴ Therefore, for VAN LEEUWEN it is neither clear who the ‘strangers’ are who gain through the man’s loss nor how the financial loss will take place.

I agree with FOX’s interpretation since the two verses each develop the same subject: loss of (sexual) vigour and of hard-earned property, loss of heirs and inheritance.¹⁸⁵ Verses 9–10 thus basically describe a tragedy: the consequences of a man’s affair with the ‘strange’ woman are the loss of his youth and vigour, the best years of his life and his property. What clearly belongs to him – emphasised by the constant use of the personal pronoun – is going to “others”, to the “cruel”, to “strangers” and to a “foreigner”. These terms are used synonymously.

FOX points out that the twofold swap in number “suggests that the author’s thoughts fluctuate between the cheated husband and the latter’s family.”¹⁸⁶ Since נְכָרִי (“foreigner”) is used here as masculine singular, it could well refer to the cuckolded husband, being connected to the נְכָרִיָּה (“foreign [woman]”) in verse 20 (and thus to the זָרָה (“strange [woman]”) in verses 3 and 20). This is supported by the use of the term “house of a foreigner” which refers to the husband as head of the household. אֲכֹרִי (“the cruel”) in verse 9 can be used as a collective but is only employed with a singular meaning in Proverbs.¹⁸⁷ Prov 6:34 speaks of the fury of the cuckolded husband which would fit to the designation of being cruel in Prov 5:9.

To conclude, Proverbs 5:9–10 speak of the young man’s loss – both financially and sexually – and the gain of others, most probably the family of the ‘strange’ woman

¹⁸¹ See TOY, *Proverbs*, 108.

¹⁸² MCKANE, *Proverbs*, 316.

¹⁸³ FOX, *Proverbs 1–9*, 195. Likewise CLIFFORD, *Proverbs*, 70.

¹⁸⁴ VAN LEEUWEN, “Proverbs”, NIB, vol. 5, 68. Cf. also PLÖGER who does not decide whether it is sexual vigour and wealth or just one of the two getting lost: *Sprüche*, 56.

¹⁸⁵ For further arguments why both economic and sexual ‘produce’ (heirs) are implied here see FOX, *Proverbs 1–9*, 196f.

¹⁸⁶ FOX, *Proverbs 1–9*, 195. Cf. MURPHY, *Proverbs*, 32.

¹⁸⁷ See Prov 11:17; 12:10 and 17:11.

and her husband. His fury is not emphasised (as in Prov 6:34) but he is mentioned as head of another household and referred to as a cruel person, thus implying as well that it is utter folly to have an affair with his wife.

Verses 11 and 12 employ *waw* perfect consecutives which is rare in poetry.¹⁸⁸ But here its use is appropriate since verses 11–14 are a narrative sequence within the lecture, forming a fictional retrospect from the ‘son’s’ point of view.¹⁸⁹ Verse 11 is connected to verse 4, using the same word, **אַחֲרַיִת**, to refer to the final realisation of the folly of adultery, to its “aftereffects.”¹⁹⁰ ESV and NRSV render **בְּאַחֲרֵי־יָמֶיךָ** “at the end of your life.” Since verse 11b and the wider context point to death, this seems justified.¹⁹¹ For my translation, I keep more literally to “in the end” (as in Prov 5:4) because this gives room for a second connotation, namely the final realization – *after* the adultery – of the affair’s effects.¹⁹²

The only thing left is to groan (**נָהַם**), expressed with a word that usually designates the roaring of a lion and here connotes the groaning from pain (*cf.* Ezek 24:23). This groaning is accompanied – indicated by the use of an infinitive construct with prefixed **בִּי**¹⁹³ – by the wasting away¹⁹⁴ of **בְּשָׂר** (“flesh”) and **שָׁמַר** (“body”). There are only three instances where **כָּלָה** (“to waste away”) is used together with **בְּשָׂר** (“flesh”) as object: Job 33:21, Ps 73:26 and Prov 5:11. Because of its use in Job 33:21 FOX assumes that this “phrase refers to disease”, probably designating a “venereal disease.”¹⁹⁵ However, not every act of adultery brings with it a venereal disease. Moreover, nowhere in the ancient Near Eastern texts on adultery is a venereal disease mentioned although the phenomenon was well-known, being described in medical texts and passages on (ritual) purity. FOX also mentions that “disease might be a hyperbole for exhaustion.”¹⁹⁶ Although this is possible, it is questionable if ‘exhaustion’ is the figure of style that comes to one’s mind when reading this

¹⁸⁸ *A Guide to Biblical Hebrew Syntax*, 83 n.102.

¹⁸⁹ Similar narrative sequences are employed in Prov 1:11–14 (speech of the evil men) and in Prov 7:14–20. These sequences add to the dynamics of the teaching, making it ‘real’ for the listener.

¹⁹⁰ *NIDOTTE*, vol. 1, 362.

¹⁹¹ *Cf.* FOX, *Proverbs 1–9*, 197. See also my comments on the next page.

¹⁹² See *HALOT*, 37: “in the end, finally” and *TLOT*, 87: “afterward”. *Cf.* CLIFFORD, *Proverbs*, 71: “... the final event in a series that enables one to judge the meaning of the whole.”

¹⁹³ See W-O, 604: “With the infinitive construct, **בִּי** denotes in general the temporal proximity of one event to another.”

¹⁹⁴ See *NIDOTTE*, vol. 2, 642 and FOX, *Proverbs 1–9*, 197.

¹⁹⁵ FOX, *Proverbs 1–9*, 197.

¹⁹⁶ *Ibid.*

passage. In my view, finding reference to a disease in Prov 5:11 seems rather odd since nothing so far pointed to a disease.

A look at Job 33 reveals that it is concerned with the description of a man who is close to death:

¹⁹ Man is also rebuked with pain on his bed and with continual strife in his bones, ²⁰ so that his life loathes bread, and his appetite the choicest food. ²¹ His flesh is so wasted away that it cannot be seen, and his bones that were not seen stick out. ²² His soul draws near the pit, and his life to those who bring death.

Although this man is struck by disease, the main thrust here is his death – or, to be more precise, the state of being near to death, wasting away, vanishing¹⁹⁷ – and not a disease. In the context of Job 33, the idiom of flesh wasting away in Prov 5:11 can well be read as referring to the end of a man’s life – in contrast to FOX’s proposal of a (veneral) disease. This view finds support through the context of Prov 5:11 since the first part of the *propositio* (Prov 5:3–6) refers to death as well, a subject that is also taken up again in Prov 5:23.¹⁹⁸

The groaning is made explicit in verses 12–14.¹⁹⁹ This is a speech the ‘father’ utters from the perspective of a (young) man who had an affair with the ‘strange’ woman. It is thus a fictional retrospect since the ‘sons’ are listening to their teacher and have not yet had an affair or anything of the like. The speaker looks back to the instruction he received from his מוֹרִים (“teachers”). The retrospect’s pedagogical force lies in the fact that the speaker realises he should have heeded the teachings he has received. In four negative statements he testifies to his foolishness:²⁰⁰

^{12b} How I hated discipline, and my heart despised reproof! ¹³ I did not listen to the voice of my teachers or incline my ear to my instructors.

These verses employ typical wisdom vocabulary, used often in Proverbs.²⁰¹ It emphasises the pedagogical aim of Prov 5 since the theme of heeding the ‘father’s

¹⁹⁷ NIDOTTE, vol. 2, 642.

¹⁹⁸ The third passage where בָּשָׂר (“flesh”) and כָּלָה (“to waste away”) are used together is Ps 73:26. Read in context, it seems to me that this passage refers to death or a near-to-death state as well, thus being in line with Job 33:21 and Prov 5:11. The main thrust of Ps 73:26 is in the hope of the writer that even in the face of death God still is his strength, literally the “rock of his heart”.

¹⁹⁹ The *waw* consecutive form, וְאָמַרְתָּ (“and you say”), belonging to the time of the “preceding tense”, expressing a “temporal or logical consequence”: GK §112*d*.

²⁰⁰ Since “... fools despise wisdom and instruction” (Prov 1:7b) and “A fool despises his father’s instruction, but whoever heeds reproof is prudent.” (Prov 15:5).

²⁰¹ See, for example: “My son, do not despise Yahweh’s *discipline* or be weary of his *reproof*.” (Prov 3:11); “there is severe *discipline* for one who forsakes the way, but one who hates *reproof* will die” (15:10); “and now, O sons, *listen to me*, and *do not depart from the words of my mouth*.” (5:7; cf. 7:24 and 8:32); “my son, be attentive to my words; *incline your ear* to my sayings.” (4:20); “my son, be

instructions is repeated several times, in verses 1, 7, 13 and 23. It is expressed positively (exhortatory) in the two former verses and negatively (in the after-effect) in the two latter.

Verse 14 starts with *כְּמַעַט* which is difficult to translate because there is not much in the context to which it could refer to. The reference of *כְּמַעַט* in Biblical Hebrew is either to time, to proximity or to number/size.²⁰² Since there is no numerical or sizeable figure mentioned here, the reference cannot be to number/size. If *כְּמַעַט* refers to proximity, as MCKANE argues, it would refer to *בְּכָל־רָע* (“in all evil [things]”²⁰³): “I was almost involved *in total ruin* before assembly and congregation.”²⁰⁴

FOX rightly points out that “almost” does not work in the context of Prov 5 because “the fool has already fallen into misery.”²⁰⁵ He already *is* in the middle of trouble – and not just on the verge of it. Therefore, FOX proposes to render *כְּמַעַט* “quickly”: “Quickly I fell into all sorts of trouble, within the assembly and congregation.”²⁰⁶ I follow his interpretation of *כְּמַעַט* as referring to time in Prov 5:14, primarily because of the term *בְּכָל־רָע*, which MCKANE translates with “in total ruin”²⁰⁷ and FOX with “into all sorts of trouble.”²⁰⁸

In my view, *בְּכָל־רָע* neither refers to ruin nor to trouble. *רָע* is used 47 times in Proverbs.²⁰⁹ Mostly *רָע* is used to speak of “evil”, as something that is opposed to wisdom. Deriving from this use, *רָע* is employed several times in Proverbs to call to “turn away from evil”²¹⁰ or describes the “way of evil”, as a way of life that does evil and leads to evil.²¹¹ The ‘strange’ woman is called *אִשָּׁה רָעָה* (“evil woman”) in Prov 6:24. Someone who does or is *רָע* is often contrasted with the *צַדִּיק* (“righteous”).²¹²

attentive to my wisdom; *incline your ear* to my understanding.” (5:1) [all italics are mine, for emphasis]

²⁰² For a complete list with references see APPENDIX 2.

²⁰³ This is obviously a bit roughly translated. *בְּכָל* is used 11 times in Proverbs (according to *BibleWorks*) and always describes something that is all-embracing: “with all of your heart” (3:5), “at all times” (5:19), “in all toil” (Prov 14:23) etc. See my further discussion below.

²⁰⁴ MCKANE, *Proverbs*, 218. (italics mine to show how MCKANE translates *בְּכָל־רָע*)

²⁰⁵ FOX, *Proverbs 1–9*, 198.

²⁰⁶ *Ibid.*, 190.

²⁰⁷ MCKANE, *Proverbs*, 218.

²⁰⁸ FOX, *Proverbs 1–9*, 190.

²⁰⁹ See APPENDIX 2.

²¹⁰ See Prov 3:7; 4:27; 13:19; 14:16; 16:6; 16:17.

²¹¹ See Prov 2:12; 4:14; 8:13; 28:10.

²¹² See Prov 11:21; 12:12, 13; 29:6.

The *יְהוָה יִרְאַת* (“fear of Yahweh”) and *רָע* are mutually exclusive.²¹³ But the use of *רָע* can be very general as well, designating “harm” (Prov 11:15; 19:23; 31:12), “trouble” (Prov 12:21; 13:17), “ruin” (Prov 21:12) or just some “bad” buy.²¹⁴ It is noteworthy that within Prov 1–9 *רָע* is solely used to designate “evil”,²¹⁵ with an emphasis on the “way of evil.”²¹⁶

If the most probable translation of *רָע* in Prov 1–9 is “evil”, how is *בְּכָל־רָע* to be understood in Prov 5:14? First of all, nowhere else in the Old Testament is this expression used. In Prov 20:8 and Isa 56:2 *כָּל־רָע* means “all evil” or someone who “keeps his hand from doing any evil”, referring to the totality of his deeds or thus the possible number of evil actions. Thus it seems most probable that here too a totality is the focus. In Prov 5:14 this is the sum of the act of adultery as an ‘evil’ act. There are four main reasons for this conclusion: (1) The general use of *רָע* (“ruin”, “harm”, “trouble”) is only found *outside* of Prov 1–9. (2) The general use of *רָע* in Proverbs comes to only 8 out of 47 occurrences (= 17%). It seems unlikely that it is employed in Prov 5:14 if there is no *prima facie* reason for its use in this particular context. (3) Adultery definitely is *רָע*, hence the designation of the ‘strange’ woman as *אִשְׁתֵּי רָע* in Prov 6:24. (4) The context of the passage (esp. Prov 2–4) contrasts the way of *רָע* with the way of wisdom and calls the ‘son’ to turn away from it. The translation of *רָע* as “evil” is appropriate in this context. Otherwise, the thematic connection between the different passages on “evil” in Prov 1–9 would not be transparent. Thus, differing from both MCKANE and FOX, I translate *בְּכָל־רָע* with “in a lot of evil”.

כִּמְעַט emphasises that it neither takes long to give in to a temptation such as adultery, nor to reap its fruit since the assembled congregation soon knows about it (at least in the case presented). It stands at the beginning of the verse, looking back at the foolishness of the act and looking forward to the present situation. This is supported by the use of the verb next to *כִּמְעַט*, *הָיִיתִי* (“I am/was”), a first person singular *Qal* perfect.²¹⁷ It expresses a consequential self-predication of the

²¹³ See Prov 8:13; 16:6.

²¹⁴ “Bad, bad, says the buyer...” (Prov 20:14).

²¹⁵ The only possible exception to this designation could be Prov 5:14 but it is rather unlikely that it means something entirely different than the rest of the verses employing *רָע* in Prov 1–9.

²¹⁶ Three of the four references to the “way of evil” in Proverbs are in Prov 1–9: Prov 2:12; 4:14 and 8:13.

²¹⁷ The *Qal* perfect “views the situation from the outside, looking upon it as a completed whole. It may refer to an action or state in the past, present, or future, although it tends to view it as a complete situation or action that is temporally undefined.” (*A Guide to Biblical Hebrew Syntax*, 54.)

retrospect's subject. This self-predication is realized *בְּחֹךְ קְהָל וְעֵדָה* (“in the midst of the assembly and congregation”). Therefore, I translate Prov 5:14 as: “Soon I was in a lot of evil in the midst of the assembly and congregation.”

Thus, verse 14 stands at the end of the fictional retrospect, concluding this section, thereby adding a few new thoughts in the context of Prov 5: (1) adultery is not just morally wrong, but “evil.” Thus it is a *theological* category. It opposes the will of Yahweh. This is underlined by the use of the term *חַטָּאת* (“sin”) in Prov 5:22, describing the actions of the *רָשָׁע* (“wicked”).²¹⁸ (2) It is not just something that the cuckolded husband knows but it is public, emphasised by the use of both “assembly” and “congregation”. (3) Since it is highly likely that the assembly was informed of the adultery by the wronged husband, it could well refer to a trial before the local court.²¹⁹ The use of the word *עֵדָה* (“congregation”) could support this conclusion since it is also used in Lev 24:14–16 and Num 15:35f. to designate the congregation that was responsible for stoning.²²⁰

I already noted above – in chapter 3 – that the court procedures are not outlined in the legal texts which would be an argument from silence that could lend support to the possibility of an implicit legal background in Prov 5:14 (it does not need to be described because it is implied in the description of the circumstances of the case). Furthermore, the continued connection of adultery and death in Prov 2, in the first part of the *propositio* of Prov 5, in the current passage – although it is more implicit – as well as in the *peroratio* emphasise that adultery had lethal consequences. To sum it up, the fictional retrospect in Prov 5:12–14 has the pedagogical aim to show the devastating consequences of adultery, that an adulterer loses everything:

²¹⁸ See my comment below. RINGGREN mentions that 5:14 could refer to a religio-cultic crime because “assembly and congregation” belong to the realm of religion and the cult: RINGGREN, *Sprüche*, 29.

²¹⁹ MCKANE mentions that “the verse can be associated with his [the husband’s] denunciation of the adulterer in the presence of the community and the establishing of his claim for heavy damages.” (MCKANE, *Proverbs*, 317.) FOX sees the main thrust of verse 14 in public shaming, as “a powerful means of social control.” (FOX, *Proverbs 1–9*, 198.) In my view, the probability of a public trial in Prov 5:14 could well imply the death penalty as fatal consequence (*cf.* Prov 5:23).

²²⁰ *Cf.* FOX, *Proverbs 1–9*, 199. MCKANE argues that “the absence of any mention of stoning by the entire community is to be explained by the circumstance that it had gone out of use as a penalty for adultery [...] by the period to which the piece belongs.” (MCKANE, *Proverbs*, 317.) I will deal with this argument in detail below: 4.3.1 THE DEATH PENALTY.

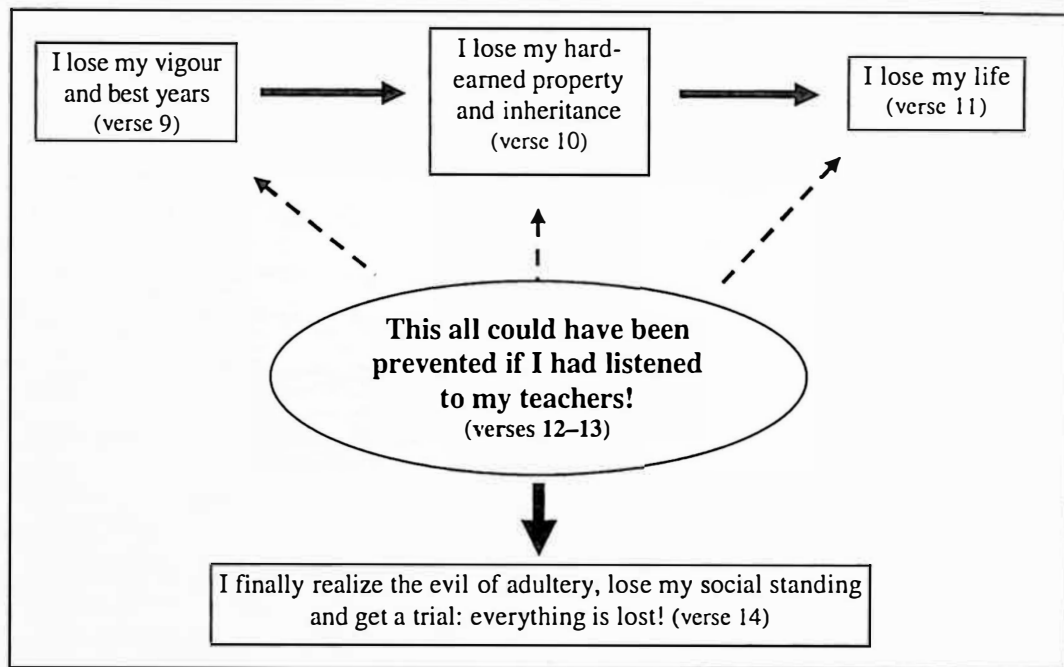


Diagram 26: Outline of Argument in Proverbs 5:9–14

The means of direct discourse within this lecture creates a dynamic effect. It anticipates that the ‘sons’ probably do not care much about consequences of their actions and emphasises that they would do better to care because by committing adultery they not only lose their lives but also their best years and their inheritance. They destroy their entire future. VAN LEEUWEN comments on this section very briefly: “You reap what you sow.”²²¹

4.2.2.2.4 The Third Part of the *Propositio*: Verses 15–20

After the quite drastic outline of the consequences of adultery the lecture now turns to the positive alternative: enjoy sexual pleasures with your own wife rather than with the ‘strange’ woman. This third part of the *propositio* is reminiscent of the love language of the Song of Songs where the lover calls his bride “a fountain sealed” (S of Songs 4:12b) and from her comes “a garden fountain, a well of living water, and flowing streams from Lebanon.” (S of Songs 4:15) KRUGER gives a helpful outline of the passage:

“The positive exhortation in vv. 15–20, which stands in antithesis to the foregoing, contains a series of imperatives (vv 15, 18b), a rhetorical question (v 16), jussives (vv 17a, 18a, 19a) and a motive clause in form of a question (v 20).”²²²

²²¹ VAN LEEUWEN, “Proverbs”, NIB, vol. 5, 68.

²²² Paul A. KRUGER, “Promiscuity or Marriage Fidelity? A Note on Prov. 5:15-18”, *JNSL* 13, 1987, 62f.

The section starts with an imperative, שְׁתֵּה-מַיִם (“Drink water...!”) and then develops an allegory on the theme of water-drinking.²²³ Only quite late in the passage, in verse 18, the allegory is explained as referring to sexual pleasures within marriage.²²⁴ But although these verses speak to a married man, they “are lessons for anyone to learn, married or not.”²²⁵ In my view, all the metaphors of water mentioned here stand for that man’s own wife, as well as the metaphors from the animal world in verse 19.²²⁶ There is a gradual development in the metaphors for water sources:²²⁷

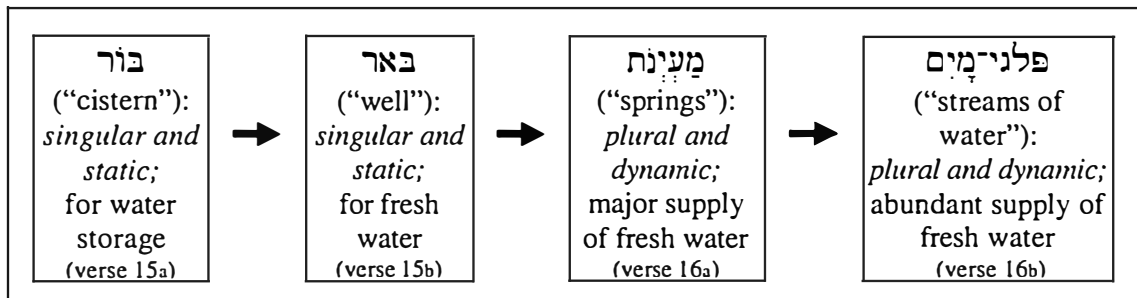


Diagram 27: Water Imagery in Proverbs 5:15–16

The development from rather static to dynamic metaphors and from singular to plural nouns is deliberate and brings movement to the two verses. Prov 15:16 thereby is an unmarked rhetorical question:²²⁸ “Should your springs be scattered abroad, streams of water in the open plazas?”²²⁹ Some commentators found issue with the change of number from verse 15 to verse 16. G. BOSTRÖM, for example, argues that this change marks a change in reference. Verse 16 must refer to the man, the springs and streams of water referring to male sperm.²³⁰ But the parallel, metaphorical use of love language in S of Songs mentioned above seems to underline that all of the metaphors

²²³ See NEL, *Structure and Ethos*, 10 and OSBORNE, *Spiral*, 197. It is significant that the ‘father’ speaks to the ‘sons’ as though they were in *real* danger of getting into adultery with the ‘strange’ woman. Thus, he asks at the end of the *propositio*: “Why should you be intoxicated, my son, with a strange woman...?” (verse 21) This danger is also present in lectures IX and X (cf. Prov 6:35 and 7:25).

²²⁴ Walter C. KAISER, “‘My Heart is Stirred by a Noble Theme’: the Meaning of Poetry and Wisdom”, *An Introduction to Biblical Hermeneutics*, Kaiser, Walter C. and Moisés Silva, Grand Rapids: Zondervan Publishing, 1994, 102.

²²⁵ MURPHY, *Proverbs*, 32.

²²⁶ See PLÖGER, *Sprüche*, 57.

²²⁷ Cf. VAN LEEUWEN, “Proverbs”, NIB, vol. 5, 68. It is interesting that each hemistich adds a syllable: בּוֹר has got one syllable, בְּאֵר two, מַעְיָנוֹת three (if the segolated *ayin* is not counted as a full syllable) and פְּלִגְיָמַיִם consists of four.

²²⁸ See G-K, §150a.

²²⁹ רְחוּב means “open plaza”: HALOT, 1212.

²³⁰ Gustav BOSTRÖM, *Proverbiastudien: die Weisheit und das fremde Weib in Spr. 1-9*, Lund: C.W.K Gleerup, 1935, 142. Likewise, and more recently, CLIFFORD, *Proverbs*, 71.

employed here refer to the wife.²³¹ I thus agree with VAN LEEUWEN that “the plural serves to intensify the notion of abundance found in the wife.”²³² Since מְקוֹר (“fountain”) stands in parallelism with מֵאִשֶׁת נְעוּרָיָךְ (“the wife of your youth”) in verse 18, a change in subject would be rather surprising here. FOX supports this, stating that “nothing indicates a sudden shift in topic.”²³³

KRUGER proposes to read verse 15 as referring to private property – “well”, “cistern” – and verse 16 as describing common property, חוּצָה (“to the outside”) and בְּרַחְבוֹת (“in the open plazas”).²³⁴ According to KRUGER, verse 16 refers to the ‘strange’ woman to whom “each and everyone has access.”²³⁵ He supports his argumentation with the description of the ‘strange’ woman in Prov 7:12 where the same words are used to designate her unstable pattern of conduct: “now in the street (בַּחוּץ), now in the market (בְּרַחְבוֹת), and at every corner (כָּל-פְּנֵה) she lies in wait.”

In my view, KRUGER’s proposal is questionable for several reasons: firstly, after the quite negative and devastating second part of the *propositio* it is good rhetorical as well as didactic manner to view the matter from the opposite, the positive side. Thus, there is no need for the ‘strange’ woman to be the main subject again.²³⁶ Secondly, Prov 7:12 describes the ‘strange’ woman as a huntress who is striving through the streets, waiting for her prey. Thus, there is not just חוּץ (“street”) and רְחוֹב (“open plaza”) mentioned – as in Prov 5:16 – but also כָּל-פְּנֵה (“every corner”). The ‘strange’ woman is everywhere where a proper wife would not be, especially not “in the twilight, in the evening, at the time of night and darkness.” (Prov 7:9) Here, in Prov 5:16 חוּצָה (“to the outside”) and בְּרַחְבוֹת (“in the open plazas”) are used in order to create an antithesis to the protected domestic realm. Thirdly, KRUGER did not consider enough verse 17: “Let them be for yourself alone...” (v. 17a) This refers to the “springs” and “streams of water” of verse 16. They are the man’s, and they rightly belong to him. In the context of verse 15 (“Drink water from your own cistern...”) and verse 18 (“... rejoice in the wife of your youth.”), it is clear that the wife belongs to the man, they belong to each

²³¹ Cf. MURPHY, *Proverbs*, 32.

²³² VAN LEEUWEN, “Proverbs”, NIB, vol. 5, 69.

²³³ FOX, *Proverbs 1–9*, 201.

²³⁴ See KRUGER, “Promiscuity”, 66f.

²³⁵ *Ibid.*, 67.

²³⁶ Prov 5:18 refers to the “wife of your youth” and thus underlines the change from the ‘strange’ woman to the man’s own wife that starts in Prov 5:15.

other.²³⁷ Fourthly, verse 17b says “... and not לְזָרִים אִתְּךָ (“for strangers with you”).” It is not about ‘strange’ *women* but about ‘strange’ *men*, alluding to the patricentral structure of Old Testament times, where a woman always stood under the authority of another man.²³⁸ In my view, verse 17 stands in synonymous parallelism: “for yourself alone” – “and not for others with you”. The emphatic אִתְּךָ (“with you”) expresses a sharing – of that which belongs to the man – with “strangers”. This refers back to the second part of the *propositio* where “others” and “strangers” receive the man’s life and property because of his adultery. Thus there is an implicit alternative within the allegory, serving as an antithesis to the frequent use of the personal pronoun in “you”, “yourself” and “your own”. In the case of adultery, everything is lost: at least parts of one’s property and inheritance are then given to others and thus are shared with “strangers”. In case of the death penalty, the wife would be exposed to “strangers” and the positive flow of progeny and blessing, as expressed in the water metaphors would be spoiled: “Water spilled is life lost.”²³⁹ Thus, I do not agree with KRUGER’s thesis that Prov 5:16 refers to the ‘strange’ woman.

FOX mentions that “the sexual defilement of one’s own wife is an appropriate tit-for-tat punishment for violating another’s wife.”²⁴⁰ I personally find his suggestion unconvincing since vicarious punishment in connection with adultery is not mentioned elsewhere in the Old Testament.²⁴¹ In my view, the mention of “strangers” in verse 17b is deliberately vague leaving a gap that everyone can fill with his imagination. Moreover, it is not the punishment of one’s wife that is used as deterrent in respect to adultery in Prov 5 but the dreadful consequences for anyone who commits adultery.

Verse 18b leads over to verse 19 with its explicitly erotic language emphasising sexual pleasures within marriage.²⁴² Verses 19 and 20 are connected through the repeated use of תִּשְׁכַּח (“be intoxicated”). There is absolutely no compelling reason to enjoy sexual pleasures *outside* of marriage – with a ‘strange’ woman – if one can

²³⁷ See S of Songs 2:16 and 6:3: “My beloved is mine, and I am his...”

²³⁸ See my comments above, 3.1.3 MARRIAGE IN ANCIENT ISRAEL.

²³⁹ VAN LEEUWEN, “Proverbs”, NIB, vol. 5, 68.

²⁴⁰ FOX, *Proverbs 1–9*, 201.

²⁴¹ FOX mentions Job 31:10 but it seems difficult to take this as common practice since it is part of a self-curse: “If I do this ... then this and that should happen to me (or my wife) ...” In the ancient Near Eastern legal texts, in contrast, vicarious punishment for sexual crimes was known (although it was apparently not stipulated for cases of adultery). See 2.3.2 VICARIOUS PUNISHMENT.

²⁴² I take the MT, חֲדָיִה (“her breasts, nipples”), as original rather than changing the vowel to חֲדָיָה (“her love”) as in the LXX. Cf. ALTER, *Poetry*, 183.

have them *within* marriage. The ‘strange’ and foreign woman stands in antithesis to the breasts and the love of the man’s wife. ALTER points out the underlying presupposition:

“Man as an erotic creature is drawn by the powerful allure of ecstasy, but there are both salutary and destructive channels for the fulfillment of that urge. In the anatomical imagery that is again invoked as the contrast is made, the ‘lap’ of the forbidden woman is a dubious alternative to the refreshing breasts of the loving gazelle.”²⁴³

Verse 20 thus concludes not only the third part of the *propositio* but the whole of it, forming an *inclusio* by the mention of the זָרָה (“strange [woman]”) who only appears here and in verse 3, at the very beginning of the *propositio*. The mention of the נְכַרְיָה (“foreign [woman]”) in verse 20 creates a parallelism with זָרָה and, beyond that, a further literary connection to the other texts on the ‘strange’ and foreign woman in Prov 1–9.

Thus, the message of this third part of the *propositio* consists in the vivid emphasis of marital sexual pleasures in contrast to the pleasures deceptively promised by the ‘strange’ woman, the adulteress. Prov 5:15–20 is consequential to the other two parts of the *propositio* stating that it is crazy to risk one’s life in order to get a sip from a forbidden source if one has got a fountain at home.

4.2.2.2.5 The *Peroratio*: Verses 21–23

The *peroratio* starts with כִּי (“for”), thus providing a conclusion to the foregoing. But for some scholars, verses 21–23 do not belong to this chapter. For example, MCKANE writes about these verses:

“They are located at the end of a chapter and so in a place where reinterpretative expansion by means of motive clauses can be most conveniently made, and they introduce a Yahwistic note which is absent from the remainder of the chapter.”²⁴⁴

Obviously, MCKANE’s argument heavily depends on his presupposition of a Yahwistic reinterpretation of Proverbs.²⁴⁵ I follow PLÖGER’s comment that a theological reinterpretation as supposed by MCKANE would have employed clearer

²⁴³ ALTER, *Poetry*, 183.

²⁴⁴ MCKANE, *Proverbs*, 313. Likewise PLÖGER, *Sprüche*, 58; SCHÄFER, *Poesie*, 149f. For MÜLLER, verses 21–23 are a theological appendix to 5:1–20, opening up an ethico-theological discourse: MÜLLER, *Proverbien 1–9*, 76–79.

²⁴⁵ I already argued above that such a reinterpretation heavily rests on the assumption of a development from ‘secular’ to ‘religious’ wisdom. In my view, Prov 1–9 was theological from its very conception. See DELL, *The Book of Proverbs in Social and Theological Context* and 5.2.6 THE FEAR OF YAHWEH.

formulations.²⁴⁶ PLÖGER on the other hand argues that verses 21–23 do not have a direct connection to the rest of chapter 5 because they do not take up the chapter’s train of thought. I cannot follow this argument since the *peroratio* makes sense as it stands and there are many connections between the *peroratio* and the rest of the lecture.²⁴⁷

Firstly, the ‘father’s statements about the ‘strange’ woman in verse 6 are taken up by the conclusion in verse 21, now in connection with Yahweh.²⁴⁸ “Yahweh sees [...] every person’s way and conduct, unlike the woman who did not see her own path.”²⁴⁹ Prov 5:21 provides Yahweh’s perspective on the unstable ways of the ‘strange’ woman. Moreover, it is not only the wronged husband and the wider community who know about the adultery, but it is Yahweh as well.

Secondly, verse 22 seems to be a bit dislocated since it introduces new thoughts in the context of chapter 5 and does – at first glance – not seem to be related to verse 21. Nevertheless it expresses a common wisdom feature, the “character-consequence relationship.”²⁵⁰ (cf. Prov 1:17f. and 1:31f.) Here again – as in the conclusion to the second part of the *propositio* above – the moral is: ‘you reap what you sow.’ The connection between these two verses is one of contrast. Yahweh is ultimately righteous, being opposed to “iniquities”, the “wicked”²⁵¹ and to “sin”. Thus, the connection between verses 21 and 22 is theological: “the Lord was not only observing the ways of men, he was actively engaged holding men responsible for their deeds.”²⁵² These verses suggest that actions do have consequences and that Yahweh is involved in the character-consequence relationship even if there is no explicit mention of the divine operation.²⁵³

²⁴⁶ See PLÖGER, *Sprüche*, 58.

²⁴⁷ I therefore agree with CLIFFORD’s comments on Prov 5:21–23: “... they form a suitable conclusion to the poem. The final verses reprise several words already used.” (CLIFFORD, *Proverbs*, 72.) MÜLLER proposed a totally different solution. He sees verses 21–22 as the *peroratio* for Prov 4 because these verses take up the metaphor of the way which is very prominent in chapter 4: MÜLLER, *Proverbia 1–9*, 78f. I find his arguments inconclusive since they are far too speculative and are based on form-critical postulates that do not take into consideration the structure of the present text.

²⁴⁸ See above 4.2.2.2 THE FIRST PART OF THE *Propositio*: VERSES 3–6.

²⁴⁹ CLIFFORD, *Proverbs*, 72.

²⁵⁰ L. BOSTRÖM, *The God of the Sages*, 90. I prefer – with BARTHOLOMEW – this term to the more widely used ‘act-consequence’ relationship “because in Proverbs wisdom is about the life of a person as a whole, and not just individual deeds.” (BARTHOLOMEW, *Reading Proverbs*, 11 n.19.) For a detailed study on the principle of (divine) retribution in Proverbs see L. BOSTRÖM, *The God of the Sages*, 90–140.

²⁵¹ I do not think that עַשְׂתָּוּתֵךְ is a gloss because it fits perfectly to its (theological) context.

²⁵² L. BOSTRÖM, *The God of the Sages*, 99.

²⁵³ See ESTES, *Hear My Son*, 33.

Thirdly, since Yahweh knows everything (verse 21) and the wicked gets caught in his own sin (verse 22), it is consistent that folly leads to death (verse 23). With this ultimate conclusion, the *peroratio* reaches a climax that takes up several threads of chapter 5: (1) death is prominent both in the portrayal of the ‘strange’ woman in verse 5 and in the description of the consequences of adultery in verse 11. (2) One of the keywords of the wisdom enterprise, מוֹסֵר (“discipline”) is mentioned both in verse 12 and verse 23. Although the text leaves open – probably deliberately – whether verse 23 refers to the discipline of the ‘father’ or to that of Yahweh, there is a connection between verse 23 and the emphasis on heeding the ‘father’s’ instructions in verses 1, 7 and 13. (3) The verb שָׁנָה (“to be intoxicated”) is used in verses 19, 20 and 23. HALOT states that שָׁנָה with אֵל does not mean “to go astray” but “to stagger because of ... passion ... [or] a foreign woman.”²⁵⁴ Since שָׁנָה is constructed with אֵל in verse 23 I translate here “he is intoxicated by his great folly” in order to reflect the wordplay between verses 19, 20 and 23. This joins the overall conclusion of lecture VIII. Thus, I agree with FOX who writes: “The third saying [*i.e.*, the *peroratio*] is a capstone summing up the principle of the lesson: the sinner is self-destructive.”²⁵⁵

4.2.2.3 Adultery in Prov 5

Although adultery as such is not mentioned in chapter 5, the ‘strange’ woman (verses 3 and 20), the strong death language – especially in the first part of the *propositio* (verses 3–6) – and the explicit love language in its third part (verses 15–20) underline that the overall theme is adultery. The lack of discipline – one of the key themes in the fictional retrospect (verses 12–14) – is taken up in verse 23 and also connected to death. Thus, Prov 5 picks up the theme of Prov 2:16–19 with a special emphasis on the dire consequences of adultery. The dreadful, lethal consequences of adultery shortly raised in Prov 2:16–19 are thus vividly described in Prov 5.

In my view, this emphasis on death as ultimate consequence of adultery cannot solely be understood as hyperbolic. Verse 14b most probably alludes to a court procedure, implying the penalty for a substantiated charge of adultery: death.²⁵⁶ Prov 5 is wooing the ‘sons’ to adhere to their ‘father’s’ instructions in order to escape the

²⁵⁴ HALOT, 1413. HALOT, however, follows PLÖGER, *Sprüche*, 53 and 58 and renders שָׁנָה in Prov 5:23 with “to stray”, without considering that it is also constructed with אֵל, as in Prov 5:19 and 5:20. In my view, RELB translates more appropriately: “... und in der Größe seiner Narrheit taumelt er dahin.” (Prov 5:23, cf. RELB’s 5:19)

²⁵⁵ FOX, *Proverbs 1–9*, 204.

²⁵⁶ For further details see below, 4.3.1 THE DEATH PENALTY.

definite lethal consequence of adultery. In this quite vivid and hard-hitting teaching the ‘sons’ are also encouraged to enjoy the pleasures of sex within marriage, in its proper place.

4.2.3 Proverbs 6:20-35

Proverbs 6:20–35 is the ninth lecture of Prov 1–9. It is connected thematically to Prov 5 and Prov 7. This thematic sequence is apparently interrupted by Prov 6:1–19, four short episodes on different topics. WHYBRAY lists them as “miscellaneous teaching material.”²⁵⁷ FOX calls this section “four epigrams on folly and evil”.²⁵⁸

- (1) Epigram i: Loan Guarantees (verses 1–5)
- (2) Epigram ii: Sloth and Industry (verses 6–11)
- (3) Epigram iii: The Good-for-Nothing (verses 12–15)
- (4) Epigram iv: What the Lord Loathes (verses 16–19)

PLÖGER argues that the four sayings are united in their description of people to be avoided. Thus, their placement between the otherwise continued lectures about the ‘strange’ woman (lecture VIII–X) could well be deliberate. It shows that the warnings against the sluggard and the wicked man are as important as the warnings against the ‘strange’ woman.²⁵⁹

I understand Prov 6:1–19 as a purposeful *intermezzo on foolishness*. On one hand it allows the reader a break from the topic of adultery and the ‘strange’ woman. On the other hand, Prov 6:1–19 also prepares the reader for a reprise of the topic of adultery by portraying foolish behaviour since adultery is utter foolishness: “he who does it destroys himself” (Prov 6:32). Self-destruction is the ultimate result of a life-style of foolishness. Thus, although Prov 6:1–19 seem to be an interruption of the series of warnings against adultery in Prov 5, 6:20–35 and 7, there is a thematic coherence in the topic of foolishness, adultery being portrayed as the most foolish of all acts.

²⁵⁷ WHYBRAY, *Composition*, 12.

²⁵⁸ FOX, *Proverbs 1–9*, 210.

²⁵⁹ See PLÖGER, *Sprüche*, 66.

4.2.3.1 The Structure of Proverbs 6:20-35

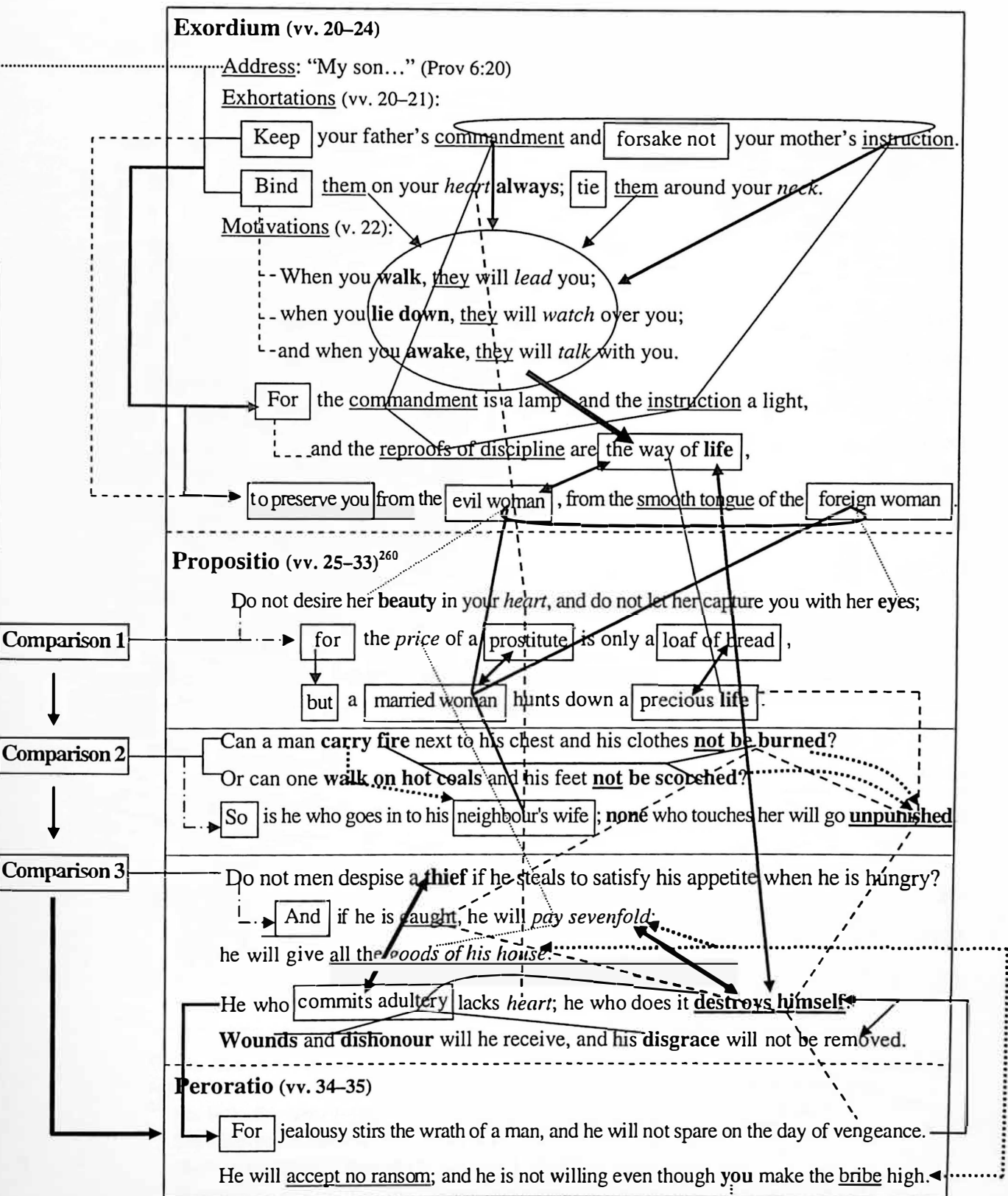


Diagram 28: The Structure of Proverbs 6:20-35

²⁶⁰ MÜLLER sees two analogies in the *propositio*, of fire and of theft: *Proverbia 1-9*, 120. I would rather speak of three comparisons because the setting of the price of the prostitute is contrasted – and thus in a way compared – to the “precious life” of the adulterer.

There are different proposals to structure lecture IX. The following diagram shows the results of four major commentaries on Proverbs:

Author	<i>Exordium</i>	<i>Propositio</i>	<i>Peroratio</i>
CLIFFORD ²⁶¹	20–24 (without verse 22)	25–35	./.
FOX ²⁶²	20–24	25–33	34–35
MEINHOLD ²⁶³	20–23	24–32	33–35
VAN LEEUWEN ²⁶⁴	20–23	24–35	./.

Diagram 29: Proposals for the Structure of Proverbs 6:20–35

I basically keep to FOX's structural proposal. In my view, lecture IX has a clear structure: the *exordium* consists of an address with four exhortations and three motivations which leads to the statement of the lecture's theme: the contrast between the way of life and adultery (verses 20–24).²⁶⁵ This is followed by the *propositio* which gives three comparisons to explain that the 'strange' woman is a married woman as well as to underline the consequences of adultery (verses 25–33). The *peroratio* strongly emphasises the certain punishment for adultery (verses 34–35). It is not a classical *peroratio* which has led MÜLLER to conclude that lecture IX simply has no *peroratio*.²⁶⁶ In my view, Prov 6:34–35 still underlines the main message of the lecture and thus serves to conclude it – like a *peroratio*.²⁶⁷

Several scholars see a problem with Prov 6:22 which undoubtedly is a difficult text. I already mentioned and refuted SKEHAN's proposal to take Prov 6:22 from its place in the MT, putting it between 5:19 and 5:20, mainly because of the incongruence of number between Prov 6:21 and 6:22.²⁶⁸

A second proposal to account for the incongruence of number comes from TOY. He suggests exchanging 6:22 and 6:23²⁶⁹ because the latter has got *מִצְוָה* ("commandment") and *הוֹרָה* ("instruction") both in feminine singular form (as v. 22).

²⁶¹ See CLIFFORD, *Proverbs*, 79. Cf. MAIER, *Die 'fremde' Frau*, 145; MÜLLER, *Proverbien 1–9*, 120 and MURPHY, *Proverbs*, 37, although in contrast to CLIFFORD they take verse 22 as it stands.

²⁶² See FOX, *Proverbs 1–9*, 236.

²⁶³ See MEINHOLD, *Sprüche*, 117. Cf. PLÖGER, *Sprüche*, 71.

²⁶⁴ See VAN LEEUWEN, "Proverbs", NIB, vol. 5, 79–81.

²⁶⁵ See the *exordium* of Prov 7:1–5 where the theme of the lecture is stated as well at the end (verse 5).

²⁶⁶ See MÜLLER, *Proverbien 1–9*, 119. See also VAN LEEUWEN who understands Prov 6:30–35 as one coherent passage – thus being part of the *propositio* – which compares adultery to thievery, pointing out the "inevitable disaster that awaits the adulterer." (VAN LEEUWEN, "Proverbs", NIB, vol. 5, 80f.)

²⁶⁷ See FOX, *Proverbs 1–9*, 236. For a detailed argument how Prov 6:34–35 relate to the preceding verses see my discussion below.

²⁶⁸ See my discussion of Prov 5:19–20 above.

²⁶⁹ See TOY, *Proverbs*, 133f. Similarly and more recently: FOX, *Proverbs 1–9*, 227–230.

Additionally he omits the third line in 6:22 because of its “present unsymmetrical form.”²⁷⁰ This reflects the ‘old’ school of exegetes in biblical Hebrew who frequently emended texts for metrical reasons. In my view, such a thoroughgoing emendation is unnecessary since the feminine singular forms in Prov 6:22 can very well pick up the parental instruction from verses 20–22 as a singular unit.²⁷¹

A third proposal dealing with the problem of Prov 6:22 comes from MÜLLER. He does not take the incongruence of number as starting point but mentions that verse 22 interrupts the context of verses 21 and 23. Therefore, he argues that verse 22 is a later addition to the text.²⁷² In difference to MÜLLER I believe that verse 22 belongs where it stands since it makes sense in its context.²⁷³

Another difficulty in Prov 6:20–35 consists in verse 24: does it belong to the *exordium* or to the *propositio*? SCHÄFER takes verse 24 as belonging to the *propositio*, mainly because it introduces a new theme – that of the ‘strange’ woman.²⁷⁴ To support his argument, he reconstructs the structure of Prov 6:20f., 23 and 24–26 where he finds a “Lehrgedicht mit zwei antithetischen Strophen zu je drei Versen.”²⁷⁵ The problem with his reconstruction simply lies in the fact that he takes verse 22 as a later insertion that does not fit into its context. On the grounds of this assumption it is little surprising that he arrives at a different structure. In my view, verse 24 belongs to the preceding verses because of syntactic reasons (infinitive with pre-fixed לִּבְּ) and the frame it forms with verse 21.²⁷⁶ Verse 24 thus stands at the end of the *exordium*, introducing the main theme which is then developed through the rest of the lecture.²⁷⁷

4.2.3.2 The Content of Proverbs 6:20–35

4.2.3.2.1 The Exordium: Verses 20–24

The ninth lecture starts off – apart from the classical address (“My son...”, verse 20) – with four exhortations in verses 20 and 21. These are two couplets that stand in

²⁷⁰ TOY, *Proverbs*, 135.

²⁷¹ See PLÖGER, *Sprüche*, 69 and MURPHY, *Proverbs*, 36. It is obvious that the text is somewhat awkward but this nevertheless does not justify unsubstantiated re-locations of verses or their omission.

²⁷² See MÜLLER, *Proverbia 1–9*, 123. Cf. MCKANE, *Proverbs*, 327 and SCHÄFER, *Poesie*, 179.

²⁷³ See my further arguments for the originality of the MT below.

²⁷⁴ See SCHÄFER, *Poesie*, 173.

²⁷⁵ *Ibid.*, 180.

²⁷⁶ See my discussion of the passage below.

²⁷⁷ See MAIER, *Die ‘fremde’ Frau*, 141. I already mentioned a further argument above, a parallel usage in Prov 7:5 where the main theme is introduced at the end of the *exordium* as well.

parallelism to each other. In verse 20, the *מִצְוָה* (“commandment”) of the father is paralleled to the *תּוֹרָה* (“instruction”) of the mother. Already in Prov 1:8 the ‘son’ is urged not to forsake the *תּוֹרָה* of his mother. This hints to the original setting of the instructions, within the context of the family. The reference to the teaching of both the father and the mother is “unique to Hebrew wisdom literature in comparison with the ancient literature of Egypt and Mesopotamia.”²⁷⁸ Although *מִצְוָה* (“commandment”) and *תּוֹרָה* (“instruction”) are technical terms in the legal texts of the Old Testament, designating the (instruction in the) law,²⁷⁹ in Proverbs they are also technical terms for the instruction of the parents.²⁸⁰ In verse 21, two metaphors are used – standing in synonymous parallelism – to exhort the ‘son’ to keep as close as possible to the instructions of his parents. This closeness to the instructions is further exemplified in verse 22. This is the main argument for the coherence of the text as it stands: both verses relate to verse 20 and continue the train of thought.

Diagram 28 visualises how verse 22 is a focal point for verses 20 and 21, leading to verse 23, thus making a statement about “the way of life.” This still leaves open an explanation for the incongruence of number in Prov 6:21 and 6:22. MÜLLER suggests to read verse 22 as a *constructio ad sensum* taking up the main thought of the preceding verses: “Als Subjekt ist dann etwa *חכמה* ‘Weisheit’ zu denken, die *מִצְוָה* ‘Gebot’ und *תּוֹרָה* ‘Weisung’ gedanklich ersetzt.”²⁸¹ Thus, verse 22 either refers to ‘wisdom’ – as MÜLLER and MEINHOLD suggest – or to the teaching of the parents as a whole – as suggested by PLÖGER and MURPHY.²⁸² In my view, the latter is more probable since it is less abstract.

MURPHY points out that Prov 6:20–22 closely parallels the opening verses of the *exordia* in Prov 3:1–3 and Prov 7:1–3.²⁸³ This becomes evident when one compares the parts of these texts describing the instructions:

²⁷⁸ ESTES, *Hear My Son*, 32.

²⁷⁹ See NIDOTTE, vol. 2, 1070 (*מִצְוָה*) and vol. 4, 893–898 (*תּוֹרָה*).

²⁸⁰ See Prov 1:8; 2:1; 3:1; 4:2; 6:20, 23; 7:1–2 etc. For a closer evaluation of these two terms in context of the connection of wisdom and law see 5.3.4 THE PEDAGOGY OF PROVERBS 1–9 AND DEUTERONOMY.

²⁸¹ MÜLLER, *Proverbia 1–9*, 123. Cf. MEINHOLD, *Sprüche*, 117.

²⁸² See my comments on the structure of Prov 6:20–35 above. Cf. PLÖGER, *Sprüche*, 69 and MURPHY, *Proverbs*, 36.

²⁸³ MURPHY, *Proverbs*, 38.

... bind them around your neck; write them on the tablet of your heart. (Prov 3:3)

... bind them on your fingers; write them on the tablet of your heart. (Prov 7:3)

²¹ Bind them on your heart always; tie them around your neck.

²² When you walk, they will lead you;

when you lie down, they will watch over you;

and when you awake, they will talk with you. (Prov 6:21–22)

FOX notes that in non-metaphorical terms, the verbs employed in verse 22 reflect the internal dialogue going on in the mind of the ‘son’. Thus, the way of wisdom is a way to discover the voice of wisdom in everyday life, “like a faithful companion [...] near to us at all times” which protects from harm and provides “worthy and valuable thoughts.”²⁸⁴ FOX thus lucidly points out what the instructions are about.

MAIER argues that the calls to internalise the instructions of both parents – and thus wisdom herself – in Prov 3:3; 6:20–22 and 7:3 cannot be understood without the background of Deuteronomy 6:6–9 and 11:18–21.²⁸⁵

⁶ And these words that I command you today shall *be on your heart*. ⁷ You shall teach them diligently to your children, and shall *talk of them* when you sit in your house, and *when you walk* by the way, and *when you lie down*, and when you rise. ⁸ You shall *bind them* as a sign on your hand, and they shall be as frontlets between your eyes. ⁹ You shall *write them* on the doorposts of your house and on your gates. (Deut 6:6–9)²⁸⁶

In my view, the congruence in vocabulary reflects a connection between Deuteronomy and Proverbs 1–9. I take these verses as a further argument for the unity of 6:20–22: in the context of Deuteronomy 6:6–9 and 11:18–21 verse 22 fits perfectly to verse 21. It seems to be very difficult indeed to argue that 6:22 should be placed after 5:19, then referring to the *wife* of a man (“When you walk, she will lead you...”) as SKEHAN and CLIFFORD propose.²⁸⁷

²⁸⁴ FOX, *Proverbs 1–9*, 229.

²⁸⁵ See MAIER, *Die ‘fremde’ Frau*, 154.

²⁸⁶ Italics mine. WEINFELD explains that the permanent attachment of the seal, a diadem, the necklace or of breast ornaments to the body is the background of these verses. See WEINFELD, *Deuteronomy and the Deuteronomistic School*, 300.

²⁸⁷ See SKEHAN, “Proverbs 5:15–19 and 6:20–24”, 1–8 and CLIFFORD, *Proverbs*, 68f. See my discussion above: **2.3.1 THE STRUCTURE OF PROVERBS 6:20–35**.

Since there is a literary connection between Prov 6:20–23 and Deuteronomy 6:6–9 and 11:18–21, this raises the question of the relationship between wisdom instruction and legal instruction. Both reflect

- (a) Parental instruction
- (b) Parallel construction
 - i) they employ similar words (*talk, walk, lie down, bind, write*)
 - ii) they are understood as a matter of the heart, the inner person
 - iii) they are both commanded²⁸⁸
 - iv) they are both presented as very important
 - v) they both have a protective aspect²⁸⁹

Consequently, MAIER points out that the commandments of the father and the instructions of the mother in Proverbs 3, 6 and 7 stand in analogy to the commandments of Yahweh, given through Moses.²⁹⁰ KIDNER points out that the “parental rules and maxims of [Prov 6:] 20 are regarded as expressions of the absolute, divine law [in verse 23].”²⁹¹ Last but not least, MÜLLER – who sees Prov 6:22 as a later insertion – argues that the relation between Prov 6:20–22 and Deut 6 and 11 can only be understood if one equates wisdom and law, as in Sir 24.²⁹²

It is noteworthy that both the Deuteronomic instructions and the instructions in Proverbs have their primary *Sitz im Leben* in the teaching of the parents. This certainly is not a proof that schools did not exist or that they were unnecessary, but it at least underlines the importance of the instruction within the family in Old Testament times. FOX puts the message of Prov 6:20–22 in a nutshell by stating that “the teaching must permeate your entire life.”²⁹³ The continued internalisation of

²⁸⁸ In Deut 6:1 and 11:13 it is the מצוה (“commandment”) to which the “words” in both 6:6 and 11:18 refer. In Prov 6:20 it is the מצוה אב (“father’s commandment”) and in 6:23 the מצוה is called a “lamp”.

²⁸⁹ Regarding Proverbs 6:20–22, I already mentioned the protective effect of the internalisation of the wisdom instructions. Deuteronomy 11:21ff. add to the command of instruction the promise of the land and the protection from enemies: “²²that your days and the days of your children may be multiplied in the land that the LORD swore to your fathers to give them, as long as the heavens are above the earth. [...] ²⁴Every place on which the sole of your foot treads shall be yours. [...] ²⁵No one shall be able to stand against you.”

²⁹⁰ See MAIER, *Die ‚fremde‘ Frau*, 156. Similarly, VAN LEEUWEN writes that “v. 23a helps to evoke the divine *tôrâ* underlying the parental *tôrâ*.” (VAN LEEUWEN, “Proverbs”, NIB, vol. 5, 80.)

²⁹¹ KIDNER, *Proverbs*, 73.

²⁹² See MÜLLER, *Proverbia 1–9*, 124. Sir 24 is a poem in which personified Wisdom praises herself (Sir 24:1) and states: “²²Whoever obeys me will not be put to shame, and those who work with me will not sin. ²³All this is the book of the covenant of the Most High God, the law that Moses commanded us as an inheritance for the congregations of Jacob.” (NRSV) Thus, wisdom and law are here explicitly equated. See my discussion in 5.3.5 THE PARTIAL EQUATION OF WISDOM AND LAW IN DEUTERONOMY 4:5–8.

²⁹³ FOX, *Proverbs 1–9*, 230.

instructions or important sayings is a key to Old Testament learning which continually permeates “the whole of existence.”²⁹⁴ The ‘writing/binding on the heart’ is to be understood as “internalization of outward requirement.”²⁹⁵ In contrast to the general modern understanding of ‘heart’ as the primary place for emotions, it designates in the Old Testament the centre of the person, the inner person, thus the “locus of a person’s will, thought [...], and feeling.”²⁹⁶

Being immersed in the instructions also has a protective aspect. MILLER argues that “the series of verbs for walking, lying, and waking [...] manifests what appears to be apotropaic [= protective] imagery.”²⁹⁷ Similarly, FOX portrays the parental teaching as a *substitute* for an amulet that protects from harm. He underlines that it is not literally an amulet but in the figurative sense.²⁹⁸ Thus, the active pursuit of wisdom has a protective effect.

Verse 23 starts with a כִּי (“for, because”). Formally, it refers to what has been stated in the preceding verses. This is underlined by its content since it takes up the emphasis on the instruction of the parents in verse 20 through the repeated use of both מִצְוָה (“commandment”) and תּוֹרָה (“instruction”), thus forming a frame. The first half of verse 23 employs metaphors reminiscent of Ps 119:105:²⁹⁹

For the commandment is a *lamp* and the instruction a *light*... (Prov 6:23a)

Your word is a *lamp* to my feet and a *light* to my path. (Ps 119:105)³⁰⁰

MEINHOLD writes: “Dem weisheitlichen Gebot wird dieselbe Eigenschaft zuerkannt, die das göttliche Wort besitzt (Ps. 119,105).”³⁰¹ In Ps 119 it is the word of God

²⁹⁴ ESTES, *Hear My Son*, 147.

²⁹⁵ MCCONVILLE, *Deuteronomy*, 142.

²⁹⁶ VAN LEEUWEN, “Proverbs”, NIB, vol. 5, 60.

²⁹⁷ Patrick D. MILLER, “Apotropaic Imagery in Proverbs 6,20–22”, *JNES* 29, 1970, 130.

²⁹⁸ See FOX, *Proverbs 1–9*, 228f. PLÖGER writes similarly that the instructions of the parents should be worn as a “kostbares Schmuckstück”: *Sprüche*, 69.

²⁹⁹ MÜLLER argues that the topical pair of “light” and “lamp” can be found elsewhere as well, in Exod 25:37; Num 8:2; Jer 25:10; Ps 18:29; Prov 13:9; Job 18:6; Job 29:3. (MÜLLER, *Proverbien 1–9*, 125.) Therefore, he suggests that there is no special connection between Prov 6:23 and Ps 119:105. But the first two passages of his list employ the *verb* אָוֵר (“to be light, become light”), not the noun. The remaining six examples (including Prov 6:23) employ the pair in a few different ways: as subject (Job 18:6; Prov 13:9), object (Jer 25:10) or both (Job 29:3, one subject, one object). Ps 119:105 and Prov 6:23 employ אָוֵר (“light”) and נֵר (“lamp”) in a unique way, as a *metaphorical predication* (“Your word is ...” or “the commandment is...”). Thus, in my view, there is a special connection between Prov 6:23 and Ps 119:105.

³⁰⁰ The same imagery – though rather for the presence of God than for his word – is used in Job 29:2–3: ² “Oh, that I were as in the months of old, as in the days when God watched over me, ³ when his *lamp* shone upon my head, and by his *light* I walked through darkness...”

³⁰¹ MEINHOLD, *Sprüche*, 118.

acting as lamp and light. In Prov 6:23a it is the instruction of the parents which is underlined by the use of the מוֹסָר הוֹכָחוֹת (“reproofs of discipline”).³⁰² These refer primarily to the discipline of the ‘father’ or the parents.³⁰³

I already pointed out in the introduction to this chapter that the wisdom enterprise has two aspects: it is both a human acquisition and a divine gift. Thus, theologically the gift of wisdom (by God) and the gift of God’s word are connected because they both refer to the same source. Both in Deuteronomy 6 and 11 as well as in Proverbs 1–9 the instruction of the parents does not only consist of their own experiences but also of the revelation they have received from God. In Deuteronomy it is the revelation that came from Yahweh through Moses to the people of Israel, in Proverbs it is both the experiential as well as the divine wisdom that the parents had stored up throughout their lives – through their own lives as well as through the instruction of *their* parents (cf. Prov 4:3–9). Thus, in my view the equation of wisdom and law is not an invention of Ben Sira but inherent in the wisdom enterprise itself.³⁰⁴ This is made explicit in the so-called maxim of wisdom:

The fear of Yahweh is the beginning of knowledge;
fools despise wisdom and discipline.
(Prov 1:7; cf. Prov 9:10; Job 28:28; Ps 111:10)³⁰⁵

The ultimate aim of all wisdom instruction is the practice of living a wise life, a life-style, the דְּרֵךְ הַיִּים (“way of life”, Prov 6:23). The דְּרֵךְ הַיִּים is contrasted both with the way of adultery that leads to destruction (verse 32) and with the אִשָּׁה רָעָה (“evil woman”, verse 24). The MT is difficult here. Several proposals have been made:

- (1) The BHS proposes to change אִשָּׁה רָעָה (“evil woman”) to אִשָּׁה זָרָה (“strange woman”) as in Prov 2:16 and 7:5. This would obviously smooth out the difficulty with the text. But it would also imply three scribal errors which is rather unlikely.³⁰⁶

³⁰² Since “commandment” and “instruction” are used synonymously in Proverbs 1–9 (see APPENDIX 2), both are “lamp” and “light”, as is the word of God in Ps 119:105.

³⁰³ See my discussion of Prov 5:12 and 5:23 above.

³⁰⁴ See my further comments in 5.3.5 THE PARTIAL EQUATION OF WISDOM AND LAW IN DEUTERONOMY 4:5–8.

³⁰⁵ See also 5.2.6 THE FEAR OF YAHWEH.

³⁰⁶ (i) From אִשָּׁה to אִשָּׁה which is quite likely and (ii-iii) from זָרָה to רָעָה. The last change is rather unlikely since both the *heth* must have been replaced by an *ayin* and the *zaiyn* got completely lost.

(2) VAN LEEUWEN argues that אִשְׁתֵּי רָע should be read אִשְׁתֵּי רָע (“wife of another/neighbour”). G. BOSTRÖM points out that רָע always has a pronominal suffix when it refers to the wife of a neighbour.³⁰⁷ Thus, it should be read: אִשְׁתֵּי רָעֶךָ³⁰⁸ and cannot be read אִשְׁתֵּי רָע. Since the parallel in Prov 6:29 identifies the אִשְׁתֵּי רָע with the אִשְׁתֵּי רָעוֹהוּ, I would keep to the *lectio difficilior* – it makes sense as it stands.

(3) FOX thus proposes to read אִשְׁתֵּי רָעֶךָ (“your neighbour’s wife”), arguing that the final *kaph* (ך) fell away through a scribal error since the following *mem* (מ) is quite similar to it.³⁰⁹ In my view, this is rather unlikely. TOV notes that *kaph* and *mem* are easily confused – but he refers to the ‘normal’ writing (thus מ is confused with כ), not the final *kaph* (ך).³¹⁰ Moreover, it seems to me more likely that the difficulty of the text would have been smoothed out – especially with the parallel in verse 29 – than ‘produced’. Thus, in my view the formulation of the MT takes up the theme of רָע (“evil”) in Prov 2:14³¹¹ and 5:14 and is part of the imagery that contrasts “the way of evil” with the “way of wisdom” in the Book of Proverbs.³¹²

If the ‘son’ keeps (נִצָּר, verse 20) to the wisdom instruction he will be under protection (שָׁמֵר, verse 24) from the evil woman (אִשְׁתֵּי רָע). Since נִצָּר is equivalent in semantic value to שָׁמֵר,³¹³ the result is both a wordplay in Hebrew – “guard” and “to be guarded” – in verses 20 and 24, forming a frame for the *exordium*.³¹⁴ The danger of Prov 6:24 is already well-known to the ‘son’: it is the ‘strange’ woman with her “smooth tongue.”³¹⁵ Prov 7 emphasises that the ‘strange’ woman knows how to use words to achieve her goals. Thus, it is a mixture of her beauty and glances (6:25), her dress (7:10) and her speech (2:16; 5:3; 6:24 and 7:5) that is so deceptive – vividly portrayed by the ‘father’ as a deadly trap.

³⁰⁷ G. BOSTRÖM, *Proverbiastudien*, 143f.

³⁰⁸ See Exod 20:17 (אִשְׁתֵּי רָעֶךָ); Deut 5:21 (אִשְׁתֵּי רָעֶךָ); Deut 22:24 (אִשְׁתֵּי רָעוֹהוּ); Jer 5:8 (רָעוֹהוּ אִשְׁתֵּי); Ezek 18:6, 11, 15, 22:11 and 33:26 (all אִשְׁתֵּי רָעוֹהוּ); Prov 6:29 (אִשְׁתֵּי רָעוֹהוּ).

³⁰⁹ See FOX, *Proverbs 1–9*, 230.

³¹⁰ See TOV, *Textual Criticism*, 248f.

³¹¹ See MEINHOLD, *Sprüche*, 118.

³¹² See the APPENDIX 2.

³¹³ See NIDOTTE, vol. 3, 148 and FOX, *Proverbs 1–9*, 191.

³¹⁴ The protective function of the wisdom instructions in connection with adultery is also found in 2:16 and 7:5. It lies at the very heart of the instructions to protect the ‘son’ from (any) harm by living a wise life.

³¹⁵ Cf. Prov 2:16; 7:5, 21. MEINHOLD points out that the smoothness has two (negative) directions: in connection with the woman it describes the ease of seduction and in relation to the man it hints at how easily he might slip and fall. See MEINHOLD, *Sprüche*, 118.

The *exordium* thus gets the attention of the reader by emphasising that what now follows is *really important*. Furthermore, it introduces the main theme of the lecture: the warnings against the ‘strange’ woman and – as will become evident throughout the lecture – against adultery.

4.2.3.2.2 The *Propositio*: Verses 25–33

In my view, the *propositio* consists of three comparisons dealing with the consequences of adultery:

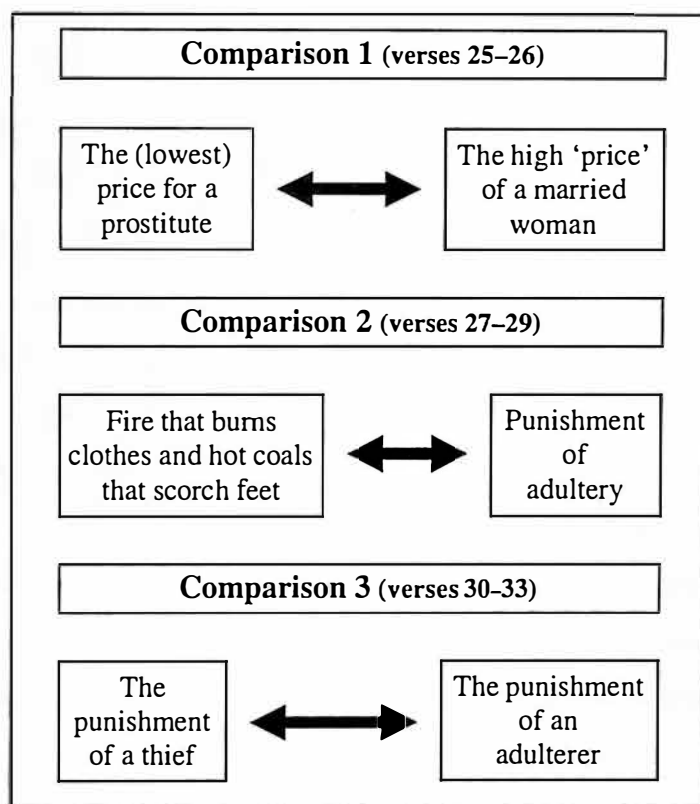


Diagram 30: Three Comparisons in the *Propositio* of Proverbs 6

The first comparison starts off with a negated jussive: אַל-תִּחְמֹד (“Do not desire...”). This is a parallel to the tenth commandment, the ‘wisdom variant’ of לֹא תִחְמֹד (“Do not desire...”, Exod 20:17 and Deut 5:21).³¹⁶ It expresses a “*specific or immediate prohibition*.”³¹⁷ This section thus takes up the imperative mood of verse 20 and marks a new passage.³¹⁸ A second negated jussive – וְאַל-תִּקְדָּח (“and do not let her

³¹⁶ See Wolfgang RICHTER, *Recht und Ethos: Versuch einer Ortung des weisheitlichen Mahnspruches*, Studien zum Alten und Neuen Testament 15, München: Kösel, 1966, 71. RICHTER points out that אַל + jussive – he calls it vetitive – is the typical use for a negated jussive in Proverbs. Although I do not agree with his form-critical judgments, RICHTER’s contribution is still important and influential. In my view, since the vetitive (to use RICHTER’s term) is typical of wisdom, Prov 6:25 parallels the Decalogue, in a wisdom-like manner.

³¹⁷ *A Guide to Biblical Hebrew Syntax*, 130. (italics original)

³¹⁸ Cf. CLIFFORD, *Proverbs*, 80.

capture you”) – in the second half of the verse forms a synonymous parallelism to which the comparison in the following verse is subordinated through the use of כִּי (“for, because”).

Verse 25 talks about the beauty and the seductive power of the ‘strange’ woman. Verse 25a thereby focuses on the inward motivation of the ‘son’. חָמַד (“desire”) in most cases gives expression to “an emotion which leads to a commensurate action.”³¹⁹ The place of the ‘son’s’ desire is his heart – understood as seat of *emotio* and *ratio*. Elsewhere in Prov 1–9, he is called to *guard* his heart (Prov 4:23) or to have his parents’ instruction bound on his heart, as a protection from harm (Prov 6:21). Whenever he desires a ‘strange’ woman, the ‘son’ loses that very protection. He becomes vulnerable, not by any action on behalf of the ‘strange’ woman but through himself, from the *inside*, the desire of his heart. This does not mean that the ‘strange’ woman is passive, but verse 25a primarily aims at the ‘son’s’ (re-)action.

Verse 25b focuses on the seductive power of another man’s wife. It is *her* intention to capture the ‘son.’³²⁰ Her “eyes”³²¹ look in a special way in order to catch the young man. She makes eyes at him, deliberately. It might sound a bit unfair to suspect every wife of being out to catch other men. In my view this is not what these texts are about. Rather, the teaching of the ‘father’ is given in order to protect the ‘son’ from getting entangled by any ‘strange’ woman. Even if he caught a glance of another man’s wife that was not loaded with a special, sexual intention, it is up to him to react appropriately – by both staying far away from that woman (*cf.* Prov 5:8 and 7:8) and guarding his heart (*cf.* Prov 4:23).

The first comparison in verse 26 is textually difficult. Its interpretation depends on the little word בְּעַר in the first half of the verse.³²² FOX translates it “for”:

“because for [*b^e’ad*] a harlot – up to [*’ad*] a loaf of bread.”³²³

BERGER translates it “behind”:

“Denn hinter einer Frau, hure(nd) bis zu einem Rundlaib Brot...[jagst du her]”³²⁴

³¹⁹ CHILDS, *Exodus*, 427.

³²⁰ “... the seductions of a woman (lit., eyelids) capturing a man.” (*NIDOTTE*, vol. 2, 815.)

³²¹ This is *HALOT*’s rendering which I agree with because it is not just about long or nice eyelashes but about a certain kind of seductive glance: see *HALOT*, 861. *Cf.* Sir 26:9: “The haughty stare betrays an unchaste wife; her eyelids give her away.” (NRSV) Although the eyelids are mentioned here, in my view this verse underlines that it is her glances which betray her.

³²² For a recent and detailed summary of the different positions see MÜLLER, *Proverbien 1–9*, 126–129.

³²³ FOX, *Proverbs 1–9*, 232.

HALOT renders it “price”:

“for the price of a prostitute is only a loaf of bread.”³²⁵

In my view, *HALOT*’s rendering is to be preferred because it establishes the comparison in verse 26. Two alternative interpretations of the bread’s small price have been given: either one ruins oneself by going to prostitutes – thus it would refer to one’s own poverty – or it designates the wages of a prostitute – which would then be very little.³²⁶ In my view the latter option is more likely: it is the price for the prostitute that is meant, which is contrasted with the most precious price one can give, one’s own life (verse 26b).³²⁷ This interpretation finds support in one of the oldest adaptations of Prov 6:26:

A prostitute is regarded as spittle, and a married woman as a tower of death to her lovers. (Sir 26:22, NRSV)

Prov 6:26a is not concerned with prostitution but takes it “as a rhetorical foil to the main point, adultery.”³²⁸ Thus, the costs for a prostitute are deliberately downplayed as an antithesis to verse 26b:

... but a married woman hunts down a precious life.

צַוּר (“hunt for”) expresses deliberate action, thus mirroring verse 25b where the action is the woman’s. To hunt for a life – נִפְּשׁ – has a parallel in Ezek 13:17–23 where false prophetesses are accused of hunting souls, involving a “magical apparatus to hunt souls.”³²⁹ FOX takes this parallel and points out that the use of the phrase ‘hunting souls’ in Prov 6:26 “is suggestive of sorcery. The woman is not only a murderer; she wishes to *trap* and bind the boy’s life, as the witches in Ezekiel do their victims.”³³⁰ In my view, this is too far-fetched. Nowhere in Prov 6:20–35 sorcery is alluded to (in contrast to Ezek 13). Moreover, the use of ‘hunting souls’ in

³²⁴ BERGER, “Zum Huren bereit”, 101. For a lucid refutation of BERGER’s exegetical proposal see FOX, *Proverbs 1–9*, 233.

³²⁵ This is ESV’s rendering. See *HALOT*, 141.

³²⁶ See MÜLLER, *Proverbien 1–9*, 128.

³²⁷ This option is taken by most recent commentators. See, for example, FOX, *Proverbs 1–9*, 228; MURPHY, *Proverbs*, 39. VAN LEEUWEN deliberately leaves this open: “If prostitution is costly and damaging, adultery is even more so.” (VAN LEEUWEN, “Proverbs”, NIB, vol. 5, 80.)

³²⁸ CLIFFORD, *Proverbs*, 80.

³²⁹ FOX, *Proverbs 1–9*, 232.

³³⁰ FOX, *Proverbs 1–9*, 232. (italics his) In difference to FOX, I would not call the women in Ezek 13:17–23 “witches” since they are portrayed as false prophetesses (verse 17), seeing false visions (verse 23) and also practicing sorcery.

Ezek 13 is special since there צורר is not employed in the *Qal* but in the *Pi'lel*³³¹ and the captured “souls” are solely referred to in the plural: נפשות (Ezek 13:18 [2x] and 13:20). In my view, it is obvious that the married woman depicted in Prov 6:26 is dangerous because she is on a hunt. But I find it very difficult to see her practicing sorcery to achieve her goals so as to make her even more dangerous – and not just dangerous but *wicked* – than she already is.

The two contrasts between 26a and 26b are “married woman”/“prostitute” and “loaf of bread”/“precious soul”. The use of יקר (“precious”) emphasises the value in contrast to the loaf of bread and refers to everyone, “not only to an eminent man.”³³² The use of hunting – which normally ends with the death of the quarry – and the employment of נפש (“life”) points to the lethal consequence of adultery.³³³ This interpretation finds support in the frequent use of death metaphors in connection with the treatment of adultery in Proverbs 1–9.³³⁴

The second comparison in verses 27–29 consists of two rhetorical questions that evoke a clear answer.³³⁵ All three verses have the same structure: *If you do A, then B ultimately follows*. Verses 27 and 28 employ four different words for ‘fire’ or ‘getting burnt’, thus painting a vivid picture of the unavoidable consequences of getting too close to fire or hot coals. Both verses use active verbs describing the initial situation (‘A’): הִיחַתָּה (“can he take...?”)³³⁶ and אִם־יִהְלֵךְ (“Or can one walk...?”).³³⁷ Both verbs indicate deliberate action. It is folly to either take fire under the outer garment or to walk on hot coals believing that this would not have consequences.³³⁸ Both verses use passive verbs – in the *Niphal* – to describe the

³³¹ See LISOWSKY, *Handkorkordanz*, 1210. The *Pi'lel* is a rather rare form of the *Piel*, of the ע”ו-verbs, see G-K §55d. צורר in the *Pi'lel* reflects the factitive side – ‘the state of being hunted’ – thus it is normally rendered “to capture”. See HALOT, 1010.

³³² FOX, *Proverbs 1–9*, 232.

³³³ See for example the parallel in Prov 7:22f.: “²² All at once he follows her, as an ox goes to the slaughter, or as a stag is caught fast ²³ till an arrow pierces its liver; as a bird rushes into a snare; he does not know that it will cost him his life.” MURPHY writes on Prov 6:26: “The price that one pays for harlotry is as nothing [...] compared to the price for adultery, one’s very ‘life.’” (MURPHY, *Proverbs*, 39.) The inverted commas show that he does not take the death penalty literally. For a detailed argument on the death penalty see below, 4.3.1 THE DEATH PENALTY.

³³⁴ See Prov 2:18–19; 5:5, 14, 23; 6:32 and 7:22f., 27.

³³⁵ FOX, *Proverbs 1–9*, 233.

³³⁶ HALOT translates חָתָה with “to take”: 363. ESV has “to carry”.

³³⁷ HALOT renders the *Piel* of הָלַךְ ... הָלַךְ as “to walk upon”: 247.

³³⁸ MÜLLER argues that חֵיק (“bosom, chest”) is used for two reasons: (1) It is the place where the wife lies (Mic 7:5) and (2) it is the least place where one would carry fire since it immediately burns the clothes. See MÜLLER, *Proverbien 1–9*, 130. CLIFFORD interprets verses 27 and 28 as alluding to sexuality. Thus, he takes חֵיק as referring to the sexual act (*cf.* Prov 5:20b) and the “feet” as “euphemism of the male genitals.” (CLIFFORD, *Proverbs*, 80.) But such an ‘overdose of meaning’ is

consequences in the second half of the verses (‘B’): תִּשְׂרַפְּנָה (“they [his garments] be burned”) and תִּכְוִינָה (“they [the feet] be scorched”). FOX writes about the pedagogical aim of these two rhetorical questions: “The reader is to recognize in them the rule that one cannot avoid the natural consequences of his actions.”³³⁹ PLÖGER rightly adds that verses 27–28 illustrate the absurdity of the actions described.³⁴⁰

Verse 29 starts with כֵּן (“So...”), making the comparison explicit: Anyone who has sexual intercourse³⁴¹ with his neighbour’s wife is like someone carrying fire or walking on hot coals. The ensuing consequence of adultery, however, is not being burnt but being *punished*. נָקָה in the *Niphal* means “to remain blameless”³⁴² of guilt and punishment, thus literally rendering verse 29b: “no one who touches her remains blameless” – and thus goes unpunished. לֹא יִנְקָה (“he will not go unpunished”) is used 6 times in Prov 10–29 – always in the same form, as a *Niphal* imperfect 3rd person masculine singular with לֹא.³⁴³ It is either used in the context of a person’s (bad) character that will bring upon him punishment – at least in the end – or in a juridical context, as legal consequence (*cf.* Prov 19:5, 9). It can thus be employed in an “ethical, moral, or forensic sense, denoting the release from an obligation, guilt, or punishment.”³⁴⁴ In Prov 6:29, the emphasis is on the unavoidable punishment which is swift to follow anyone who committed adultery.³⁴⁵ The severity of the consequences in verses 27 and 28 suggests that the punishment is not ethical or moral but rather juridical. Moreover, the comparison with verses 27 and 28 suggests immediate punishment. Since adultery is only punished immediately if the adulterer is caught – like the thief in verse 31 – or if there are witnesses around – like the

not necessary for the comparison that is being made in these verses. In my view, it is the consequence that is described vividly enough, and which is perfectly understandable – even without any sexual allusion.

³³⁹ FOX, *Proverbs 1–9*, 233.

³⁴⁰ PLÖGER, *Sprüche*, 70: “... wollen auf die Unsinnigkeit eines solchen Unterfangens abzielen.”

³⁴¹ FOX interprets בָּוֹא (“to come to”) as a literal approach, making “the admonition all the more uncompromising: Don’t even go *near* her.” (FOX, *Proverbs 1–9*, 233, italics his.) I do not agree with him since the comparison consists not in *coming close* to fire or *nearly* touching hot coals but in actually getting burnt or scorched. Moreover, the sexual context is more than clear within this lecture which naturally implies – as it were – that בָּוֹא is used here in its euphemistic use as “going in to a woman = having sexual intercourse”. As in verses 27 and 28, the deliberate action is emphasised through the use of בָּוֹא.

³⁴² HALOT, 720.

³⁴³ For the passages see the APPENDIX 2.

³⁴⁴ NIDOTTE, vol. 3, 153.

³⁴⁵ MEINHOLD points out that לֹא יִנְקָה in Proverbs is always used without mentioning the exact punishment. He clearly sees its reference to the unavoidable punishment of adultery in Prov 6:29. See MEINHOLD, *Sprüche*, 120.

husband in verse 34 – the context of Prov 6:29 most likely is juridical. Thus, MÜLLER calls the consequence of sexual contact with a married wife “lebensgefährlich.”³⁴⁶

The third comparison (verses 30–33) draws a parallel between the punishment of a thief and that of an adulterer. Here again, the punishment is effected only if the charge of theft can be substantiated. The context is juridical. The interpretation of verse 30 is difficult insofar as it is not clear if it is to be understood as a statement³⁴⁷ or as an unmarked question.³⁴⁸ Thus, there are two possibilities:

(1) “People do not despise a thief if he steals to satisfy his appetite when he is hungry.”³⁴⁹

(2) “Do not men despise a thief if he steals to satisfy his appetite when he is hungry?”³⁵⁰

In the first case, theft because of hunger is some sort of socially tolerated behaviour – although it still gets punished (verse 31). The problem with this rendering is that there is no other case for such an ethos in the Old Testament. To underline this conclusion, MÜLLER quotes Prov 30:9 to show up a text in Proverbs that interprets theft in a quite different manner:³⁵¹

⁸ Remove far from me falsehood and lying; give me neither poverty nor riches; feed me with the food that is needful for me, ⁹ lest I be full and deny you and say, “Who is Yahweh?” or lest I be poor and steal and profane the name of my God. (Prov 30:8f.)

As we can see, in Prov 30:9 theft is looked upon as a (spiritual)³⁵² problem – by someone who is not in the situation to steal because of poverty. The thief in Prov 6:30–31 is in the same situation: he is not a poor person.³⁵³ Otherwise he would not be able to “pay sevenfold” or “give all the goods of his house”, verse 31. Thus, this difficult passage deals with *someone who steals although he has possessions*. He

³⁴⁶ MÜLLER, *Proverbien 1–9*, 130.

³⁴⁷ See CLIFFORD, *Proverbs*, 80f.; FOX, *Proverbs 1–9*, 234; KIDNER, *Proverbs*, 74; MUPRHY, *Proverbs*, 36; PLÖGER, *Sprüche*, 67. Cf. ESV, NRSV and NIV.

³⁴⁸ See Edgar JONES, *Proverbs and Ecclesiastes*, Torch Bible Commentaries, London: SCM Press, 1961, 90; MCKANE, *Proverbs*, 330; MEINHOLD, *Sprüche*, 120; MÜLLER, *Proverbien 1–9*, 132. Cf. RSV, EIN and RELB.

³⁴⁹ ESV.

³⁵⁰ RSV. For the use of unmarked questions in biblical Hebrew see G-K §150a. There are at least two examples of an unmarked question starting with \aleph in the Old Testament: 1 Sam 20:9b and 2 Kings 5:26.

³⁵¹ See MÜLLER, *Proverbien 1–9*, 132. For reasons of context, I quote the passage in total.

³⁵² Prov 30:7–10 constitutes “the only prayer in the book of Proverbs.” (CLIFFORD, *Proverbs*, 262.)

³⁵³ Although Prov 6:30f. has a different background than Prov 30:7–10, both emphasise that theft is not a peccadillo that can be simply overlooked. While Prov 6 focuses on the social consequences of theft (*i.e.*, punishment, restoration), Prov 30 talks about the relationship to God. Both passages thus look from different angles on the same situation.

might be hungry, but his hunger does still not justify theft. I follow MCKANE who writes:

“I am not convinced that the hunger of the thief is mentioned as a mitigating factor [...]. It is, rather, his undisciplined impulsiveness on which attention is focused, and the intention is then not to justify his action because of hunger, but to censure him for supposing that he can break into a house to ‘satisfy his appetite’.”³⁵⁴

Nowhere in the Old Testament theft is looked upon as a negligible trespass. The extant law texts on theft emphasise its punishment.³⁵⁵ MÜLLER argues rightly that a leniency towards theft – as proposed by FOX³⁵⁶ – would be contrary to the Old Testament’s attitude towards the subject.³⁵⁷

The second case – to take verse 30 as an unmarked question – assumes that people despise a thief *even if* he steals because of a temporarily felt need like hunger. This rendering does not contradict other Old Testament passages on theft. FOX’s main argument against the understanding of verse 30 as a question is that it “weakens the contrast between the lesser and worse evil.”³⁵⁸ According to FOX, the contrast is stronger since theft because of hunger is somehow socially accepted and still gets punished. How much more will adultery get punished, a “crime that arouses universal revulsion.”³⁵⁹ In my view, FOX’s argument has got a flaw: if adultery really aroused universal revulsion its prominence in Prov 1–9 would be difficult to explain.³⁶⁰ The dangers of adultery would not have to be paid this much attention if adultery were universally abhorred. The comparison consists not in the degree of evil – as FOX suggests – but in the certainty and severity of punishment: the thief has to restore and pay more than he has taken (verse 31), the adulterer pays with his life (verse 32). The comparison thus also contains a contrast since the adulterer cannot make financial amends: he has to give his life, not his goods.³⁶¹

³⁵⁴ MCKANE, *Proverbs*, 330.

³⁵⁵ See Exod 21:27ff.; Lev 5:21ff. The Decalogue does not mention a punishment for theft. But since theft – like adultery – is violence of the covenant stipulations, it was definitely not a socially tolerated behaviour, as suggested by FOX and others.

³⁵⁶ See FOX, *Proverbs 1–9*, 234.

³⁵⁷ See MÜLLER, *Proverbien 1–9*, 132. Cf. TOY, *Proverbs*, 139.

³⁵⁸ FOX, *Proverbs 1–9*, 234.

³⁵⁹ *Ibid.*

³⁶⁰ One could obviously argue that the revulsion was only with the older generation but then it would not be *universal* anymore.

³⁶¹ See the *peroratio* in Prov 6:34–35. Cf. CLIFFORD, *Proverbs*, 81.

Thus, the first part of this comparison emphasises that a substantiated case of theft – underlined by the use of **נִצְּמַת** (“and if he is caught...”) ³⁶² – has serious consequences for the thief. He will be under obligation to restore the stolen goods and pay an extra fee as penalty. The measure of punishment mentioned here is higher than prescribed in the extant laws on theft. Exod 21:37 mentions a maximum of fivefold compensation. ³⁶³ Some scholars believe that the claim for sevenfold compensation or even utter ruin (“all the goods of his house”) does not deal with the thief but implies the punishment for adultery. ³⁶⁴ But nowhere in the legal texts of the Old Testament do we find a trace of pecuniary or other material compensation in the case of adultery. Furthermore, the comparison in verses 30–33 consists in the fact that the thief can ‘pay his way out’ – even if it costs him all that he owns – but the adulterer can only pay with one thing: his own life. In my view, the sevenfold restoration and the giving of all goods of the thief’s house are to be taken hyperbolically to indicate that the penalty for theft will be costly and painful. ³⁶⁵ The first part of the third comparison thus deals with a thief who steals because of appetite (literally: who “fills his soul”) ³⁶⁶ and consequently must restore all stolen goods – including some painful ‘surplus payment.’

The second part of this comparison deals with someone who commits adultery (verses 32–33). Here the technical legal term is used: **הִנֵּיף**. ³⁶⁷ Literally, the Hebrew reads: “One who commits adultery with a woman lacks heart; one who destroys himself, he does it.” FOX points out that “with a woman” is superfluous and was

³⁶² **נִצְּמַת** is also used in Deut 22:22 where an adulterer is caught. Since it is the A-word for ‘catching, finding someone’ I would not interpret too much into its use here. MEINHOLD argues that the parallel to Deut 22:22 points to adultery as background for Prov 6:31 and takes the use of **נִצְּמַת** here to support his thesis. See MEINHOLD, *Sprüche*, 120. In my view, this is an over-interpretation. The only important contribution could be to its legal impact: being caught implies that there are witnesses present and that an ordinary trial can be held. Seen this way, the term possibly could underline the legal background of Prov 6:20–35.

³⁶³ “If a man steals an ox or a sheep, and kills it or sells it, he shall repay five oxen for an ox, and four sheep for a sheep.”

³⁶⁴ See MEINHOLD, *Sprüche*, 120f. and PLÖGER, *Sprüche*, 71.

³⁶⁵ See TOY, *Proverbs*, 140 and FOX, *Proverbs 1–9*, 234.

³⁶⁶ MCKANE proposes “to ‘satisfy his appetite’”: *Proverbs*, 330. See also ESV and RSV.

³⁶⁷ Elsewhere in the Old Testament, **הִנֵּיף** is used in the legal texts, in the Decalogue (Exod 20:14 and Deut 5:18) and in Lev 20:10. Outside of the legal sphere, **הִנֵּיף** is the main term in the prophetic literature to refer to adultery in a non-literal sense, as spiritual apostasy. LISOWSKY counts 30 occurrences of the term in the Old Testament, 5 of which are in the legal texts (3x in Lev 20:10), 2 in Proverbs (6:32 and 30:20), 1 each in Psalms (50:18) and Job (24:15). 21 occurrences (= 70%) are to be found in the prophetic literature, at least 16 of them in the context of spiritual adultery. For the statistics see LISOWSKY, *Handkonkordanz*, 888; for the clustering in literal and spiritual adultery see APPENDIX 2. See also 3.2.1 THE TREATMENT OF ADULTERY IN THE DECALOGUE.

added for metrical reasons.³⁶⁸ The phrase חָסֵר־לֵב (“to lack heart”, *i.e.* “to lack understanding, sense”) is typical for biblical wisdom literature.³⁶⁹ It is synonymous with being a fool:

“If beatings and even death are the consequence of certain actions, it is nevertheless the one without a heart who will fail to see that the consequences will happen to him, irrationally assuming that he is exempt.”³⁷⁰

The text counts three consequences for such a fool: firstly, he “destroys himself”.³⁷¹ The “he” is emphatic, thus underlining both his liability and his guilt in the issue. FOX points out that destruction is not immediate but that such a man “has set himself on the path to death.”³⁷² Secondly, he will find (מִצָּא) – and in turn receive – נִגַע וְקָלֹן (“blow”³⁷⁴ and “dishonour”³⁷⁵). This expression occurs only here in the Old Testament. Some scholars understand “wounds and dishonour” and “disgrace” in verse 33 as an alternative to the death penalty, either as part of the wronged husband’s revenge³⁷⁶ or as “loss of reputation, threats to ... physical safety and the vengeful hatred of the aggrieved husband.”³⁷⁷ However, since נִגַע is singular and not further specified, it could refer metaphorically to all sorts of inflictions following the discovery of an adulterer. Thus, ESV translates quite generally “wounds”, with which I agree. FOX investigates the term נִגַע and concludes that it never refers “to corporal or capital punishment by the judiciary.”³⁷⁸ It thus seems that public vengeance – after a proper trial – is not in view here. Since verse 33 is part of the comparison with a thief who gets caught (verse 31), it seems fairly reasonable to assume that the act of

³⁶⁸ FOX, *Proverbs 1–9*, 235.

³⁶⁹ It occurs only in Proverbs (11x) and Ecclesiastes (1x, but in different order: לֵבֹ חָסֵר, Eccl 10:3). Since the ‘heart’ is important in the pursuit of wisdom, I keep to the somewhat rough translation ‘to lack heart’.

³⁷⁰ NIDOTTE, vol. 2, 226.

³⁷¹ HALOT, 1471.

³⁷² FOX, *Proverbs 1–9*, 235. MAIER emphasises that the use of the term ‘to destroy oneself’ implies a deadly end. See MAIER, *Die ‘fremde’ Frau*, 152.

³⁷³ Cf. Prov 6:31 employs the same verb, מִצָּא, in order to indicate the catching of the thief and then goes on to outline the penalty for theft. Maybe this is a deliberate wordplay that points to the difference in punishment between theft and adultery.

³⁷⁴ HALOT, 669. NIDOTTE notes that this refers to a “fatal blow” because נִגַע “denotes some form of human assault inflicted on another person”: NIDOTTE, vol. 3, 25. I follow FOX at this point who writes that נִגַע never refers to “corporal or capital punishment by the judiciary.” (FOX, *Proverbs 1–9*, 235.) Thus, it is not the death penalty that is in view here. Cf. PLÖGER, *Sprüche*, 71.

³⁷⁵ HALOT, 1102 renders קָלֹן “shame”. I keep to NIDOTTE, vol. 3, 924 and ESV: “dishonour”.

³⁷⁶ “The ‘wounds’ look more like the result of the husband’s taking the law into his own hands than any judicial penalty.” (MCKEATING, “Sanctions”, 59.)

³⁷⁷ CLIFFORD, *Proverbs*, 79.

³⁷⁸ FOX, *Proverbs 1–9*, 235.

catching an adulterer – most probably in *flagrante delicto* – and the wounding of that very group of people, the dishonouring in that moment is the focus. With the act of adultery disgrace has come and there is no possibility to remove it, no compassion to be expected, no way out. If this is so, verse 33 would basically confirm verse 29: no one who commits adultery goes unpunished. In my view, “wounds and dishonour” and “disgrace” are neither an alternative punishment to the death penalty nor some sort of public punishment but mark *the way to public trial* (and the death penalty if the charges are substantiated).

Thirdly, his *חַרְפָּה* (“disgrace”³⁷⁹) will not be *תִּמְחָה* (“removed”).³⁸⁰ *מָחָה* in the *Niphal* envisages the state of “complete removal”³⁸¹ which is negated here: there is no way out, no possibility to get rid of *חַרְפָּה*. *חַרְפָּה* is used in many different contexts throughout the Old Testament, ranging from the barrenness of a woman (Gen 30:23) through the consequences of practiced idolatry (Jer 44:8) to the ultimate disgrace, eternal death (Dan 12:2).³⁸² Prov 18:3b states: “with dishonour” (*עַם־קָלוֹן*) “comes disgrace” (*חַרְפָּה*) which is the only other use of *חַרְפָּה* in Proverbs. The passage here is too short and the range of meaning too broad to give an exact meaning here. Probably the text is deliberately kept ambiguous – so that everyone can fill it with his or her experience. On the other hand, it could well be that everyone knew what is in view here, what happens after an adulterer is caught.³⁸³ The thrust of the expression is clear: through adultery comes disgrace to which there is no end, no substitute and no possible ransom. Thus, the consequences for adultery as outlined in verses 32–33 are threefold:

- (1) The adulterer destroys himself. (verse 32b)
- (2) The adulterer publicly receives wounds and dishonour. (verse 33a)
- (3) The adulterer’s disgrace will not be removed, there is no way out. (v. 33b)

³⁷⁹ HALOT, 356.

³⁸⁰ HALOT, 568 translates *מָחָה* in the *Niphal* as “to remove”. ESV renders “to wipe away”.

³⁸¹ NIDOTTE, vol. 2, 913.

³⁸² Cf. NIDOTTE, vol. 2, 281f.

³⁸³ Thus, FOX suggests that this passage refers to the beating by the husband and “perhaps by others as well” and that it thus expresses public and eternal humiliation. See FOX, *Proverbs 1–9*, 235.

4.2.3.2.3 The *Peroratio*: Verses 34–35

As mentioned above, I understand Prov 6:34–35 as *peroratio*.³⁸⁴ Grammatically, it is not necessary to take the beginning וְ as subordination to the third part of the *propositio*. וְ can just as well introduce “a new clause and does so either to display some connection between two clauses or to show emphasis.”³⁸⁵ In my view, it serves here as a logical marker,³⁸⁶ thus highlighting the consequences of adultery through an inherent logic: the rage of the husband leads to the destruction of the adulterer and there is no way to ransom oneself – in contrast to the case of theft.

Verse 34 refers to verses 32–33 since it emphasises consequences of adultery whereas verse 35 refers to verses 30–31, underlining the contrast between the compensation for theft and the penalty for adultery:³⁸⁷

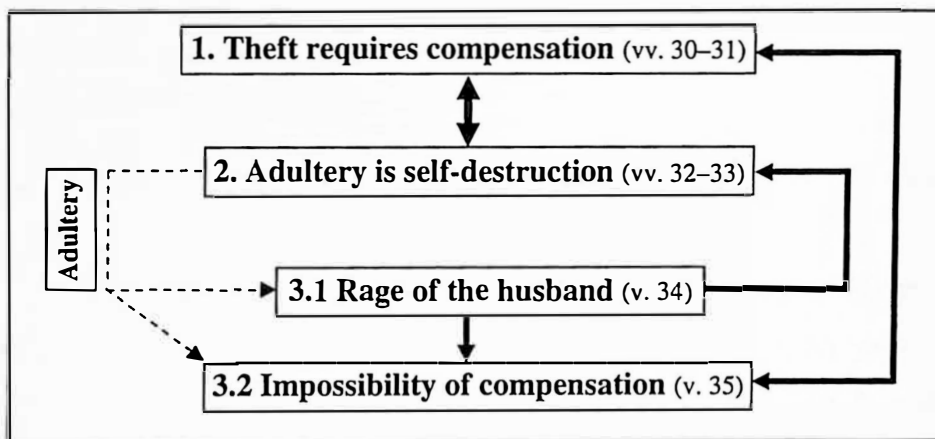


Diagram 31: Comparison of Theft and Adultery in Proverbs 6:30–35

Thus, this section is a complex set of three units with each two verses. The first two units stand in diametrical contrast to each other. Verses 34–35 (unit 3) underline the message of unit 2 because they support unit 2 (verse 34) and stand in contrast to unit 1 (verse 35). Thus, unit 3 supports the message of severe punishment for adultery and thereby concludes lecture IX without being a ‘proper’ *peroratio*.

The significance of Prov 6:34–35 for the scholarly discussion cannot be overstated. As already shown, the role of the husband in the pursuit of adultery in ancient Israel differs from the general ancient Near Eastern understanding.³⁸⁸ Nowhere in the legal

³⁸⁴ See above, 4.2.3.1 THE STRUCTURE OF PROVERBS 6:20–35.

³⁸⁵ *NIDOTTE*, vol. 4, 1030.

³⁸⁶ See for this use W-O, 663.

³⁸⁷ This structure is similar to that of SCHÄFER, *Poesie*, 177.

³⁸⁸ See above, CHAPTER 2 (ancient Near East) and CHAPTER 3 (Old Testament).

texts of the Old Testament is there space for individual revenge in case of adultery.³⁸⁹ A close look at the text reveals that the wrath of the deceived husband in Prov 6:34–35 happens within the given legal context of the Old Testament.

The passage starts off with כִּי which logically connects it to the preceding verses. The first part of verse 34 consists of a row of three nouns: קִנְיָאָה (“jealousy”³⁹⁰), חֲמָה (“rage, wrath”³⁹¹) and גִּבּוֹר (“young, strong man”³⁹²), the last two standing in a construct connection. It is unclear if the use of גִּבּוֹר indicates an element of physical or even spiritual strength or if it is just the B-word for אִישׁ, “man”.³⁹³ In my view, the context favours an element of strength here³⁹⁴ because the preceding verse speaks of a “blow” that the adulterer will receive – hinting at least to some sort of physical punishment – חֲמָה is often used for the wrath of Yahweh carrying an element of power.³⁹⁵ Thus, we do have here a series of three nouns, indicating that judgment is at hand: “For jealousy <stirs> the wrath of a man...”³⁹⁶ Phonetically, the double ‘ki’ of כִּי־קִנְיָאָה (“For jealousy...”) adds haste to the passage which fits to the row of three nouns, “jealousy – wrath – man” and thus underlines the content: revenge is at hand and there is no escape.

Taking this emphasis on individual wrath, most scholars argue that Prov 6:34 refers to individual revenge of the deceived husband: the adulterer will not escape his wrath.³⁹⁷ However, in my view it is questionable if individual revenge is at the heart of Prov 6:34. The word נִקְמָה (“vengeance”) is of special importance here. PITARD notes that most occurrences of the root נִקַּם are found “in passages which have at least a vague legal theme, in which the ‘vengeance’ is viewed as the rectification of

³⁸⁹ See MAIER, *Die ‘fremde’ Frau*, 147: “Anders als das altorientalische Recht kennt das alttestamentliche Gesetz bei Ehebruch keine Ausgleichszahlungen oder Strafaussetzung auf privater Basis.” See my comments below, 4.3.2 INDIVIDUAL REVENGE AND THE ROLE OF THE COMMUNITY.

³⁹⁰ HALOT, 1110.

³⁹¹ HALOT, 326. WHYBRAY notes that “recent commentators” have reversed the order of two consonants, thus changing חֲמָה into חֲמָה, ‘inflamm’. The text would then be “jealousy inflames a man.” (WHYBRAY, *Proverbs*, NCB, 109.) In my view, such an emendation is not necessary.

³⁹² HALOT, 175.

³⁹³ See NIDOTTE, vol. 1, 816f.

³⁹⁴ Cf. FOX, *Proverbs 1–9*, 236.

³⁹⁵ See, for example, Isa 51:20 and 2 Chron 36:16–17.

³⁹⁶ See also Prov 27:4: “Wrath (חֲמָה) is cruel, anger is overwhelming, but who can stand before jealousy (קִנְיָאָה)?” The verse indicates that there is no escape and thus supports my interpretation. I add <stirs> because it indicates the connection between jealousy and wrath. See ESV: “For jealousy makes a man furious.”

³⁹⁷ See, for example, CLIFFORD, *Proverbs*, 79–81; FOX, *Proverbs 1–9*, 236; MCKEATING, “Sanctions”, 59; WESTBROOK, “Adultery”, 545.

some misdeed.”³⁹⁸ In a lucid article on Prov 6:34, PEELS argues that the use of בְּיוֹם נִקְמָת (“on the day of vengeance”³⁹⁹) clearly has a legal connotation. He lists four reasons to understand Prov 6:34 as official legal punishment, a public trial, rather than as individual revenge:⁴⁰⁰

- (1) Since verses 29 (employing נִקְמָת to designate punishment) and 31 refer to official punishment, it is most likely that verse 34 also implies official legal prosecution.
- (2) בְּיוֹם נִקְמָת is far better understood in a legal context than in a context of passionate revenge, a fact that is underlined by the rendering of the LXX which translates בְּיוֹם נִקְמָת as $\epsilon\nu \eta\mu\acute{\epsilon}\rho\alpha\ \kappa\rho\acute{\iota}\sigma\epsilon\omega\varsigma$ (“on the day of judgment”) and thus understands this passage in a judicial way.
- (3) Since a private act of revenge of the deceived husband would result in death (*cf.* Prov 6:26, 32), he would himself become guilty of a crime.
- (4) Elsewhere in the Old Testament punishment because of adultery never was a private matter but a communal one (*cf.* Prov 5:14 and Job 31:11).

In addition to PEELS’ arguments I would like to refer to two further studies in the field of Old Testament law. HORST argues that adultery in ancient Israel in almost all instances was publicly prosecuted because it was a matter of communal interest – and not of individual revenge.⁴⁰¹ Furthermore, in a detailed study of *mot jumat*-sentences in the Old Testament SCHULZ establishes that adultery belonged to the realm of death law (*Todesrecht*).⁴⁰² As already pointed out in chapter 3, the execution of the death penalty in a substantiated case of adultery was a matter of the community rather than of the individual.⁴⁰³ Moreover, the use of זָנָה – the legal technical term for adultery – in Prov 6:32 also provides a framework to understand Prov 6:34 as referring to public legal prosecution.⁴⁰⁴ Prov 6:34 thus provides the

³⁹⁸ ABD, vol. 6, 786.

³⁹⁹ Hendrick G.L. PEELS, “Passion or Justice? The Interpretation of *B’YÔM NĀQĀM* in Proverbs vi 34”, VT 44, 1994, 270.

⁴⁰⁰ See *ibid.*, 271.

⁴⁰¹ See Friedrich HORST, *Gottes Recht: Gesammelte Studien zum Recht im Alten Testament*, TBü 12, Munich, 1961, 275f. HORST claims, however, that Prov 6:34 reflects more relaxed conditions in a very late period where monetary payments could avert the penalty (*cf.* Prov 6:35). I am going to show below that Prov 6:35 can well be interpreted within the context of a legal, communal prosecution of adultery.

⁴⁰² See SCHULZ, *Das Todesrecht im Alten Testament*, 15–36.

⁴⁰³ See 3.3.4 THE ROLE OF THE COMMUNITY, BOECKER, *Recht und Gesetz*, 98 and PHILLIPS, “Adultery”, 25 n.84.

⁴⁰⁴ SCHULZ points out that even the spiritual adultery – expressed with זָנָה as well – referred to in Hosea, Jeremiah and Ezekiel is formulated against the background of death law. See SCHULZ, *Todesrecht*, 16–27.

context for verse 35: the deceived husband is “determined to set down the case for trial.”⁴⁰⁵ The deceived husband’s role consisted of bringing accusations of adultery to court, rather than taking revenge. This is supported by verse 35 which, in my view, describes the husband on his way to court, determined to seek revenge through the legal authorities.⁴⁰⁶

Verse 35 stands in parallelism.⁴⁰⁷ The first half of the verse says literally “he will not lift <his> face⁴⁰⁸ on any⁴⁰⁹ ransom”, thus “he will accept no ransom.” Out of 13 occurrences of כֶּפֶר (“ransom, bribe”) in the Old Testament, only two are in the context of corruption or hushing-up, thus “bribe”: 1 Sam 12:3 and Amos 5:12.⁴¹⁰ All 11 others belong to the semantic field of ‘ransom for life’.⁴¹¹ Given the context of adultery as a capital crime in Old Testament law, no bribe is envisaged in Prov 6:35, no sort of “compensation” (ESV), but a ransom for life. Thus, WENHAM writes that כֶּפֶר (“ransom price”) is “the money a man condemned to death can pay to escape the death penalty.”⁴¹²

The second half of verse 35 deals with bribery. שֹׁחַד is the main word for “bribe” in the Old Testament.⁴¹³ The text underlines: if the adulterer does not get by with a ransom price for his life, he will not be successful with a huge bribe either. אֶבְרָה here means “to be willing”⁴¹⁴, which is negated with לֹא:

⁴⁰⁵ PEELS, “Passion”, 272.

⁴⁰⁶ I am well aware of the fact that courts in ancient Israel were quite different from what we understand as legal authority in the 21st century. Yet, I believe that adultery was part of ancient Israel’s criminal law, requiring public prosecution and thus also a proper trial.

⁴⁰⁷ OSBORNE calls this sort of parallelism “step parallelism” – the second half of the verse adds ideas to the first half. See OSBORNE, *Spiral*, 177f.

⁴⁰⁸ TLOT translates נָשָׂא פָּנָיִם with “to accede for, favor, show consideration, make allowances” which negated comes close to ESV’s and NRSV’s rendering to “not accept”. See TLOT, 1001.

⁴⁰⁹ HALOT, 474.

⁴¹⁰ Cf. TLOT, 626 and PHILLIPS, “Another Look at Murder”, 117.

⁴¹¹ See APPENDIX 2.

⁴¹² WENHAM, *Leviticus*, 28. PHILLIPS argues against WENHAM that כֶּפֶר refers to “an illegal payment designed to avoid prosecution for offences already committed.” (PHILLIPS, “Another Look at Adultery”, 17.) Although the parallel use with שֹׁחַד (“bribe”) in Prov 6:35 seems to support PHILLIPS’ argument, there are three reasons why I hold with WENHAM’s interpretation of כֶּפֶר: (1) The use of כֶּפֶר elsewhere in the Old Testament makes the meaning of “bribe” here rather unlikely. (2) I understand Prov 6:35 not as synonymous parallelism but as step parallelism – the second half of the verse adds something to the first half, the message being clear: neither ransom nor bribe will change the husband’s determination. (3) The context of adultery hints at the death penalty and therefore rather to “ransom” than to “bribe” in connection with כֶּפֶר.

⁴¹³ At least 17 times in the Old Testament שֹׁחַד is used with the meaning “bribe”. See HALOT, 1457. In the Old Testament, bribes were looked at as perverting justice. Thus, it is said of Yahweh that he “is not partial and takes no bribe.”¹⁸ He executes justice for the fatherless and the widow, and loves the sojourner, giving him food and clothing.” (Deut 10:17b–18) Cf. NIDOTTE, vol. 4, 75.

⁴¹⁴ HALOT, 3.

“and he is not willing even though⁴¹⁵ you make the bribe high.”

The use of שָׁחַר (“bribe”) points out that this is an illegal payment “in the hope of preventing the matter’s being taken to public jurisdiction, with possible fatal consequences for the offender.”⁴¹⁶ PEELS emphasises the impossibility of such an illegal operation to be successful: “The husband cannot accept a *kōper*, because the law is unrelenting, and he does not want to do so, as he himself, in his envy, is unrelenting.”⁴¹⁷ Thus, Prov 6:35 highlights the fact that there is no escaping the punishment for adultery. In this sense, Prov 6:34–35 can be seen as *peroratio* since it underlines and leads to a climax of what verses 25–33 already mentioned.

It is noteworthy that the address changes in Prov 6:35 to the “you” of verses 20–25.⁴¹⁸ All at once it is not just about ‘someone else out there’ but the teaching gets very personal. By changing the address, the ‘son’ suddenly finds himself in the position of the adulterer.⁴¹⁹ This adds to the dynamics of the lecture. And maybe it is for the very reason of dramaturgy that the lecture stops abruptly at this point without giving a larger conclusion, leaving it to the ‘son’ to ponder. The message to the ‘son’ is very clear: “Do not deceive yourself [...] that the husband will accept ransom. He will be so furious that he will demand your execution.”⁴²⁰

4.2.3.3 Adultery in Proverbs 6:20–35

In comparison with Prov 2:16–19 and 5:1–23, Prov 6:20–35 explicitly focuses on adultery. It is the only text in Proverbs 1–9 that uses the technical term for adultery, זָנָה (Prov 6:32). Moreover, it uses four designations for the adulteress:

- (1) אִשָּׁה רָעָה (“evil woman”, verse 24)
- (2) נְכַרְיָה (“foreign [woman]”, verse 24)
- (3) אִשָּׁה אִישׁ (“married woman”, verse 26)
- (4) אִשָּׁה רֵעֵה (“neighbour’s wife”, verse 29)

⁴¹⁵ For this special translation of פִּי see HALOT, 471.

⁴¹⁶ WRIGHT, *God’s People*, 202 n.73.

⁴¹⁷ PEELS, “Passion”, 272.

⁴¹⁸ חֲרַבָּה is a 2nd singular masculine *Hiphil* imperfect, with שָׁחַר you “fix a high bribe”: HALOT, 1177. Since the fixation of a bribe would imply that the other party at least ‘plays the game’ as well, this rendering does not seem to fit to the context of Prov 6:35. I would therefore propose to take the causative aspect of חֲרַבָּה, “to make great” and translate as “even though you make the bribe high.”

⁴¹⁹ See MEINHOLD, *Sprüche*, 121f.

⁴²⁰ LOEWENSTAMM, “The Laws of Adultery”, 148.

Interestingly, the term אִשָּׁה זָרָה (“strange woman”) – frequently used elsewhere in Proverbs to designate the adulterous wife – is not used in Prov 6:20–35.⁴²¹ The different designations have most probably been used deliberately.⁴²² From the end of the *exordium* onwards – where the theme of lecture IX is stated – the lecture focuses entirely on the subject of adultery. The main emphasis lies thereby on the fact that the consequences of adultery are unavoidable and severe. The three comparisons employed aim at illuminating the consequence(s) of adultery. The whole thrust of Prov 6:20–35 is that there is no escape, no getting away with it. It is about a “hunt on one’s precious life” (verse 26), about getting “burned” (verse 27), about not going “unpunished” (verse 29), of destroying oneself (verse 32), of getting “wounds and dishonour” (verse 33) and of meeting someone who “takes revenge” (verse 34). Any attempt to buy one’s freedom will be unsuccessful (verse 35). The climax of the lecture consists in the direct confrontation of the ‘son’ with adultery and its ultimate consequence – which is, in my view, communal vengeance through the death penalty –, by the use of direct address in Prov 6:35: there will be no possibility to buy yourself out.

4.2.3.4 Proverbs 6:20–35 as a Midrash on the Decalogue

The parallels between Prov 6:20–35 and Deuteronomy have already been mentioned.⁴²³ For example, both use מִצְוָה (“commandment”) and תּוֹרָה (“instruction”) in the context of parental teaching and both employ similar words and concepts (“walk”, “lie down” etc.). FISHBANE goes further and takes the similarities of Prov 6:20–22 and Deuteronomy 6:6–8 to suggest that they both contain the same teaching. He thus calls the entire unit of Prov 6:20–35 “an inner-biblical midrash on the Decalogue” since it treats three different commandments: “adultery, theft and covetousness.”⁴²⁴ This view has been confirmed by MAIER who suggests that Prov 6:20–35 is a midrash-like exegesis of both the Decalogue and the *Shema Israel*. MAIER goes on to suggest that they have got the same literary and situational

⁴²¹ See Prov 2:16; 5:3, 20 and 7:5. Concerning the proposal that “evil woman” should be read “strange woman” in Prov 6:24 see my comments above.

⁴²² Note that there is no repetition as in Prov 5:3, 20. The variation of terms matches the poetical framework of the lecture. Apart from its poetic use, it seems impossible to describe the exact motivation for the variation of terms in Prov 6:20–35 and the explicit omission of the term אִשָּׁה זָרָה.

⁴²³ See above my discussion of verses Prov 6:21–22.

⁴²⁴ FISHBANE, “Accusations”, 44.

context.⁴²⁵ Both FISHBANE and MAIER agree further that Prov 6 not only deals with the three commandments adultery, theft and covetousness, but also with the commandment to honour one's parents by keeping their instruction.⁴²⁶ Since Proverbs 1–9 is later than the Decalogue, Prov 6:20–35 is “eine aktualisierende Auslegung der genannten Dekaloggebote.”⁴²⁷

In my view, the similarities between Prov 6:20–35 and Deut 6:6–8 and 11:18–21 are indeed so striking that there must be a connection between these texts, either orally or literally.⁴²⁸ CRENSHAW points out that the *Shema* was learned first in “elementary education.”⁴²⁹ Thus, it is possible that Prov 6:20–22 takes up the already known *Shema* and parallels it with parental instruction: as Israel should listen to Yahweh, the ‘son’ should listen to parental advice. Moreover, it is quite probable that the Decalogue shaped the ethical teachings of Prov 1–9 because it belonged to the identity of ancient Israel. In my view, the Decalogue is an old tradition, well-known to the audience of Prov 1–9.⁴³⁰

Nevertheless, I would not go as far as FISHBANE and MAIER. Firstly, a ‘midrash’ is defined as an elaboration “on the scriptural text.”⁴³¹ It is true that the Decalogue is a major source for midrashic exposition.⁴³² But Prov 6:20–35 is not concerned with midrashic exposition of the Decalogue. Rather, the references to theft and covetousness serve to illustrate the certainty of consequences of adultery and are thus subordinate to the seventh commandment. Since the main theme of lecture IX is adultery, it seems difficult to also see in it a midrash on several other commandments. Secondly, by their very nature adultery and covetousness are very close to each other. Since it is just the neighbour's wife who is coveted in Prov 6:20–35, it seems to me too little to suggest a midrash on the tenth commandment which comprises **כָּל אֲשֶׁר לְרֵעֶךָ** (“anything that is your neighbour's”, Exod 20:17).

⁴²⁵ See MAIER, *Die 'fremde' Frau*, 157.

⁴²⁶ See FISHBANE, “Accusations”, 44 and MAIER, *Die 'fremde' Frau*, 161.

⁴²⁷ MAIER, *Die 'fremde' Frau*, 162.

⁴²⁸ For a more detailed argument see 5.2.5 PROVERBS 1–9 AND DEUTERONOMY.

⁴²⁹ CRENSHAW, *Education*, 9.

⁴³⁰ Scholars have attributed to the Decalogue any date between the time of Moses and Ben Sira. For an overview on research of the Decalogue see OTTO, *Theologische Ethik*, 209–211.

⁴³¹ “Midrash”, *Britannica 2002 Deluxe Edition CD-ROM*.

⁴³² See *Die Religion in Geschichte und Gegenwart (RGG³): Handwörterbuch für Theologie und Religionswissenschaft*, unabridged electronic edition of the third edition (Tübingen: J.C.B. Mohr 1957-1965), Berlin: Directmedia, 2000, vol. 4, 940.

Thirdly, theft and adultery can be found at different places in the Old Testament.⁴³³ Although one's wife is not 'property', the break-in into a marriage through adultery is very similar to a break-in into a house, and thus to theft. Both theft and adultery are a threat to the social order. Therefore, a connection is inherent and does not have to result out of a midrash on several of the Decalogue's commandments.

Nevertheless, the notion of a midrashic exposition in Prov 1–9 is valuable. The warnings against adultery in Prov 1–9 can be understood as a midrash on the seventh commandment, thus elaborating on the legal texts concerning adultery. This would explain very well why the reference to death is so strong in the texts on adultery in Prov 1–9: the death penalty is a main feature in the legal texts on adultery as well.⁴³⁴ Of all the lectures on adultery in Prov 1–9 investigated so far, Prov 6:20–35 has the clearest textual connections to the legal texts of the Old Testament, especially to Deuteronomy. This leads us to the last lecture on adultery in Prov 1–9.

4.2.4 Proverbs 7

4.2.4.1 *The Structure of Proverbs 7*

Prov 7 (= lecture X) is not only the final lecture on adultery but also the last lecture in Prov 1–9. It has got a clear structure. After an *exordium* (7:1–5) follows the *propositio* “in the form of a first-person narration”⁴³⁵ (7:6–23), after which comes a *peroratio* which reiterates and thus emphasises the moral of the lecture (7:24–27). Lecture X focuses on the seductive power of the ‘strange’ woman, vividly portrayed through the narrative, as speech of the ‘father’ to the ‘son’.

⁴³³ MÜLLER lists Hos 4:2; Jer 7:9; Ps 50:18 and Job 24:13–15. He takes this as argument against a Decalogue-tradition in Prov 6:20–35. See MÜLLER, *Proverbien 1–9*, 133. MÜLLER fails to consider, however, that these pairings could still be dependent upon the Decalogue, without being an exposition.

⁴³⁴ See my comments in 3.3.1 THE DEATH PENALTY.

⁴³⁵ FOX, *Proverbs 1–9*, 252.

Exordium (vv. 1-5)

Address: "My son..." (Prov 7:1)

Exhortations (v. 1):

keep my words and treasure up my commandments with you;
 keep my commandments and live; and my instruction as the pupil of your eye
 bind them on your fingers; write them on the tablet of your heart.

Say to wisdom, "You are my sister," and call understanding your intimate friend.

Motivations (v. 5):

to keep you from the strange woman from the foreign woman with her smooth words.

Propositio (vv. 6-23)

For at the window of my house I have looked out through my lattice,
 and I have seen among the simple, I have perceived among the young men
 a lad lacking heart,
 passing along the street near her corner, walking along on the way to her house,
 in the twilight, in the evening, at the time of night and darkness.

And behold, the woman, meets him, dressed as a prostitute, wily of heart.

She is loud and rebellious; her feet do not stay at home;
 a foot in the street, a foot on the plazas, and at every corner she lies in ambush.

She seizes him and kisses him, and with bold face she says to him,

"I had to offer peace offerings; today I have paid my vows;
 Therefore I have come out to meet you, to seek you eagerly, and I have found you.
 I have spread my couch with coverings, coloured linens from Egyptian linen;
 I have perfumed my bed with myrrh, aloes, and cinnamon.

Come, let us take our fill of love till morning; let us delight ourselves with love.

For my husband is not at home; he has gone on a long journey;
 he took a bag of money with him; at full moon he will come home."

She deceives him with a multitude of her instruction,
 with the smoothness of her lips she seduces him.

Suddenly he follows her, as an ox goes to the slaughter, or as a stag is caught fast
 until an arrow pierces its liver; as a bird rushes into a snare;
 he does not know that it will cost him his life.

Peroratio (vv. 24-27)

And now, O sons, listen to me, and be attentive to the words of my mouth.

Let not your heart turn aside to her ways; do not stray into her paths,
 for she brought many wounded to ruin, and all her slain are numerous.
 Her house is the way to Sheol, going down to the chambers of death.

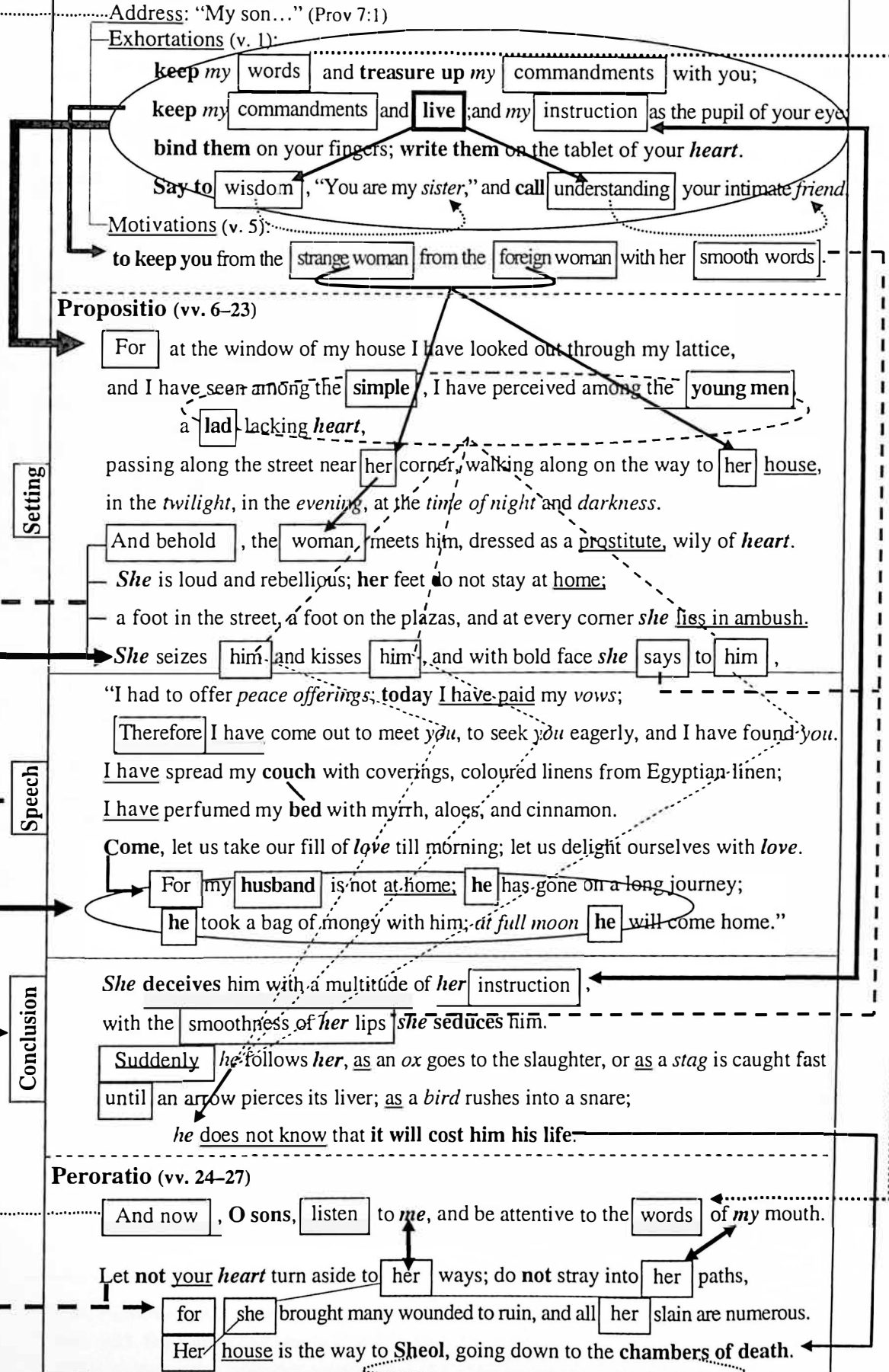


Diagram 32: The Structure of Proverbs 7

4.2.4.2 The Content of Proverbs 7

Lecture X is the first lecture in which the ‘strange’ woman herself speaks – even though she does it in the words of the ‘father’. There are many parallels to the other lectures in Prov 1–9, especially to the lectures already investigated in this chapter which deal with the ‘strange’ woman and her seductions. In some regard, Prov 7 is the capstone on everything that has been said on the subject in the preceding chapters. If Prov 2:16–19 was like the overture to the subject, Prov 7 is its *grand finale*. The tempo of the passage is very quick – breathtaking indeed – and the imagery employed is so rich that it comes as close as one can come to a ‘cinema-like’ scene: it does not take much to be part of the scene since it is so vividly portrayed. The following exposition of Prov 7 shows that lecture X takes up many threads of lectures II, VIII and IX.

4.2.4.2.1 The Exordium: Verses 1–5

The *exordium* has the typical structure of address, exhortations and motivation. It is the main function of the *exordia* to “exhort the boy to absorb and *retain* the precepts.”⁴³⁶ Thus, a main focus of the *exordium* rests on the semantic field of ‘keeping’ (2x) and ‘treasuring up’: שָׁמַר (“keep”) and צָפַן (“treasure up”). Verses 1–2 thereby typically emphasise מִצְוֹתַי (“my commandments”, 2x), אִמְרָי (“my words”) and הוֹרָתִי (“my instruction”), all referring to the ‘father’. Prov 7:1 is similar to Prov 2:1: “My son, if you receive אִמְרָי (“my words”) and תִּצְפֶּן (“treasure up”) מִצְוֹתַי (“my commandments”) with you...”

It is significant that the commandments of the ‘father’ are connected to life: “keep my commandments and live” (7:2). This echoes Prov 4:4, where the same words were spoken from the grandfather to his ‘son’ (*i.e.*, the teacher of the current teacher). The promise to live and get life – even long life – inheres to the wisdom teaching of Proverbs 1–9 which is the “way of life.”⁴³⁷ The imperatival call to live⁴³⁸, is central to the exhortations in the *exordium*. It stands in contrast to the emphasis on death as ultimate consequence of adultery in verses 22–23 and 27.

⁴³⁶ FOX, *Proverbs 1–9*, 239. (italics his)

⁴³⁷ Prov 6:23. See similar passages in Prov 3:2; 4:10; 8:35; 9:11.

⁴³⁸ הוֹרָה is an imperative masculine singular *Qal*. CLIFFORD rightly points out that this is rather a call to *survive*. See CLIFFORD, *Proverbs*, 87.

The instruction of the ‘father’ to the ‘son’ shall be כַּאִשׁוֹן עֵינַיִךְ (“like the pupil of your eyes”⁴³⁹). אִשׁוֹן is most probably derived from אִישׁ (“man”), deriving from the “image one sees reflected in the pupil of another’s eye.”⁴⁴⁰ The pupil is always in the centre of one’s vision, it is precious and needs special protection.⁴⁴¹ Together with the ear, the sight is the most important ‘physical medium of knowledge.’⁴⁴² If the ‘son’ had his ‘father’s’ teaching before his (inner) eye, he would have no problems with the seductive glances of the ‘strange’ woman (*cf.* Prov 6:25). The problems come – and this is implied by the call to heed for the ‘father’s’ commandments – when the ‘son’ does not keep to them and goes astray which is very drastically narrated in Prov 7:6–23.

Verse 3 is reminiscent of Deuteronomic concepts, maybe even being an allusion to Deut 6:8 and 11:8,⁴⁴³ passages exhorting the Israelites to bind the commandments to their hands.⁴⁴⁴ In my opinion, the use of the imagery in Proverbs – and in Deuteronomy – definitely is metaphorical. As the eye is the organ of sight, fingers are – together with feet – the ‘organs’ of action.⁴⁴⁵ The ‘father’ emphasises elsewhere in Prov 1–9 that the heart is the real place where the battle is lost or won.⁴⁴⁶ Nevertheless, it seems to me that a reminder of the instructions in the midst of one’s actions is this metaphor’s aim. Whenever something is ‘at hand’ the ‘son’ shall be reminded of the instruction he has received. It is remarkable that the young man in the narrative (Prov 7:6–23) is absolutely passive. Even his walking along on the way to the ‘strange’ woman’s house (Prov 7:8b) does not imply activity, as we shall see below. The binding on the fingers and the writing on the tablet of the heart (*cf.* Prov

⁴³⁹ See HALOT, 44.

⁴⁴⁰ FOX, *Proverbs 1–9*, 239.

⁴⁴¹ Thus אִשׁוֹן denotes “the idea of something precious that was to be guarded jealously.” (NIDOTTE, vol. 1, 391.) MCKANE rightly notes that it “is precious beyond reckoning, and if a man does not ‘keep’ it, he is consigned to a world of darkness.” (MCKANE, *Proverbs*, 333.)

⁴⁴² FOX, *Proverbs 1–9*, 239.

⁴⁴³ See also the use in Prov 3:3 and 6:21 where the binding refers to the neck rather than the fingers.

⁴⁴⁴ Some have taken the exhortation to bind the commandments to their hands literally. From the time of the community of Qumran so-called *phylacteries* have been found, small boxes containing biblical passages (such as Deut 6:4–9) which had been bound to the arm or to the head. Hence the use of the phrase ‘to bind something to your hand’ seems to have both a metaphorical and a literal significance. See MCCONVILLE, *Deuteronomy*, 142. *Phylacteries* are still in use in Jewish orthodox groups.

⁴⁴⁵ אֶצְבָּע (“finger”) can be used both literally and metaphorically in biblical Hebrew, the context being decisive for its particular meaning. Used metaphorically, it either describes God’s activity (“God’s finger”) or refers to action, as *pars pro toto*, like יָד (“hand”) and אֶרְבֵּעַ (“arm”). See APPENDIX 2.

⁴⁴⁶ See Prov 6:25: “Do not desire her beauty in your heart.”

3:3) both refer to the active pursuit of wisdom.⁴⁴⁷ Here again – as in Prov 6:21–23 – the internalisation of wisdom plays an important apotropaic role. It implies that the young man thinks about his actions before he acts, and thinks about wisdom when he acts.⁴⁴⁸ As we shall see, the young man in Prov 7:6–23 neither did the one nor the other, and consequently he is not protected against harm which becomes evident throughout the narrative.

Verse 4 emphasises the intimate relation that the ‘son’ should have with חָכְמָה (“wisdom”) and בִּינָה (“understanding”⁴⁴⁹). Following RINGGREN, MEINHOLD understands the use of אָחוֹת (“sister”) here as referring to marriage with wisdom because אָחוֹת is also used in biblical Hebrew to refer to one’s bride.⁴⁵⁰ I agree with FOX who convincingly argues that the second term in verse 4, מִרְעֵ (“kinsman”⁴⁵¹), refers to a male friend and therefore the “femininity of wisdom is not essential in these verses.”⁴⁵² Thus, verse 4 could be paraphrased as: ‘Wisdom and understanding shall be your most intimate friends.’ The *tertium comparationis* of the metaphors (‘sister’ and ‘kinsman’) would then be the intimate relationship the ‘son’ should develop with ‘wisdom’ and ‘understanding’ – once again pointing to the “internalization of outward requirement.”⁴⁵³

Verse 5 is similar to Prov 2:12 and 6:24 where the protective function of wisdom is put in direct contrast to either ‘evil men’ (2:12) or the ‘strange’ woman. The verse starts with an “infinitive construct of *purpose*.”⁴⁵⁴ Here again, as in 2:16, the woman

⁴⁴⁷ FOX rightly points out that the “triad of eyes-fingers-heart represents personality as a whole.” (FOX, *Proverbs 1–9*, 240.) In my view, the message of Prov 7:2–3 does not lie only in this triadic aspect but refers to different parts of the wisdom pursuit: the eyes perceive dangers, the fingers are involved in actions – be they good or bad – and the heart is the ‘inner man’, the place where decisions are born, the place of *ratio*, *emotio* and *voluntas*.

⁴⁴⁸ The same attitude is expressed in the keeping of the instruction “as the pupil of your eye” (Prov 7:2) which implies permanence.

⁴⁴⁹ HALOT, 123.

⁴⁵⁰ See MEINHOLD, *Sprüche*, 125; RINGGREN, *Sprüche*, 35. Both refer to the synonymous use of ‘sister’ and ‘bride’ in the love language of Song of Songs (cf. S of Songs 4:9f., 12; 5:1f.). For a detailed comparison of the love language in Prov 7 and Song of Songs see GROSSBERG, “Two Kinds of Sexual relationships”, 7–25.

⁴⁵¹ NIDOTTE, vol. 2, 854. HALOT, 550 renders “(distant) relative” which seems to be less appropriate in the context of Prov 7:3–4.

⁴⁵² FOX, *Proverbs 1–9*, 241. Likewise, MCKANE, *Proverbs*, 334 who argues that the connection of Prov 7:4 may well “be with the thought of inwardness of wisdom in v. 3, rather than with the strange woman [as a polar opposite].”

⁴⁵³ MCCONVILLE, *Deuteronomy*, 142. The ‘requirement’ would primarily be the teaching and the instruction of the parents with their apotropaic function, thus not only helping to live a successful life but also protecting from harm. Since Deuteronomy and Proverbs do have many points of contact, it could very well be that the massive warnings against adultery in Prov 1–9 have their background in the legal texts on adultery.

⁴⁵⁴ *A Guide to Biblical Hebrew Syntax*, 71. (italics original) Cf. FOX, *Proverbs 1–9*, 241.

is called זָרָה and נְכַרְיָה (“strange and foreign”).⁴⁵⁵ Her seductiveness is connected to her speech: אִמְרֵיהָ הַחֲלִיקָה (“her smooth words”). As already noted above, the root חֲלַק – emphasising the smoothness of the ‘strange’ woman’s speech – appears in all passages on adultery in Prov 1–9, either as verb (Prov 2:16; 7:5), adjective (5:3) or noun (6:24; 7:21).⁴⁵⁶ The narrative in Prov 7:6–23 demonstrates that the ‘strange’ woman’s seduction primarily lies in her words. It is not the kiss at the beginning (verse 13) that makes the young man follow her, but her words.

Thus, the *exordium* of Prov 7 once again serves as exhortation to the ‘son’ to keep as close as possible to wisdom. Both the *propositio* and the *peroratio* show what happens if the ‘son’ does not take heed to his ‘father’s’ instruction which could well be expressed in a wordplay: *if you do not keep to my instruction, you will end up in destruction.*

4.2.4.2.2 The *Propositio*: Verses 6–23

As already mentioned, the *propositio* is a first-person narrative. The identity of the narrator is object of debate among scholars. VAN LEEUWEN suggests the ‘son’s’ mother as narrator because LXX has “third-person feminine verbs” rather than first person verbs as in the MT.⁴⁵⁷ This interpretation would match with other ‘type-scenes’ of women looking out of the window in the Old Testament (*cf.* Judg 5:28; 2 Sam 6:16; 2 Kings 9:30).⁴⁵⁸ In my opinion, it is difficult to take the LXX as the original text here⁴⁵⁹ or to fix the *topos* of the window-type scene to women only.⁴⁶⁰

⁴⁵⁵ For a discussion about the identity of the ‘strange’ woman see below, 4.4 WHO IS THE ‘STRANGE’ WOMAN?

⁴⁵⁶ Until the rabbinic time, the voice of a woman was considered as sexually stimulating. See BERGER, “Zum Huren bereit”, 103.

⁴⁵⁷ VAN LEEUWEN, “Proverbs”, NIB, vol. 5, 84.

⁴⁵⁸ VAN DIJK-HEMMES argues that “in the Bible looking through the window ..., is an activity that is mostly practised by women.” (FOKKELIEN VAN DIJK-HEMMES, “Traces of Women’s Texts in the Hebrew Bible”, *On Gendering Texts*, Brenner, Athalya and F. van Dijk-Hemmes (eds.), Leiden: Brill, 1993, 57.)

⁴⁵⁹ WHYBRAY also discusses the variants of the LXX but concludes that “the Hebrew text makes perfectly good sense as it stands.” (Roger Norman WHYBRAY, *Proverbs*, NCB, Grand Rapids: Eerdmans, 1994, 113.) COOK concludes in his monograph on the LXX of Proverbs that it “should be treated with the utmost caution when utilised for text-critical purposes. By far the greatest number of differences compared to the MT are the result of the translator’s creative approach.” (COOK, *The Septuagint of Proverbs*, 334.)

⁴⁶⁰ Why should men be precluded from looking out of the window? In Gen 26:8, for example, it is Abimelech who looks through his window. For a discussion of the ‘woman and the window type-scene’ see R.H. O’CONNELL, “Proverbs VII 16-17: A Case of Fatal Deception in a ‘Woman and the Window’ Type-scene”, *VT* 41, 1991, 235–241. For an introduction to type-scenes in the Old Testament see Robert ALTER, *The Art of Biblical Narrative*, New York: Basic Books, 1981, 47–62.

ALTER convincingly argues that the ‘father’ is the speaker throughout the whole lecture, with the *exordium* preparing the narration: “he sets himself up preeminently as a witness to the events he will narrate, peering out from his window.”⁴⁶¹ Although FOX simply calls the narrator of Prov 7:6–23 “speaker”,⁴⁶² I am inclined to suppose with ALTER that the narrator actually is the ‘father’ since the narrative is framed by the ‘father’s’ exhortations (see verses 1–5 and 24–27). Both the frame and the narrative are to be read as one coherent lecture, linking the exhortations to the content of the narrative and *vice versa*.⁴⁶³

Lecture X can be sub-divided into three passages:⁴⁶⁴

- (1) **Setting:** introduction and description of the ‘strange’ woman (verses 6–13)
- (2) **Speech:** the ‘smooth’ words of the ‘strange’ woman (verses 14–20)
- (3) **Conclusion:** the dire consequences of the seduction (verses 21–23)

The conclusion of the narrative is followed (in the *peroratio*) by a second call to attention by the ‘father’ and a final conclusion on the ‘strange’ woman’s seduction.

Verses 6–9 introduce the setting of the first person narrative in verses 6–23: the ‘father’ looks out of his window and describes what he sees. It is difficult to decide whether the narrative is a biographical note – *i.e.* the ‘father’ really experienced such a story – or rather a rhetorical means to add more dynamic to the description. Since the perspective is that of an omniscient narrator⁴⁶⁵ I would opt for a fictional narrative which nevertheless is based on the life-experience of the ‘father’.⁴⁶⁶ Thus, it describes a scene which could have happened and could still happen in the life of the ‘son’ listening to his ‘father’.

Looking out of the window is a very probable setting for such an observational-descriptive narrative. The ‘father’ looks from above – רָקַע –, implicitly from an elevated point, on the whole scene. He literally has an overview. He uses this

⁴⁶¹ ALTER, *Poetry*, 56. Cf. PLÖGER, *Sprüche*, 77.

⁴⁶² FOX, *Proverbs 1–9*, 241.

⁴⁶³ An alternative proposal about the identity of the narrator comes from MCKANE. He mentions the possibility to see in the first person forms personified Wisdom as a queen looking out of her window: *Proverbs*, 335f. In my view, this is an overstatement of facts and a dissociation of the lecture from its original setting as advice to young men. It would need a high level of abstraction to be understood. Therefore, I rather keep to the simpler understanding that the entire lecture is an instruction by the ‘father’.

⁴⁶⁴ KIDNER arrives at a different structure: “a. *The victim* (6–9) ... b. *The huntress* (10–12) ... c. *The tactics* (13–21) ... d. *The kill* (22, 23).” (KIDNER, *Proverbs*, 75f., italics his.)

⁴⁶⁵ ALTER calls the narrator “particularly keen-sighted” because he is able to “pick out of the crowd both the wily woman and her dupe and see exactly what is going on between them, literally and figuratively, even in the growing shadows of evening.” (ALTER, *Poetry*, 57.)

⁴⁶⁶ See also FOX, *Proverbs 1–9*, 241.

position to make a specific point concerning the moral of the story: although seduction sounds so nice – indicated by the description of the ‘strange’ woman’s words as “smooth” (verses 5 and 21) –, it is a deadly trap. This contrast is painted in a most colourful way.

Verse 7 focuses on the (first) person the narrator watches. In a triadic line this person is described as someone from **בְּפִתְּאִים** (“among the simple”), from **בְּבָנִים** (“among the young men”⁴⁶⁷) a **נֶעֱר** (“lad”⁴⁶⁸). Thus, the narrator is – as we would say today – ‘zooming in’:

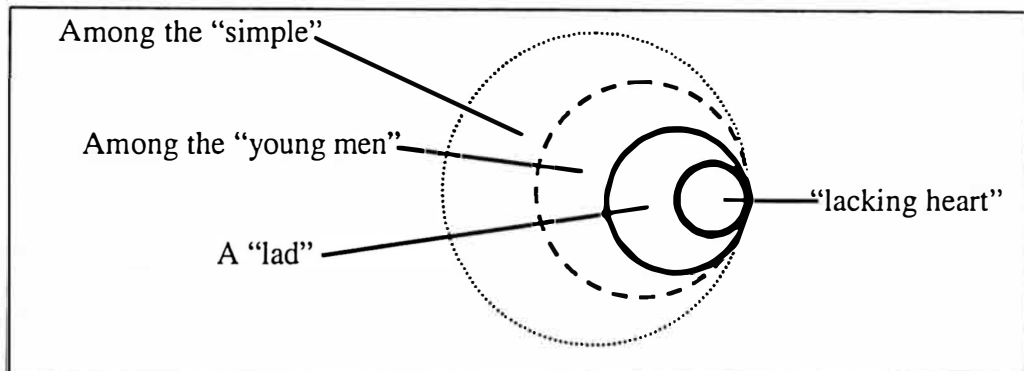


Diagram 33: The ‘Zooming in’ of Prov 7:7

All three terms are in themselves to a great degree neutral.⁴⁶⁹ The narrator moves from a big group of people to a smaller group and then to one person out of that group. Once he focuses on the ‘lad’ he describes him as **חֵסֶר-לֵב** (“lacking heart”).⁴⁷⁰ In Prov 6:32 this designates someone who is foolish.⁴⁷¹ The narrative in Prov 7:6–23 describes someone who is utterly foolish, highlighted by the remainder of the narrator’s description in verses 8 and 9. The ‘sons’ to whom the lectures were primarily delivered are part of the first three groups in figure 7: they belong to those who are in need of training like the “simple”; they are “young men” and “lads”. But the fact that the lad who is described in the narrative “lacks heart” distinguishes him

⁴⁶⁷ HALOT, 137 renders **בְּבָנִים** “young men”.

⁴⁶⁸ HALOT, 707.

⁴⁶⁹ This is even true for the term **פִּתְּי** (“simple”). Although the **פִּתְּי** “is unable to discern truth from falsehood [...], he is teachable.” (NIDOTTE, vol. 3, 715.) It thus describes someone who is untrained and thus unaware of dangers, someone who has not (yet) embarked on the wisdom enterprise. FRYDRYCH therefore describes the **פִּתְּי** as someone who has not made the decision of following the path of wisdom or the path of the fools. See Tomáš FRYDRYCH, *Living under the Sun: Examination of Proverbs and Qoheleth*, VTSup 90, Leiden: Brill, 2002.

⁴⁷⁰ Although this translation is a bit rough, it emphasises the importance of the ‘heart’ in the wisdom enterprise. See my comments on Prov 6:32 above.

⁴⁷¹ If the **פִּתְּי** is teachable, someone who ‘lacks sense’ “is simply incapable of drawing the appropriate conclusions from what he observes, and if he makes a wise choice it is in spite of himself.” (NIDOTTE, vol. 2, 226.)

from the ‘sons’. It could be a friend of theirs but obviously he is not part of their ‘class’. This proximity to the world of the ‘sons’ is important in this narrative because at each turn in the story the question is implied: “What would you do in this situation?”⁴⁷² It seems to me that the narrative deliberately picks up threads from the other lectures in Prov 1–9 to show *what it looks like if everything goes wrong*.

The passivity of the lad in the narrative testifies to his foolishness. Nowhere in the whole story is he reported to be actively doing something. Even his “passing along her street near her corner, walking along⁴⁷³ on the way to her house” (verse 8) is not active.⁴⁷⁴ Rather, he is described as a robot-like figure being on the move and suddenly intercepted, by a kiss (verse 13). Furthermore, FOX argues that the lad does not deliberately go near the house of the ‘strange’ woman because “she finds it necessary to come out toward him and implore him to enter.”⁴⁷⁵ This complements the depiction of the ‘strange’ woman as a huntress waiting for her prey in Prov 6:26.

Verse 9 focuses solely on the time of the incident. 9a refers to twilight whereas 9b envisages the dark of the night, as black as one’s אִישׁוֹן (“pupil”, the same word as in verse 2 is used). PLÖGER helpfully recalls the fact that in Palestine the night falls quickly, with not much time for twilight. He suggests seeing in verse 9 a short time-span: the whole story began at twilight and ended in pitch-black night.⁴⁷⁶ It is noteworthy that Job places adultery in the time of twilight:

The eye of the adulterer also waits for the twilight, saying,
'No eye will see me'; and he veils his face. (Job 24:15)

Strolling around at night-time, in a place where at least one woman dressed as a prostitute (verse 10) walks around, might also allude to the foolishness of the lad since “The prudent sees danger and hides himself, but the simple go on and suffer for it.” (Prov 22:3; cf. 27:12)

Verse 10 starts off with וְהִנֵּה (“and behold”), thus marking “participant perspective: at this moment, the speaker sees the woman approaching, and we view the event

⁴⁷² Obviously, this question is not explicitly asked but it fits well to the pedagogical aim of the lecture.

⁴⁷³ HALOT, 1040 renders הִלְכָה “to walk along.” הִלְכָה basically describes the covering of a distance, being in motion, which does not necessarily imply deliberate action. See APPENDIX 2. MEINHOLD assumes as well that the lad is strolling around: “der junge Mann schlendert wie von ungefähr.” (MEINHOLD, *Sprüche*, 126.)

⁴⁷⁴ According to MEINHOLD, it is left open if the lad knows where he is going or not. See MEINHOLD, *Sprüche*, 126. Nevertheless, his passivity is striking and his ignorance as well. Therefore, I tend to assume that he does not know – and does not care – where he is actually walking along.

⁴⁷⁵ FOX, *Proverbs 1–9*, 242.

⁴⁷⁶ See PLÖGER, *Sprüche*, 78.

through his eyes.”⁴⁷⁷ Verses 10–13 finish off the setting’s description by sketching some traits of the strange woman. Firstly, she is dressed *שִׁית זֹנָה* (“in a prostitute’s garment”⁴⁷⁸). It seems difficult to decide what this exactly entails. I follow FOX’s conclusion that “her harlot-like garb gives her a harlotrous appearance”, without presupposing that she either is a harlot or intends to look as one.⁴⁷⁹ Secondly, the ‘strange’ woman is *לֵב נִצְרָתָ לָב* (lit., “guarded of heart”). Thus, her true intentions are hidden. It seems to me that the father who observes the situation knows about the woman and her house – and her true intentions. Otherwise he would not be able to make the statement in verse 26: “for many a victim has she laid low, and all her slain are a mighty throng.” Thirdly, she is *הַמְיָה* (“loud”⁴⁸⁰) and *סָרְרָח* (“rebellious”⁴⁸¹). DRIVER tried to show that “rebellious” is “off the point” and proposed “‘restless’ or ‘fickle.’”⁴⁸² FOX rightly points out that *סָרְרָח* is always “used of a person incorrigibly defiant to proper authority. [...] The authority the woman is defying must be that of her husband.”⁴⁸³ Thus, ‘rebellious’ is an appropriate translation. Fourthly, although she has got a house, “her feet do not stay at home” (verse 11b) which “reveals her insubordination and restlessness.”⁴⁸⁴

Verse 12 describes the restlessness of the ‘strange’ woman. It emphasises that the ‘strange’ woman is everywhere. This is highlighted by the double use of *פְּעָם* (“foot”): “a foot in the street, a foot on the plazas...” Normally, *פְּעָם* is translated “now in the street, now on the plazas...” But FOX points out that it could as well be translated “foot” which would then “be a double entendre”⁴⁸⁵, together with verse 11b which states that “her feet do not stay at home.” Both translations equally underline the ‘strange’ woman’s restlessness. It seems that she can be still for a while, when *תֵּאָרֵב* (“she lies in ambush”⁴⁸⁶). She is – to stay within the metaphorical

⁴⁷⁷ FOX, *Proverbs 1–9*, 243. MURPHY comments: “The tempo of the narrative increases with the appearance of the woman.” (MURPHY, *Proverbs*, 43.)

⁴⁷⁸ I prefer ESV’s rendering: “dressed as a prostitute”.

⁴⁷⁹ FOX, *Proverbs 1–9*, 243. PLÖGER pulls verse 10a and 10b together and comments that already the clothes of the ‘strange’ woman give a hint to her motives. (See PLÖGER, *Sprüche*, 78.) In my view, the exact meaning of her clothing must be left open. Cf. MEINHOLD, *Sprüche*, 126.

⁴⁸⁰ NIDOTTE, vol. 1, 1043.

⁴⁸¹ NIDOTTE, vol. 3, 299.

⁴⁸² G.R. DRIVER, “Problems in ‘Proverbs’”, *ZAW* 50, 1932, 10f.

⁴⁸³ FOX, *Proverbs 1–9*, 244.

⁴⁸⁴ *Ibd.*

⁴⁸⁵ *Ibd.*, 245.

⁴⁸⁶ HALOT, 83 and ESV render “to lie in wait.” NIDOTTE, vol. 1, 491 mentions that *תֵּאָרֵב* “is used of animals lurking for their prey.” It can also be used for human beings who lie in wait for their prey, in stories of ambush, as in Prov 1:11, 18. Since Prov 2 deliberately parallels the evil men (who are lying

realm of hunting – both well equipped and well trained for this kind of hunt, knowing what she is waiting for. Verse 26 shows that she has a lot of experience in ambushing men. Her nearly immediate success with the lad would also point to a rather ‘professional huntress’.

In verse 13 the ‘strange’ woman’s action upon meeting (verse 10) the lad is described: “she seizes him and kisses him.” Although the term for kissing that is used here, נִשָּׁק, is rather general and applies to both kissing among relatives as well as romantic kissing,⁴⁸⁷ it is highly unusual that a woman kisses a lad in public – being “dressed as a prostitute” (verse 10). Since the woman needs to persuade the lad – with much seductive speech (verse 21) – to come with her, they probably have not met before.⁴⁸⁸ Thus, it is not the kind of kiss that friends might give to each other but clearly a romantic, sexually motivated kiss. The lad does nothing to prevent it. The ‘strange’ woman is consistent in her actions, and with bold face⁴⁸⁹ she begins her speech (verses 14–20). MEINHOLD points out that verse 13 emphasises that the ‘strange’ woman is determined to achieve her goals with any means.⁴⁹⁰

Verse 14 is a bit puzzling. MURPHY simply states: “The implications of this verse escape us.”⁴⁹¹ It is indeed a bit odd that the ‘strange’ woman makes allusions to two *religious* duties. Firstly, she claims that זָבַחַי שְׁלָמִים עָלַי (lit., “peace offerings <were> upon me”). It is important to note that peace offerings⁴⁹² were normally connected to a meal within the family where the meat had to be eaten (*cf.* Lev 19:5–8). Thus, MÜLLER speaks of a private party to which the lad is invited by the ‘strange’ woman.⁴⁹³ Secondly, the ‘strange’ woman mentions that she has paid her vows. This involves a wordplay on the root שָׁלַם (here: “peace” and “to pay [vows]”):

זָבַחַי [שְׁלָמִים] עָלַי הַיּוֹם [שְׁלַמְתִּי] נִדְרָי

in ambush) of Prov 1 with the ‘strange’ woman and Prov 6:26 depict the ‘strange’ woman as hunting down the life of a man, I would rather use the more forceful translation “to lie in ambush” for Prov 7:12.

⁴⁸⁷ See NIDOTTE, vol. 3, 196.

⁴⁸⁸ Or at least did not have sexual relations.

⁴⁸⁹ HALOT, 809, translates פָּנִיהָ עָזוּזָה “to show an insolent expression, look impudent.” NIDOTTE does not give a particular meaning but lists different proposals: “bold [...], with an impudent [...], brazen [...] or hard [...] face.” (NIDOTTE, vol. 3, 368.) I keep to ESV’s rendering, “with bold face.”

⁴⁹⁰ MEINHOLD, *Sprüche*, 127.

⁴⁹¹ MURPHY, *Proverbs*, 44.

⁴⁹² The translation of שְׁלָמִים needs clarification in this context. FOX lists three possibilities: “‘peace offerings,’ ‘well-being offerings,’ or ‘communion offerings.’” (FOX, *Proverbs 1–9*, 245.) I stay with the term ‘peace offering’ since this term “allows for greatest level of conceptual flexibility.” (NIDOTTE, vol. 4, 135.)

⁴⁹³ See MÜLLER, *Proverbien 1–9*, 139. Likewise FOX, *Proverbs 1–9*, 245.

ALTER understands this as an “approximate synonymy.”⁴⁹⁴ Thus, the paying of vows involves the peace offering.⁴⁹⁵

It is significant that the ‘strange’ woman starts her seductive speech with the mention of religious duties. G. BOSTRÖM suggested an interpretation that widely influenced later readings of Prov 7. He maintained that the reference to religious duties is a proof of the woman’s identity as a cult prostitute.⁴⁹⁶ G. BOSTRÖM very well captured what the ‘strange’ woman wants: sex is on her mind.⁴⁹⁷ But opposing G. BOSTRÖM, I do neither take לִשְׂמֹחַתִּי as modal⁴⁹⁸ nor do I understand verse 14 as the key to the rest of Prov 7.⁴⁹⁹ In my view, verse 14 marks the *entrance* into the seductive speech of the ‘strange’ woman. It is like a bait for catching the lad.⁵⁰⁰

The word הַיּוֹם (“today”) is meaningful, showing that the offering was not long ago. Lev 19:6 states that the peace offering “shall be eaten the same day you offer it or on the day after.” This invitation is nothing unusual – and if the ‘strange’ woman had not kissed the lad before it probably would be a neutral invitation. The hiddenness of her motives becomes evident in her very first sentence: although she is up for sex, she invites to a meal which would be unusual if the ‘strange’ woman was

⁴⁹⁴ ALTER, *Poetry*, 58.

⁴⁹⁵ See FOX, *Proverbs 1–9*, 246.

⁴⁹⁶ See G. BOSTRÖM, *Proverbiastudien*, especially pages 106–108. Cf. MCKANE, *Proverbs*, 337. For refutations of BOSTRÖM’s thesis see PLÖGER, *Sprüche*, 79f. and FOX, *Proverbs 1–9*, 246. PLÖGER rightly points out that if the cult was the key to the passage it would have been more clearly stated. WHYBRAY points out that the use of the term ‘peace offering’ designates the ‘strange’ woman as an “Israelite who seizes the opportunity of the absence of her husband to commit adultery.” (WHYBRAY, *Proverbs*, NCB, 115.) Thus, it seems highly unlikely that she was a cult prostitute.

⁴⁹⁷ Cf. VAN LEEUWEN, “Proverbs”, NIB, vol. 5, 85.

⁴⁹⁸ MCKANE follows G. BOSTRÖM, translating Prov 7:14: “I must provide a sacrificial meal, today I am to fulfil my vows.” (MCKANE, *Proverbs*, 221.) This translation takes the LXX as base: $\text{\theta\upsilon\sigma\iota\alpha\ \epsilon\iota\rho\eta\nu\iota\kappa\acute{\eta}\ \mu\omicron\iota\ \acute{\epsilon}\sigma\tau\iota\nu\ \sigma\acute{\eta}\mu\epsilon\rho\omicron\nu\ \acute{\alpha}\pi\omicron\delta\acute{\iota}\delta\omega\mu\iota\ \tau\acute{\alpha}\varsigma\ \epsilon\upsilon\chi\acute{\alpha}\varsigma\ \mu\omicron\upsilon}$. This is a possible but unlikely rendering. Since it already is evening, there would not be much time left to “pay vows.” Moreover, to prepare such a meal takes some time. Taking the speech of the ‘strange’ woman as a whole, it rather seems to me that everything *is* already prepared. Furthermore, the use of the term ‘peace offering’ is reminiscent of Leviticus. Such an offering would be brought in day-time and not at night. To assume foreign cultic practices in Prov 7 stretches the text too far. Thus, I opt for the ‘normal’ perfect as past tense: “I had to offer peace offerings; today I have paid my vows.” (cf. ESV)

CLIFFORD suggests that both the modal and the past tense are meant in Prov 7:14: “The young man interprets her words as ‘I have paid my vow, let’s feast on the meat,’ but she means, ‘I am going to fulfill [sic] my vow,’ that is, she has not yet slain her offering.” (CLIFFORD, *Proverbs*, 88.) This interpretation, however, rests on CLIFFORD’s very particular understanding of the passage: that the ‘strange’ woman literally kills the young man in a cultic act. I will deal with his view further below in my treatment of the death metaphors in Prov 7.

⁴⁹⁹ He writes: “Die Opfermahlzeit und das religiöse Gelübde in Kap. 7 müssen in intimmem Zusammenhang mit dem übrigen Inhalt des Kap. verstanden werden, - andernfalls ist V. 14 völlig sinnlos.” (*Proverbiastudien*, 106.)

⁵⁰⁰ See MÜLLER, *Proverbien 1–9*, 139. Cf. PLÖGER, *Sprüche*, 80 and MAIER, *Die ‘fremde’ Frau*, 190–194.

a prostitute.⁵⁰¹ This invitation⁵⁰² finds a parallel in the invitations of Woman Wisdom and Dame Folly in Prov 9. Both invite the “simple” to come to them and eat with them (Prov 9:5, 17).

The ‘strange’ woman’s mention of her vow being fulfilled may also hint at her sexual availability.⁵⁰³ VAN LEEUWEN points out that this is quite ironic: “She has presumably made herself right with God and now she is ready to violate her sacred marital covenant through committing adultery.”⁵⁰⁴ PLÖGER rightly calls this a religious camouflage of human desires.⁵⁰⁵

Verse 15 begins with *עַל־כֵּן* (“Therefore”⁵⁰⁶). The ‘strange’ woman continues to lull the lad. Three times the pronominal suffix ‘you’ is used: “I have come out to meet *you*, to seek *you* eagerly, and I have found *you*.” The triadic line is consequential. She intends to make him feel as a special, attractive man: “The skilled seducer plays to the boy’s ego by claiming intense longing for him, him alone.”⁵⁰⁷ If one reads the text from its end (*cf.* verse 26), this seems to be the ‘strange’ woman’s usual trick: giving the lad the feeling that he is of special importance and so attractive but her internal motives are for some fresh flesh for her sexual appetite.⁵⁰⁸

In verses 16 and 17 the ‘strange’ woman describes her ‘bed’ with two different words: *עָרֶשׁ* (“couch”⁵⁰⁹) and *מִשְׁכָּב* (“bed”⁵¹⁰). Although *עָרֶשׁ* can designate both the place where one reclines for dinner and one’s bed,⁵¹¹ *מִשְׁכָּב* rather is the place for lying down and sleeping. In some biblical passages it becomes “a metaphor for coitus.”⁵¹² In my view, there is not necessarily a development implied, from ‘couch

⁵⁰¹ For a different view see Karel VAN DER TOORN, “Female Prostitution in Payment of Vows in Ancient Israel”, *JBL* 108, 1989, 193–205. See my discussion of his views below in my treatment of Prov 7:20.

⁵⁰² ALTER interprets the passage also as an invitation: “I’ve fulfilled my vow, so you can count on a hot and piping feast at my place right now.” (ALTER, *Poetry*, 58f.)

⁵⁰³ See FOX, *Proverbs 1–9*, 246 who points out that she must have been ritually clean.

⁵⁰⁴ VAN LEEUWEN, “Proverbs”, *NIB*, vol. 5, 85. For a discussion of marriage as a covenant see my treatment of Prov 2:16–19 above.

⁵⁰⁵ “Die religiöse Tarnung menschlicher Begierden”: PLÖGER, *Sprüche*, 80.

⁵⁰⁶ *A Guide to Biblical Hebrew Syntax*, 137: “The compound form of *עַל־כֵּן* often introduces a statement of effect, linking to clauses with a causal link.” The LXX takes *עַל־כֵּן* as well as causal: ἔνεκα τούτου.

⁵⁰⁷ FOX, *Proverbs 1–9*, 247.

⁵⁰⁸ *Cf.* FOX, *Proverbs 1–9*, 246.

⁵⁰⁹ HALOT, 889.

⁵¹⁰ HALOT, 646.

⁵¹¹ FOX argues that *עָרֶשׁ* is never used for dining. See FOX, *Proverbs 1–9*, 247. But at least Amos 6:4 uses *עָרֶשׁ* parallel to *מִטָּה*, the general term for couch. I am not saying that *עָרֶשׁ* definitely means “couch for dining” here but it would at least be probable. See APPENDIX 2.

⁵¹² NIDOTTE, vol. 2, 1129.

for dining' to 'bed for sexual intercourse' or the like.⁵¹³ Verses 16 and 17 rather describe how well everything is prepared: the couch is laid out with smooth - and presumably expensive - linen (verse 16) and the bed is perfumed with different spices (verse 17).⁵¹⁴ The linen and spices mentioned carry the idea of preciousness and uniqueness,⁵¹⁵ specially arranged for the lad - thus underlining the message of verse 15: "I have come out to meet *you*..." It is noteworthy that some of these spices are also used in the metaphorical description of the bride's garden - a metaphor for her body - in S of Songs 4:12-15:

¹² A garden locked is my sister, my bride, a spring locked, a fountain sealed.
¹³ Your shoots are an orchard of pomegranates with all choicest fruits, henna with nard, ¹⁴ nard and saffron, calamus and *cinnamon*, with all trees of frankincense, *myrrh* and *aloes*, with all chief spices - ¹⁵ a garden fountain, a well of living water, and flowing streams from Lebanon. (italics mine)

Thus, verses 16 and 17 emphasise that everything is ready for the love-feast. O'CONNELL interprets verses 16 and 17 in a totally different manner: although the language of these verses is "designed to enhance the attractiveness of the seductress's bed", the coloured linen could also be used as "burial cloth", the myrrh and the aloe are ingredients of "a burial-spice mixture" and particularly cinnamon "was used in burial-spice mixtures designed to mask the unpleasant odours of death."⁵¹⁶

Although this interpretation is quite original and burial practices tend to be conservative⁵¹⁷ I find it difficult to see an allusion to burial practices in verses 16 and 17. The thrust of the passage lies in the power of seduction and although seduction clearly has a dark and dangerous side, this side is not alluded to in these verses. No one seriously would take the spices in S of Songs 4 and interpret them as burial spices. On the contrary, the use of spices in S of Songs 4 helps to understand Prov 7. GROSSBERG has convincingly shown that Prov 7 and S of Songs are very close to each other concerning the love language employed. He demonstrates that the same

⁵¹³ The use of the pronominal suffix ('my') with both 'couch' and 'bed' rather hints to a place for sleeping and sexual intercourse.

⁵¹⁴ ALTER speaks of "the sensual refinement of perfuming." (ALTER, *Poetry*, 59.)

⁵¹⁵ FOX points out that both terms used to designate the linen (תְּבִינָה and אֶטְרוֹן) are *hapax legomena* in the Old Testament, "suggesting that the textiles were rarities in Israel." (FOX, *Proverbs 1-9*, 247.)

⁵¹⁶ O'CONNELL, "Proverbs VII 16-17", 237f.

⁵¹⁷ Which is important for O'CONNELL's thesis because his examples of burial practices stem mostly from the New Testament.

erotic words can lead to quite different results.⁵¹⁸ The lesson the ‘sons’ ought to learn in Prov 7 is to distinguish between seduction and true love-language between lovers: “She speaks as would a true spouse to her husband.”⁵¹⁹

The ‘strange’ woman has scarcely finished describing her tempting love-nest as she starts a direct approach to the lad in verse 18: “Come, let us take our fill of love till morning; let us delight ourselves with love.” With one imperative and two cohortatives the ‘strange’ woman expresses her real aim: an “all-night stand.”⁵²⁰ She explicitly states what for – and for whom – she has prepared her bed. She uses two different words for ‘love’, **רָדִים**⁵²¹ and **אֶהְבֶּה**. The latter is also employed in the description of true marital love in Prov 5:19: “be intoxicated always in her love.”

I have already argued above that the narrative in Prov 7:6–23 is most probably fictional, although it reflects a typical situation that could be experienced by the ‘sons’. The fictional character of Prov 7:6–23 cautions against reading too much into the ‘strange’ woman’s speech since these were not necessarily the words that she had spoken but rather those that the ‘father’ is putting into her mouth as if she had uttered them. In my view, in Prov 7:18 the ‘father’ employs marriage vocabulary to camouflage the adulterous intentions of the ‘strange’ woman. The ‘son’ is implicitly exhorted to both follow the ‘father’s’ lecture closely – otherwise he does not understand what this is all about – and to grow in discernment: this woman is not a bride, she is not just out to get some company for a meal, she is married (verse 19) and wants to have (extramarital) sex.

That the ‘strange’ woman is an adulteress becomes evident in verse 19. She is married and her husband is not at home (lit. “in his house”). He is on a long journey. The verse is introduced by **כִּי**, thus expressing causality in connection with the preceding verse: *Let’s make love because my husband is not at home*. Both the reference to her husband as **אִישׁ הָאִשָּׁה** (“the man, husband”) and to ‘his house’ rather than *my house* (cf. Prov 7:11) illuminate the woman’s relationship to her husband: she

⁵¹⁸ See GROSSBERG, “Two Kinds of Sexual Relationships”, 7–25.

⁵¹⁹ Gale A. YEE, “‘I Have Perfumed My Bed with Myrrh’: The Foreign Woman (*iššā zarā*) in Proverbs 1–9”, *JSOT* 43, 1989, 62.

⁵²⁰ MURPHY, *Proverbs*, 44. In my view, contrary to G. BOSTRÖM, Prov 7:18 expresses the goal and the true motive of the ‘strange’ woman and not 7:14 with its alleged allusion to cult prostitution. PLÖGER calls verse 18 an unmistakable call: see PLÖGER, *Sprüche*, 80.

⁵²¹ FOX notes that **רָדִים** refers to “physical lovemaking, from caresses to sexual intercourse.” (FOX, *Proverbs 1–9*, 248.) Although the term can be used for love-making, it is not always used in this way and can also refer to ‘love’ in a more general way, e.g. in S of Songs 1:2, 4. See APPENDIX 2.

“feels deserted and neglected.”⁵²² In my view, this is highly significant: the ‘father’ mirrors how some women may feel like and how they might possibly argue in order to have sex with a young – and sexually attractive – man.

Verse 20 finishes the speech of the ‘strange’ woman by giving a few more details about the husband’s business trip. The main emphasis lies on the fact that the return of the husband is still far off: (1) he took “a bag of money” which indicates that he is on a longer journey⁵²³ and (2) he will return “at full moon”. Since it is dark night (*cf.* Prov 7:9), full moon is still far off.⁵²⁴ The speech of the ‘strange’ woman thus ends with her attempt to assure the lad that the adultery will be unnoticed. Thus, ALTER assumes that verses 19–20 try to calm the lad’s heart because the ‘strange’ woman “has detected a look of fearful hesitation after her offer of sumptuous sexual delights.”⁵²⁵ Similarly, MEINHOLD points out that the whole sequence of the ‘strange’ woman’s arguments aims at showing that there are no unpleasant consequences at all to be expected as a result of the adultery.⁵²⁶

I would like to deal here with two interpretations in connection with the husband’s “bag of money” (Prov 7:20) which he took with him on his journey. VAN DER TOORN suggests that the ‘strange’ woman only pursues adultery because of “the money she needs in order to discharge her religious obligations.”⁵²⁷ He assumes that there were many women on the margin of the official Israelite cult who “often engaged intensively in religious activities of various kinds. Vows ranked especially high in their devotional life.”⁵²⁸ Thus, the ‘strange’ woman is not an ordinary prostitute but a woman who needs money in order to pay for her vows. This interpretation is found wanting in several respects: firstly, it depends on rendering שְׁלֵמָתִי נִדְרֵי “I am to fulfil my vows.”⁵²⁹ But this modal translation seems very unlikely in the context of Prov 7.⁵³⁰ Secondly, it assumes that the ‘father’ and the ‘son’ know instantly who is

⁵²² FOX, *Proverbs 1–9*, 248.

⁵²³ I follow WHYBRAY who convincingly argues that the mention of a long journey does not necessarily imply that the husband is a foreigner – as suggested by BOSTRÖM, *Proverbiastudien*, 134. See WHYBRAY, *Proverbs*, NCB, 115f.

⁵²⁴ See MEINHOLD, *Sprüche*, 129.

⁵²⁵ ALTER, *Poetry*, 59.

⁵²⁶ See MEINHOLD, *Sprüche*, 129.

⁵²⁷ VAN DER TOORN, “Female Prostitution”, 199.

⁵²⁸ *Ibid.*, 204.

⁵²⁹ *Ibid.*, 197.

⁵³⁰ See my discussion of Prov 7:14 above. If she already paid her vows she does not need to earn money like a prostitute.

meant in this speech: women who had to pay much money for their vows.⁵³¹ But since the cult is only hinted at in verse 14 this seems rather unlikely and does not correspond to the main thrust of the ‘strange’ woman’s speech. Thirdly, the whole setting of Prov 7 indicates that the woman is rather rich: (1) the ‘father’ looks through the window of his house from which he can see her corner. Only wealthy people could afford to have windows in their houses⁵³² and it might well be assumed that the narrative takes place in the wealthier part of town. (2) The description of the linen and the exotic spices in verses 16 and 17 undeniably hint at large expenditure for the preparation of the love-nest. This contradicts the theory that the ‘strange’ woman is in dire straits. One could of course argue that the linen and the spices have been paid for as the husband was still around. But this is just as probable as the contrary assumption that the ‘strange’ woman is wealthy and thus was able to afford the preparations necessary for her love-feast. Since the word for bag used in Prov 7:20, *צָרוּר*, generally refers to a “pouch/small bundle containing money [...] of general and great personal value, much as a purse or wallet is today”⁵³³ it is unlikely that the husband took *all* his money on his journey (in that small bag). Therefore, it is highly likely that the primary motivation of the ‘strange’ woman is not monetary needs but her desire to have sex.

A second interpretation of the ‘strange’ woman’s husband’s bag of money stems from ALTER. He suggests that the ‘strange’ woman is out to get the young man’s money since her husband did not leave her much money and she had expenditures to make.⁵³⁴ As already mentioned, this is rather unlikely. But there is another problem with ALTER’s thesis: the lad’s liquidity would be important for the choice of the ‘strange’ woman’s lover if she was out to get his money. But nowhere in the passage do we find a word on the lad’s prosperity. His sole ‘qualification’ lies in the fact that

⁵³¹ VAN DER TOORN quotes Deut 23:18–19 [ET = 17–18] to support his argument. He assumes that “the custom of paying vows by means of prostitution was a known phenomenon [in ancient Israel].” (VAN DER TOORN, “Female Prostitution”, 200.) But this is highly tendentious. It rests on the assumption that Deut 23 does not reflect anti-Canaanite sayings but is rather influenced by the wisdom tradition. But Deut 23 is concerned with the definition and protection of the community over and against foreign (religious) practices. See WRIGHT, *Deuteronomy*, 247–257. It is a special feature of the Book of Deuteronomy that it reflects a “rejection of all forms of Canaanite worship.” (MCCONVILLE, *Deuteronomy*, 351.)

⁵³² MCKANE points out that a window with a lattice as described here is a feature of “a royal palace”: *Proverbs*, 336. MEINHOLD mentions that simple houses did not have windows in ancient Israel. See MEINHOLD, *Sprüche*, 125.

⁵³³ NIDOTTE, vol. 3, 843.

⁵³⁴ See ALTER, *Poetry*, 59f.

he is from “among the simple, [...] among the young men, a young man lacking sense.” (Prov 7:7) There is no description of his outer appearance (in contrast to the ‘strange’ woman, verse 10) or any allusion to his social background at all. Thus, it is difficult to postulate a monetary background for the seduction of the ‘strange’ woman. Seen as a whole, the ‘strange’ woman’s speech is ‘typical’ in a woman’s seduction of a lad. She wants sexual intercourse. Her husband is far away and therefore she gets what she wants by seducing an inexperienced young man.

Verses 21–23 are the ‘father’s summary of the ‘strange’ woman’s speech, a conclusion of the narrative. Verse 21 focuses on her rhetorical ability – her truly masterful art of seduction – whereas verses 22 and 23 report the drastic consequences of the lad’s adultery. The ‘father’ simply states in verse 21 that the ‘strange’ woman has been successful: “She deceives⁵³⁵ him with a multitude of her instruction,⁵³⁶ with the smoothness of her lips she seduces⁵³⁷ him.” The ‘strange’ woman’s most dangerous weapon, as it were, is her tongue and the way in which she talks. As already noted, the smoothness of the ‘strange’ woman’s speech plays an important role in all lectures on adultery in Prov 1–9 (*cf.* Prov 2:16; 5:3; 6:24; 7:5, 23). The only antidote to her smooth words is obedience towards the instruction of the ‘father’ (*cf.* Prov 7:1–4, 25). The lad in the narrative has nothing to counter the smooth talk of the ‘strange’ woman. He does not even utter one single word.

The lad’s passivity is pointed out as well in verses 22 and 23 where his situation is compared to different animals being caught or being shot with an arrow. There is some discussion among scholars how these lines fit together.⁵³⁸ FOX states that the “MT [of v. 22] is incomprehensible.”⁵³⁹ The problem mainly lies in the translation of MT’s עֲבָכִים (“anklet”⁵⁴⁰). DRIVER proposes a derivation from ‘akasa, an Arabic word for tying, thus rendering it “to tie” which is rather improbable – as Fox convincingly shows. DRIVER nearly changes the whole vocalization to “אֵל-מוֹסֵר אֵיל” ‘as a hart is tied to a cord’, *i.e.* caught and tied by a cord to a stake ready for killing.”⁵⁴¹

⁵³⁵ HALOT, 693, proposes “entice, deceive” for נָטָה in the *Hiphil*.

⁵³⁶ I follow FOX who proposes to render לִקְחָהּ “instruction” rather than “seductive speech” (NRSV, ESV) because it is used elsewhere in Prov (1:5; 4:2; 9:9 and 16:21, 23) in this sense; in Prov 7:21 it is used “in a facetious tone” since this is “the Strange Woman’s ‘doctrine.’” (FOX, *Proverbs 1–9*, 249.) In my view, there is a lot of the ‘father’s irony in the use of לִקְחָהּ in Prov 7:21.

⁵³⁷ HALOT, 673.

⁵³⁸ See for a discussion FOX, *Proverbs 1–9*, 249f. and WHYBRAY, *Proverbs*, NCB, 117.

⁵³⁹ FOX, *Proverbs 1–9*, 249.

⁵⁴⁰ HALOT, 824.

⁵⁴¹ DRIVER, “Problems”, 143.

BHS proposes DRIVER's rendering as original (with the slight additional variant of וּכְעֵפֶס. FOX refuses DRIVER's proposal, mainly for contextual reasons and the alleged employment of an otherwise unattested word.

The LXX renders here κύων (“dog”), the Vulgate *agnus* (“lamb”). Thus, they both interpret this verse as referring to some kind of animal which establishes a better connection between verses 22b and 22c and 23a+b. Most English translations – with the exception of KJV and NKJV⁵⁴² – take עֵפֶס as “to hop” and emend MT's מוֹסֵר (“discipline”) to מוֹסֵר (“fetters”⁵⁴³) and אֲוִיל (“fool”) to אֵיל (“fallow deer”⁵⁴⁴), thus *a deer hops into fetters*.⁵⁴⁵ In my opinion, it is very difficult to come to a decision here.⁵⁴⁶ On the other side – and here all commentators agree – the import of verses 22 and 23 as a whole as summed up in verse 23c is clear, lit. “he did not know that it was by his life.” This is a statement about the price the lad⁵⁴⁷ is going to pay: it is his own life. There is fatality in verse 23c: after all the seductive speech, with all the ‘stop-signs’ the lad still does not know what this is all about.⁵⁴⁸ The enticement of the ‘strange’ woman could only reach its goal because of the lad's blatant ignorance. VAN LEEUWEN thus concludes:

“The animal images convey the youth's loss of his humanity; he has abandoned the wisdom that enables him to be human, to know what he is getting into. [...] Although the young man is portrayed as senseless beast, usually even animals know better (1:17–18: cf. Isa 1:3; Jer 8:6–7).”⁵⁴⁹

⁵⁴² “... or as a fool to the correction of the stocks” (KJV)

⁵⁴³ HALOT, 557.

⁵⁴⁴ HALOT, 40.

⁵⁴⁵ Cf. ESV, NRSV and NIV. German translations render likewise, cf. EIN, RELB and LUT.

⁵⁴⁶ Since מוֹסֵר and אֲוִיל are typical wisdom words, it could well be that they point to a later textual change in Prov 7:22. Then the rendering of most translations could be preferred. On the other side – as MEINHOLD suggests – verses 22c and 23a could make sense as they stand, although he interprets them as later insertions into the text. See MEINHOLD, *Sprüche*, 130. In contrast, FOX places verse 23a at the end of verse 23 so that the piercing of the liver refers to the lad: FOX, *Proverbs 1–9*, 250. MCKANE suggests to reverse 23a and 23b since the sequence would then “be more logical.” (MCKANE, *Proverbs*, 341.) In my view, such a re-arrangement is unnecessary. The piercing refers figuratively to the lad anyway because the animals mentioned serve as an illustration for his behaviour, for his ignorance. In the end, all of the comparisons point to the deadly consequence for the victim, see PLÖGER, *Sprüche*, 81. “The ox and, especially, the stag and bird bound along to their death quickly and rashly and in ignorance of their fate.” (FOX, *Proverbs 1–9*, 249.)

⁵⁴⁷ FOX rightly points out that verse 23c refers to the lad and not to the bird of verse 23b because צִפּוֹר (“bird”) is a feminine noun but the words used here are masculine. See FOX, *Proverbs 1–9*, 250.

⁵⁴⁸ It is interesting to note that both the lad and the ‘strange’ woman do not know what they are actually doing and where it really leads. See my comments on Prov 5:6 above.

⁵⁴⁹ VAN LEEUWEN, “Proverbs”, NIB, vol. 5, 85.

What the ‘strange’ woman promises is a feast for all senses. What the lad gets is the end of his life. The beginning of verse 22 employs the word פְּתָאִם (“suddenly”⁵⁵⁰). Thus, “after listening for some time, the young man suddenly makes up his mind.”⁵⁵¹ FOX points out that there always is a gap in between seductive speech and the action following it: “The fool rushes over the gap.”⁵⁵² Although it might well be that the lad became a bit nervous in verse 18, when mention of the husband was made, he decides to take the offer and “follow her” (הוֹלֵךְ אַחֲרֶיהָ). The text does not elaborate on the lad’s reaction. The important point stressed by the ‘father’ simply is that the lad does not say one word in the whole ‘conversation’. To be precise, this conversation rather seems to be a monologue of the ‘strange’ woman.

4.2.4.2.3 The *Peroratio*: Verses 24–27

The *peroratio* starts with a second call for attention by the ‘father’: וְעַתָּה בָּנִים (“And now, O sons...”). Both the direct address to the ‘sons’ as well as the temporary marker “and now” show that the narrative is over and the lecture continues. FOX notes that the ‘father’ switches from time to time between singular and plural address without particular reason.⁵⁵³ The double imperative (“listen” and “be attentive”) is a rhetorical means to get the attention of the listeners/readers in order to make an important point.⁵⁵⁴ Thus, from the structure of the text we should expect important content in verse 25 – and in the following verses as well. This expectation is supported by the fact that this *peroratio* represents the end of the ten lectures in Prov 1–9.⁵⁵⁵

Verse 25–27 are one last warning against the ‘strange’ woman, again pointing out the lethal consequences of adultery with her. Verse 25 contains two jussives negated with אַל־. The first focuses on the inward motivation – “Let not your heart turn aside to her ways” –, the second on the outward action: “do not stray into her paths”. The use of verbs employed here suggests a sequence: “If you are attracted to her ways

⁵⁵⁰ HALOT, 984. For a helpful discussion why פְּתָאִם is to be preferred over the reading that the translators of the LXX have taken as original (κεπρωθείς points to the reading פְּתָאִים, “young, naïve person”) see MCKANE, *Proverbs*, 340. It makes much more sense in the context of Prov 7.

⁵⁵¹ WHYBRAY, *Proverbs*, NCB, 116.

⁵⁵² FOX, *Proverbs 1–9*, 249.

⁵⁵³ See FOX, *Proverbs 1–9*, 250. Cf. Prov 4:1; 5:7; 8:32.

⁵⁵⁴ Cf. MCKANE, *Proverbs*, 341. Any young man listens to ‘voices’, either the ‘strange’ woman’s or the ‘father’’s. The two protagonists – and the only two that utter words – are the ‘strange’ woman and the ‘father’. The decision whom to listen to is up to the ‘son(s)’.

⁵⁵⁵ Cf. MEINHOLD, *Sprüche*, 131.

(25a), you will wander about in her crooked paths (25b).⁵⁵⁶ With this statement the ‘father’ draws a parallel between the lad in the narrative and the ‘sons’ receiving instruction. He thus underlines that they are in danger of getting on the wrong paths, highlighting the intention of the lecture: the narrative functions as an informative deterrent. It is ‘informative’ because it presupposes a situation into which each of the ‘sons’ might come and informs about the strategy of a ‘strange’ woman, her outer appearance and her smooth talk. It is a deterrent because the ‘father’ clearly points out that adultery leads to death.

This point is so important that it is repeated in verses 26 and 27, starting again with כִּי (“for, because”). Verse 26a is similar to Judg 9:40b: וַיִּפְּלוּ חַלְלִים רַבִּים (“and many fell wounded”), there reporting from a battle. Prov 7:26a uses the same words – the *Hiphil* of נָפַל is rendered as “to cause to fall”, thus “to bring to ruin”⁵⁵⁷ –, but here it is the ‘strange’ woman who is the manslayer: “For she brought many wounded to ruin.” It is no coincidence that people get slain, it is her very purpose.⁵⁵⁸ עָצוּם can mean both “mighty” and “numerous”.⁵⁵⁹ The parallel use with רַב (“many”) hints at the latter option, the point being that the ‘strange’ woman is very dangerous because of her numerous victims.⁵⁶⁰ Verse 26 thus contains the implicit warning to the young men that the ‘strange’ woman is always out on a hunt and *next time it could be you*: “Learn from the victims who have gone before!”⁵⁶¹ Since normally both adulterers would be put to death, this passage is not to be taken literally. Rather, it reflects a hyperbolic use with the intent to make the ‘strange’ woman even more dangerous than she is. PLÖGER rightly speaks of a “Übersteigerung ihrer Person.”⁵⁶²

Verse 27 specifies the place where the ‘strange’ woman’s victims end up. Her house – which she described with persuasive power as a nice love nest in verses 16–

⁵⁵⁶ FOX, *Proverbs 1–9*, 251. FOX supports his rendering of הִתְעָה (“to wander about”) with its use in other passages: Gen 21:14; 37:15; Ps 107:4, always used “with מִן of place”: HALOT, 1766.

⁵⁵⁷ HALOT, 710.

⁵⁵⁸ See FOX, *Proverbs 1–9*, 251.

⁵⁵⁹ HALOT, 868.

⁵⁶⁰ Cf. WHYBRAY, *Proverbs*, 118. MEINHOLD suggests that ‘mighty’ fits better because of the comparison with the ox in verse 22b. See MEINHOLD, *Sprüche*, 132. In my view, this connection is more difficult to understand than the primary context with רַב in verse 26a. Since verse 26 belongs to the *peroratio*, it is even more unlikely that its primary reference lies in verse 22.

⁵⁶¹ VAN LEEUWEN, “Proverbs”, NIB, vol. 5, 85.

⁵⁶² PLÖGER, *Sprüche*, 81.

17 – actually is *דַּרְכֵי שְׁאוֹל* (“the way to Sheol”⁵⁶³). Sheol is a “negative state” rarely “depicted beyond isolated details and occasional fig. usages.”⁵⁶⁴ Basically, it “designates both the grave and the netherworld”, the emphasis being on the latter in Prov 5:5 and 7:27.⁵⁶⁵ The way to Sheol stands in parallelism to *אֶל-חַדְרֵי-מָוֶת* (“the chambers of death”). The picture is that of a house with many rooms, in this case the ‘cellar’ of the ‘strange’ woman’s house. The message to the ‘sons’ is clear: *If you enter her house, you are on the way to death.*⁵⁶⁶

FOX points out that verses 26–27 are the “capstone” of the lecture, emphasising that the ‘strange’ woman “is deadly.”⁵⁶⁷ We have already seen above in Prov 5:6 that she is ignorant of her actual disposition as someone who is fatal. The reference to ‘hunting’ in both Prov 6:26 and Prov 7:12, 26 does not necessarily imply that the ‘strange’ woman is deliberately hunting down young men, fully knowing what happens to them and to herself. Rather, the ‘strange’ woman is even more dangerous – and maybe also mysterious – because she is on a hunt but at the same time she is also totally ignorant of its consequences.⁵⁶⁸ Her intention is to have sex. She is not out to destroy a man’s life through committing adultery with him. She probably believes in her own speech as much as she tries to make the lad believe it. The ‘father’ now takes the seemingly innocent longing for an ‘all-night stand’ and brings it into the bigger picture: this is adultery and it will destroy your life.⁵⁶⁹

⁵⁶³ The Hebrew has here a plural, “the ways to Sheol” (italics mine) which refers to the fact that there are numerous ways starting from her house, all leading straight into death. In English, it seems better to stay with a singular translation, “the way to Sheol.” Most commentators and translations keep to a singular rendering here, with one exception: DELITZSCH translates her “A multiplicity of ways to hell is her house...” (KEIL, C.F. and F. DELITZSCH, *Commentary on the Old Testament in Ten Volumes*, vol. VI: Proverbs, Ecclesiastes, Song of Solomon, by F. DELITZSCH – Three Volumes in One, 1899, reprint, Grand Rapids: Eerdmans Publishing, 1976, 171.) FOX keeps to the singular rendering, pointing out that the plural “ways” encompasses the “collectivity of behaviors that characterize a person’s life.” (FOX, *Proverbs 1–9*, 251.)

⁵⁶⁴ TLOT, 1281.

⁵⁶⁵ NIDOTTE, vol. 4, 6. See also Gerhard VON RAD, *Theologie des Alten Testaments, Band 1: Die Theologie der geschichtlichen Überlieferungen Israels*, 1960, 6th edition, München: Kaiser, 1969, 400f. and *Die Religion in Geschichte und Gegenwart* (RGG³), vol. 6, 912f.

⁵⁶⁶ Cf. FOX, *Proverbs 1–9*, 251. See NIV: “Her house is a highway to the grave...” and NKJV: “Her house is the way to hell...”

MCKANE suggests as background of verse 27 “the gaping throat of Mot.” (MCKANE, *Proverbs*, 341.) In my view, the ‘father’s speech is free from this sort of mythology but rather uses the very powerful death metaphors to illustrate the ultimate consequence for adultery: death.

⁵⁶⁷ FOX, *Proverbs 1–9*, 251.

⁵⁶⁸ Cf. WHYBRAY, *Proverbs*, NCB, 118. See also the description of the ‘strange’ woman in Prov 5:6 and its ‘visualization’ in DIAGRAM 23 above.

⁵⁶⁹ CLIFFORD takes the reference to death literally: “The story ends in tragedy. The young man dies.” (CLIFFORD, *Proverbs*, 89). In my view, the text’s emphasis is not so much on the question if the lad really dies but that he will surely die. His death is not observed by the ‘father’, the “slaughter

4.2.4.3 *Adultery in Proverbs 7*

The ‘strange’ woman in Prov 7 is married (verse 19). Therefore, sexual intercourse with her is adultery. Prov 7 depicts the woman as the initiator of adultery. The lad’s silence is a remarkable feature of the narrative in verses 6–23. The ‘strange’ woman’s reference to her husband in verse 19 is not given to indicate adultery to the lad but to assure him that it is absolutely safe to have an ‘all-night stand.’ The ‘father’ does not mention any discovery but stresses the fact that adultery inevitably leads to death by portraying the ‘strange’ woman as a manslayer.

In my view, the whole lecture is given for several purposes: firstly, it functions as a deterrent. For the first time ever the ‘strange’ woman has a voice and speaks for herself, although only through the words of the ‘father’. Secondly, the lecture informs the ‘sons’ that even at night time there could be someone witnessing such a scene, listening to every word spoken.⁵⁷⁰ Thirdly, the lecture clearly emphasises the lethal consequences of adultery because the death language again is very strong. I have already argued that there is a link between Deut 6 and 11 and Prov 7. In my view, it is also probable that the legal texts prohibiting adultery in Deut 22 can as well be seen as background for the ‘father’s teaching, providing an explanation for the death metaphors.⁵⁷¹ The ‘father’s exaggeration in his depiction of the ‘strange’ woman as a manslayer who has already brought death to many would then serve to underline her dangerousness. In a figurative way, the ‘father’ reminds the ‘son’ that embracing the ‘strange’ woman is equal to embracing death and entering her house equals embarking on the way to death.

If we take all the lectures on adultery in Prov 1–9, this last lecture again focuses very clearly on the lethal consequences of adultery and connects them with the “smooth” and seductive speech of the ‘strange’ woman. The vividness of the depiction makes the lecture very practical – it is easy to imagine the scene, in my view an excellent pedagogical means to help the ‘sons’ to keep a ‘safe distance’ from any ‘strange’ woman.

mentioned in v 22 lies in the future.” (FOX, *Proverbs 1–9*, 252.) The same is true for the explicit reference to death in verses 26–27.

⁵⁷⁰ The scene observed could have happened in any town. The ‘strange’ woman is described as “loud” in verse 11. Since she is the only person speaking in the narrative, it could well be that someone else witnesses her seductive speech. Even the act of kissing the lad is something that could easily be seen.

⁵⁷¹ It is significant that adultery is looked upon as a capital crime like murder in the legal texts of the Old Testament. The death penalty is clearly prescribed and thus serves well as a link to the strong death language throughout Prov 1–9 in connection with the warnings against adultery.

4.3 Concepts of Adultery in Proverbs 1–9

As in the two preceding chapters, I would like to deal here with the concepts of adultery expressed in this chapter. Since my thesis to be defended is that the legal tradition of the Old Testament stands in the background of Prov 1–9, I am inclined to assume that the legal teaching forms a hermeneutical framework for a proper understanding of these chapters, at least in their frequent treatment of adultery. In my view, this thesis is supported by the use of concepts of adultery in Prov 1–9.

4.3.1 The Death Penalty

The death penalty is not exactly described in Prov 1–9. This does not surprise, since these chapters obviously are not legal texts, nor do they consist of prose which would give room for a more detailed description. This is in line with the rest of the Old Testament evidence on the death penalty because it generally is quite reserved at that point – nowhere do we find an extended scene describing stoning. Neither do we find in Prov 1–9 *explicit* reference to a proper public court procedure.

It is my conviction that the legal texts on adultery and the common legal practice can be taken for granted in Prov 1–9, which becomes most prominently evident in the consistent reference to death as result of any adulterous liaison. In my view, this echoes the demand of the death penalty for substantiated cases of adultery in the legal texts of the Old Testament. I proceed with substantiating this thesis by dealing with two major objections to it, by MEINHOLD and MCKANE.

MEINHOLD argues that the cases of adultery in Prov 1–9 are literary cases that cannot be measured with the yardstick of Old Testament law.⁵⁷² MEINHOLD sees no connection between the lethal consequences of adultery which are repeatedly emphasised in Prov 1–9 and the death penalty for adultery as outlined in the legal texts of the Old Testament. In my view, Prov 1–9 presupposes other Old Testament traditions without quoting them or explicitly referring to them.⁵⁷³ These should be understood as ingredients of the ancient Israelite worldview and thus taken for

⁵⁷² See MEINHOLD, *Sprüche*, 69. MAIER similarly takes up the poetic nature of Prov 1–9 and concludes: “Da Prov 6,32-35 im Rahmen eines poetischen Textes als Begründung einer Warnung dient, und kein konkretes Ereignis schildert, kann diese Stelle allein meines Erachtens eine nachexilische Rechtspraxis nicht begründen.” (MAIER, *Die ‘fremde’ Frau*, 152f.) MAIER obviously presupposes a different legal practice after the Exile. In my view, we are on much firmer ground if we ask which legal tradition could be in the background of Prov 1–9, rather than presupposing a different legal practice for which there is not much evidence either. I am going to show below that the death penalty for adultery had been imposed in post-exilic times as well.

⁵⁷³ I have already argued in chapter 2 that our modern practice of quotation cannot be expected in the ancient Near East. In the Old Testament, the prophets are the first to quote extensively from the law.

granted in the wisdom literature.⁵⁷⁴ The treatment of adultery in Prov 1–9 therefore cannot be looked at solely as literary cases having no connection with the rest of the Old Testament. In contrast, they have to be understood in relation to other literary traditions like the law. WESTBROOK gives a good example of this kind of inter-literary connection in his discussion of Hosea’s metaphorical use of adultery (*cf.* Hos 2:16–22):

“If God’s relationship with Israel is to be explained by a metaphor drawing upon everyday life of the audience then that metaphor, to be effective, must reflect accurately the reality known to the audience. If the narrator were to invent the legal rules on which the metaphor is based, it would cease to be a valid metaphor.”⁵⁷⁵

If the legal procedures in connection with adultery can be taken for granted by the audience there is no need to refer to them again since they are commonly known.⁵⁷⁶ Moreover, the lethal consequences of adultery as outlined in Prov 1–9 do not contradict the legal requirement of the death penalty for adultery. Rather, they support it vividly.

The ‘father’ in Prov 1–9 starts off with the fact that the consequence for adultery is the death penalty and then connects this lethal consequence with the ‘strange’ woman. The pedagogical starting point is evident: there is no adultery without the wife of another man. Thus, the ‘father’ purposefully portrays the ‘strange’ woman in dark colours in order to prevent his ‘son(s)’ from even *thinking* about adultery (*cf.* Prov 6:25 and 7:25). The law sets the ultimate boundary in connection with adultery – the death penalty – whereas Prov 1–9 is concerned with the prevention of adultery at its very beginning: the contact with the ‘strange’ woman. By depicting her as ‘man-eating’ and describing her seductive character, the ‘father’ wants to create in his ‘son(s)’ an awareness of her danger. This aim is supported by the frequent connection of death metaphors with the ‘strange’ woman in Prov 1–9.

MCKANE does not take the literary angle for his argument that Prov 1–9 does not envisage the death penalty for adultery but the historical probability of its decline as a practice:

“The absence of any mention of stoning by the entire community [in Prov 5:14] is to be explained by the circumstance that it had gone out of use as a

⁵⁷⁴ See my detailed argument in 5.2 WORLDVIEW.

⁵⁷⁵ WESTBROOK, “Adultery”, 577.

⁵⁷⁶ This, of course, is an argument from silence. But the same is true for MEINHOLD’s argument that the lack of references to the death penalty as described in the legal texts serves as a valid reason to suppose that the requirements of the Old Testament law are not present in Prov 1–9.

penalty for adultery (cf. Deut. 22:22f.; Lev. 20:10) by the period to which the piece belongs.”⁵⁷⁷

Thus, although Prov 5:14 refers to legal proceedings and punishment it is not the death penalty that is in view here but a “form of scourging”, “loss of reputation and public denunciation” and most probably a “claim for heavy damages.”⁵⁷⁸ Although I agree with MCKANE’s understanding of Prov 5:14 as a proper legal trial, it does not consequentially follow that the death penalty is not in view here.⁵⁷⁹ In my view, there is a strong link between Deuteronomy and Prov 1–9 and therefore it is most probable that the death penalty is in the back of both the ‘father’s’ and the ‘son’s’ minds. Moreover, there is another difficulty with MCKANE’s suggestion: several (post-) exilic works testify to the practice of stoning in case of adultery:

³⁸And I will judge you as women who commit adultery and shed blood are judged, and bring upon you the blood of wrath and jealousy. ³⁹And I will give you into their hands, and they shall throw down your vaulted chamber and break down your lofty places. They shall strip you of your clothes and take your beautiful jewels and leave you naked and bare. ⁴⁰They shall bring up a crowd against you, and they shall stone you and cut you to pieces with their swords. (Ezek 16:38–40; cf. Ezek 23)

MCKEATING argues that the stripping should be seen as the proper penalty for adultery (= public disgrace) and that the death penalty could also be the penalty for the child murder mentioned in Ezek 16:20f.⁵⁸⁰ It is true that both adultery and bloodshed are the accusations mentioned in Ezek 16:38 and Ezek 23:45, but the adultery in Ezek 16 *includes* both the whoring and the sacrificing (see the whoring with “Egyptians”, “Philistines”, “Assyrians” and “with the trading land of Chaldea” in Ezek 16:26–29 and the mention of both whoring and idols in verse 36). The whoring with foreign countries implies the takeover of foreign religious practices, like the sacrifice of children. Moreover, Ezek 23:45–47 does not report a public stripping but only refers to the death penalty. Thus, in my opinion it is quite probable that the death penalty is imposed because of the adultery.

Another post-exilic text mentioning the death penalty for adultery is the apocryphal book of Susanna, an appendix to the canonical book of Daniel:

³⁶The elders said, ‘While we were walking in the garden alone, this woman came in with two maids, closed the doors of the garden and sent the maids

⁵⁷⁷ MCKANE, *Proverbs*, 317.

⁵⁷⁸ *Ibid.*

⁵⁷⁹ See my argument above why Prov 5:14 can well refer to the public trial for adultery, with the death penalty as its legal outcome if the case is substantiated.

⁵⁸⁰ See MCKEATING, “Sanctions”, 62.

away.³⁷ Then a young man, who had been hidden, came to her and lay with her. [...] ^{41b}The gathering believed them, since they were elders of the people and judges, and they condemned her to death. (Sus 36–37, 41b)⁵⁸¹

These texts support the view that the death penalty has been carried out in post-exilic times as well. Another support stems from Sir 23:22–27 (2nd century BC), although the text stays a bit vague on the issue:

²² So it is with a woman who leaves her husband and presents him with an heir by another man. ²³ For first of all, she has disobeyed the law of the Most High; second, she has committed an offense against her husband; and third, through her fornication she has committed adultery and brought forth children by another man. ²⁴ She herself will be brought before the assembly, and her punishment will extend to her children. ²⁵ Her children will not take root, and her branches will not bear fruit. ²⁶ She will leave behind an accursed memory and her disgrace will never be blotted out. ²⁷ Those who survive her will recognize that nothing is better than the fear of the Lord, and nothing sweeter than to heed the commandments of the Lord. (NRSV)

Since both Sir 23:23 and 27 refer to the Mosaic law, it is most probable that the death penalty is in view here as well.⁵⁸² This interpretation also suits the context: καταλείψει εἰς κατάραν τὸ μνημόσυνον αὐτῆς (“she will leave behind an accursed memory”, verse 26a) and οἱ καταλειφθέντες (“those who survive her...”, verse 27a) both point to a sudden end of her life, rather than the legacy she leaves once she will have died somewhere in the future, being old and full of days (cf. Gen 35:29; Job 42:17).

Last but not least, although some scholars argue that John 7:53–8:11 is not a real trial for stoning but rather a scholarly disputation it still shows that stoning was conceived as the proper penalty for adultery in the 1st or 2nd century AD.

Thus, in my view the death language in the warnings against adultery originates with the death penalty for adultery as outlined in the legal texts of the Old

⁵⁸¹ Ernest C. LUCAS, *Daniel*, AOT 20, Leicester: Inter-Varsity, 2002, 325f. LOEWENSTAMM argues that the book of Susanna shows that “during the Second Temple Period the punishment for adultery became an absolute punishment which was carried out by the Assembly.” (LOEWENSTAMM, “Laws”, 153.) I have already argued in CHAPTER 3 and above (see comments on Prov 5:14 and 6:34f.) that the initiative to bring adultery to trial in the Old Testament lay with the husband whereas its punishment was a matter of public action.

⁵⁸² CRENSHAW argues that the death penalty is no longer in force in Sir 23 since verse 24 “extends the punishment to children.” (James L. CRENSHAW, “The Book of Sirach”, NIB, vol. 5, Nashville: Abingdon Press, 1997, 752.) His argument is only valid as long as ἐπισκοπή is translated “punishment”. But this is already an interpretation, since its usual translation is “visitation”. Hence, the German Einheitsübersetzung renders Sir 23:24b “ihre Kinder werden es büßen müssen.” Thus, it is not the same punishment that is extended to the children but the *consequences* of her punishment. This makes sense: if the adulteress dies, her children suffer from it which is in line with the general Israelite view of adultery as crime against the social order, an attack on marriage.

Unfortunately, there exist no Hebrew manuscripts of Sir 24. Only Greek, Latin and Syriac versions are extant. See <http://www.animabit.de/bibel/sir24.htm>. (last time accessed 24.12. 2005)

Testament.⁵⁸³ Although ‘death’ serves as a polar counterpart to the life that comes through the pursuit of wisdom,⁵⁸⁴ the intensity of the death metaphors in the lectures on adultery is without parallel in the rest of Prov 1–9.⁵⁸⁵ Like the Old Testament law, the lectures on adultery are given to deter: adultery endangers marriage and society, therefore it is imperative to put every pedagogical effort into a teaching that prevents young men from committing adultery. Rather than outlining where the definite borders are, Prov 1–9 confronts the ‘son’ with the ultimate consequence of adultery and exhorts him to be aware of ‘dangerous’ women and keep a ‘safe distance’, inwardly – in his heart – as well as outwardly – on his ways.

4.3.2 Individual Revenge and the Role of the Community

Several scholars put forward the thesis that individual revenge for adultery was carried out in ancient Israel and find their main support in Prov 6:30–35.⁵⁸⁶ For example, FOX argues that Prov 6:33–35 have no juridical context and thus describe a “physical attack by the husband.”⁵⁸⁷ In contrast to FOX, MAIER points out that Prov 6:35 has a judicial context and speaks of death as result of the legal prosecution.⁵⁸⁸ The most probable conclusion is that death (he “destroys himself”, Prov 6:32) and the juridical context belong together rather than assuming death through beating. As already mentioned above, it seems most probable that the beating happens on the way to court which is also the background in verse 35 where the adulterer tries to save his life by the payment of either ransom⁵⁸⁹ or a high bribe.

⁵⁸³ There are two instances in Prov 1–9 where ‘Sheol’ is mentioned outside the warnings against adultery: in Prov 1:12 it is connected to the band of evil men who are out to rob and to kill and in 9:18 the guests of woman folly are described as being in “the depths of Sheol.” I follow FOX who points out that the “stolen waters” in Prov 9:17 can refer to sexual intercourse but that “her statement applies to illicit gratifications of all sorts.” (FOX, *Proverbs 1–9*, 302.) Thus, the banquet of woman folly in Prov 9 does not have adultery as main subject.

⁵⁸⁴ A classic example is Prov 8:35–36: “For whoever finds me finds life [...], all who hate me love death.”

⁵⁸⁵ RINGGREN – following G. BOSTRÖM’s *Proverbiastudien* – explains the strong death language in the warnings against adultery in Prov 1–9 by assuming that the ‘strange’ woman invites to foreign cultic practices which lead away from the way of wisdom, straight into the realm of death. See RINGGREN, *Sprüche*, 18. In my view, the texts do not point to foreign cultic practices at all: there is no mention of any idol, of foreign gods, of any kind of sorcery, not even of fertility cult rites. However, one point is repeated over and over: that an entanglement with the ‘strange’ woman definitely leads to death.

⁵⁸⁶ See CLIFFORD, *Proverbs*, 79–81; FOX, *Proverbs 1–9*, 236; MCKEATING, “Sanctions”, 59; WESTBROOK, “Adultery”, 545.

⁵⁸⁷ FOX, *Proverbs 1–9*, 236.

⁵⁸⁸ See MAIER, *Die ‘fremde’ Frau*, 152.

⁵⁸⁹ A payment of ransom would not make much sense if it was only about a thorough beating but it makes much more sense if it is about the adulterer’s life. See my comments on Prov 6:35 above.

MCKEATING argues that the main damage in Prov 6:27–35 is that “to one’s reputation and perhaps the general unpleasantness that follows detection.”⁵⁹⁰ If this be so, then the death mentioned in the lectures would be a ‘social death’. Obviously, ancient Israel was a shame-oriented culture and losing one’s reputation was tantamount to having committed a serious crime. On the other hand, if the reputation was the only thing that one might lose, the power of the death metaphors is weakened and I wonder why reputation is not mentioned more often as incentive to prevent adultery. In my view, it is better not to separate the use of death metaphors in the warnings against adultery in Prov 1–9 and the death penalty, as prescribed by the legal tradition of the Old Testament.

I have already argued above that the Old Testament leaves no room for individual revenge in case of adultery.⁵⁹¹ This view is confirmed by the emphasis on public prosecution in Deut 22:21, 24; Ezek 16:40 and 23:47 and Sus 36–41. In his investigation of adultery in the Old Testament, BOECKER writes:

“In einer anderen Beziehung aber ist die alttestamentliche Bewertung des Ehebruchs bemerkenswert vom übrigen altorientalischen Recht unterschieden. Im Alten Testament findet sich keinerlei Andeutung auf eine privatrechtliche Beurteilung dieses Delikts, die für das altorientalische Recht sonst, wie wir sahen, bezeichnend ist.”⁵⁹²

Thus, the husband is not a parallel figure to the “avenger of blood” in case of murder⁵⁹³ but only plays a minor role in establishing a proper law case. But even though the avenger has the right to kill the murderer, “no person shall be put to death on the testimony of one witness.” (Num 35:30) This implies some sort of trial before the avenger kills the murderer (*cf.* Deut 19:12). In my view, the public punishment for adultery results from ancient Israel’s understanding of adultery as a threat to the social order and the stability of the nation:

“Adultery was a capital crime because it undermined the integrity of marriage, it violated the sanctity of sexual union, it defiled a human being as the image of God, and it threatened the stability of the community.”⁵⁹⁴

Moreover, BOECKER points out that ancient Israel’s treatment of adultery is also to be understood as a differentiation from the orgiastic Canaanite fertility cults.⁵⁹⁵ Thus,

⁵⁹⁰ MCKEATING, “Sanctions”, 59.

⁵⁹¹ The husband played a role in bringing the case to court, see Prov 6:34–35. Prov 6:33 might hint to a beating of the adulterer – although the passage leaves open who is beating and when the beating happens. The imposition of the penalty is still left to the “assembly and congregation” (Prov 5:14).

⁵⁹² BOECKER, *Recht und Gesetz*, 98.

⁵⁹³ See Num 35:9–34; Deut 19:4–13; Josh 20:1–9.

⁵⁹⁴ BLOCK, “Marriage and Family”, 63.

the public punishment of adultery has its roots in ancient Israel's covenant relationship with Yahweh: "...you shall purge the evil from Israel." (Deut 22:22)

4.3.3 Women Initiating Adultery

The initiative of the 'strange' woman is striking. As already noted, it is *her* seductive speech that is dangerous – and not the 'son's' attempt to seduce a married woman. It is *she* who goes out on a hunt and lies in ambush⁵⁹⁶ – not the 'son'. This emphasis stands in contrast to the Old Testament legal texts on adultery which focus solely on the man's initiative.⁵⁹⁷ In my view, the reason for such an emphasis lies in the original *Sitz im Leben* of Prov 1–9. The young men receiving instruction might probably be unaware of the fact that there are at least a few women around – married women – who have a desire for extramarital sex. It is not a general negative view of women that stands in the background of the instructions concerning the 'strange' woman⁵⁹⁸ but a 'father's' concern about the future of his 'son(s)'. The 'father' thereby deliberately uses contrasts. Thus, Prov 5 contrasts adultery with sexual fulfilment in marriage, Prov 6 contrasts the consequences of theft with those of adultery and Prov 7 contrasts the use of love language – totally appropriate in the context of marriage – with the lethal consequence of adultery. To keep to the 'father's' instruction is to gain life, to keep to the 'strange' woman's speech is to embrace – and finally reap – death. The 'father' thus shares with his 'son(s)' some of his wisdom in an area where personal experience could be fatal.

To conclude, the female initiative in connection with the warnings against adultery in Prov 1–9 becomes a test-case for the 'sons' character (*cf.* Gen 39:7–12). The texts are thus not concerned with a negative view of (married) women, but with the 'sons' reaction once they get tempted or seduced.

4.3.4 Adultery as Sin Against God

The aspect that adultery is a sin against Yahweh – endangering the covenant relationship with him – plays a minor role in the instructions of Prov 1–9. The lethal consequences are in the foreground of the teachings and are given as the primary deterrent against committing adultery. The only exception to this general rule can be

⁵⁹⁵ See BOECKER, *Recht*, 99.

⁵⁹⁶ *Cf.* Prov 6:26 and 7:12.

⁵⁹⁷ See my treatment of the legal texts in CHAPTER 3 above. The ancient Near Eastern legal texts mentioned female initiative. See CHAPTER 2 and APPENDIX 1.

⁵⁹⁸ See also my treatment below: 4.4 WHO IS THE 'STRANGE' WOMAN?

found in Prov 5:21–23.⁵⁹⁹ These are the only verses in the instructions on adultery where Yahweh is mentioned. In my view, there is no contradiction with the other parts where only the ‘father’ is teaching. Since the wisdom enterprise is inseparably connected to Yahweh (*cf.* Prov 1:7; 2:5f.; 3:5; 8:13 and 9:10), it seems odd to see a later addition in these verses.⁶⁰⁰

Prov 5:21–23 formulate the principle that Yahweh sees everything. He is the lord over the “character-consequence structure.”⁶⁰¹ The basic principle can be expressed in the law of the harvest: *you reap what you sow*. Thus, the adulterer is “intoxicated by his great folly”, ensnared by his “iniquities”, “held fast in the cords of his sin” and consequently “dies for lack of discipline.” Prov 5:21–23 therefore interprets adultery as sin against God which is in line with Lev 18:20 (adultery as uncleanness) and Deut 22:21f. (adultery as evil). There is no explanation of the sudden mention of “sin” in verse 22, which points to the fact that the audience was familiar with the concept. Thus, the legal teaching on adultery can be presupposed with the ‘son(s)’. The ‘father’ does not start with the fact that adultery is a sin but arrives at it in the lecture’s *peroratio*. His consistent mention of adultery’s lethal consequences shows that his main concern is not with ‘sin’, but with the *life* of the son(s).⁶⁰²

4.4 Who Is the ‘Strange’ Woman?

Up to this point, I have consistently used the designation ‘strange’ woman without an exact definition who the אִשָּׁה זָרָה could be.⁶⁰³ I took ‘strange’ as designation because it is the basic meaning of זָרָה⁶⁰⁴ and some commentators use it as English

⁵⁹⁹ See my comments above, where I argue in detail why I am convinced that these verses belong to the lecture and are no later additions.

⁶⁰⁰ SCHÄFER, for example, understands all Yahweh-sayings as later additions to Prov 1–9. Thus, he sees in them a “theologische Bearbeitung der Sammlung, die eine völlige Neuinterpretation der ursprünglichen Lehrgedichte darstellt.” (SCHÄFER, *Poesie*, 8.) This view is a minority position nowadays. Most scholars understand wisdom in ancient Israel as thoroughly religious. See, for example, L. BOSTRÖM, *The God of the Sages*, and DELL, *The Book of Proverbs*. (forthcoming)

⁶⁰¹ BARTHOLOMEW, *Reading Proverbs*, 11. For a recent study on the character-consequence structure see Georg FREULING, “*Wer eine Grube gräbt...*”: *Der Tun-Ergehen-Zusammenhang und sein Wandel in der alttestamentlichen Weisheitsliteratur*, WMANT 102, Neukirchen-Vluyn: Neukirchener Verlag, 2004. See also 5.2.2.2 ORDER.

⁶⁰² This is in line with the general thrust of the instructions which aim at the centre of life whereas the law texts describe the boundaries that should not be crossed.

⁶⁰³ I understand her as a literal figure. For an alternative interpretation, emphasising that the ‘strange’ woman as symbolic figure gives room for several levels of interpretation, see Andreas SCHERER, “‘Frau Weisheit’ und die ‘fremde Frau’: *Personifikation und Symbolfigur* in den Sprüchen Salomos”, *BN* 119/120, 2003, 35–41.

⁶⁰⁴ See HALOT, 279.

equivalent.⁶⁰⁵ In several texts, the ‘strange’ woman stands in parallelism to the נְכַרְיָהּ (“foreign [woman]”).⁶⁰⁶ The parallelism is significant since it provides the primary context for an interpretation of the terms.⁶⁰⁷ I follow HUMBERT who convincingly argues that both terms are used synonymously in Prov 1–9.⁶⁰⁸ A look at the way the ‘strange’ woman is described in Prov 1–9 helps find an answer to the question of her identity:

- (1) She is married.⁶⁰⁹
- (2) She has turned her back on her husband.⁶¹⁰
- (3) She “seems desperate in her search for sexual satisfaction”.⁶¹¹
- (4) She is pro-active, preparing her bed-chamber for making love.⁶¹²
- (5) She knows how to seduce with “smooth” words and “glances”.⁶¹³
- (6) She is a huntress, being out for ‘special prey’.⁶¹⁴
- (7) She does not stay at home and can thus be found in the streets.⁶¹⁵
- (8) Her house and her paths are leading to death.⁶¹⁶

The rich metaphorical language of Prov 1–9 has triggered equally rich metaphorical and allegorical interpretations of the true identity of the ‘strange’ woman. Thus, for G. BOSTRÖM the ‘strange’ woman is connected with the cult of Ishtar.⁶¹⁷ SCHÄFER follows G. BOSTRÖM’s interpretation of a primarily religious background of Prov 2:16–19 and thus sees the real reason for the strangeness of the foreign woman in her

⁶⁰⁵ See, for example, MCKANE, *Proverbs*, 213 and FOX, *Proverbs 1–9*, 106. MURPHY translates Prov 2:16 with “the woman who is a stranger.” (MURPHY, *Proverbs*, 13.) See also KJV.

⁶⁰⁶ Prov 2:16; 5:20; 7:5. In 6:24, נְכַרְיָהּ stands in parallelism to the ‘evil woman’ who is identical with the ‘strange’ woman.

⁶⁰⁷ A different evaluation is given by BLENKINSOPP who supposes that Prov 1–9 reflects the early post-exilic situation where exogamous marriages threatened the social order. See Joseph BLENKINSOPP, “The Social Context of the ‘Outsider Woman’”, *Biblica* 72, 1991, 457–472.

⁶⁰⁸ See Paul HUMBERT, “La ‘femme étrangère’ du livre des Proverbes”, *RES* 1937, 49–64. See also FOX, *Proverbs 1–9*, 139.

⁶⁰⁹ Cf. Prov 2:17; 5:10 (see my comments above on “the house of a foreigner”); 6:26, 29, 34; 7:19.

⁶¹⁰ Cf. Prov 2:17. See also my comments on Prov 7:11 (she is rebellious towards her husband) and 7:19 (she is estranged from her husband).

⁶¹¹ FOX, *Proverbs 1–9*, 253. VAN LEEUWEN writes: “sex is on her mind.” (“Proverbs”, NIB, vol. 5, 85.)

⁶¹² Cf. Prov 7:16f.

⁶¹³ Cf. Prov 2:16; 5:3; 6:24; 7:5, 21. For her ‘glance’ see Prov 6:25.

⁶¹⁴ Cf. Prov 6:26; 7:12.

⁶¹⁵ Cf. Prov 5:6; 7:12.

⁶¹⁶ Cf. Prov 2:18; 5:5; 7:27.

⁶¹⁷ See G. BOSTRÖM, *Proverbiastudien*, 7: “[H]inter den ‚fremden Weibern’ schimmert die Göttin, als deren Repräsentantinnen die Frauen sich opfern.” His interpretation proved to be quite influential. See also Oliver Shaw RANKIN, *Israel’s Wisdom Literature: Its Bearing on Theology and the History of Religion*, Edinburgh: T&T Clark, 1936, 263; RINGGREN, *Sprüche*, 18.

defective relationship to Yahweh.⁶¹⁸ It is obvious that the ‘strange’ woman has no well-functioning relationship with Yahweh – even if she brings sacrifices, 7:14 – but this does not make her ‘strange’. CAMP interprets the ‘strange’ woman rather broadly as “a metaphorical vehicle for the disruptive and chaotic forces that threaten the shalom of individual and society.”⁶¹⁹ FOX lists 6 main ways in which the ‘strange’ woman’s identity has been interpreted: “(1) a foreign, secular harlot, (2) a foreign devotee of a foreign god, (3) a foreign goddess, (4) a social outsider, (5) a native prostitute, and (6) another man’s wife.”⁶²⁰

I agree with FOX’s conclusion that only the sixth interpretation fits the depiction of the ‘strange’ woman in Prov 1–9.⁶²¹ Her strangeness and foreignness consist in the fact that she belongs to another man. She is ‘strange’ to every other man, even if he is one’s closest friend or a “neighbour’s wife” (*cf.* Prov 6:29).⁶²² Any other interpretation diminishes the pedagogical force of Prov 1–9 and thus reduces these chapters to a richly metaphorical but in the end merely philosophical discourse which is open to a multitude of interpretations.⁶²³ Although a plenitude of possible readings is a valuable way to discover new levels of interpretation, it is questionable if it fits the intention of Prov 1–9. CLIFFORD, for example, suggests two different levels operating in the warnings against adultery in Prov 1–9:

“Chapters 5–7 at one level warn against adultery because of its high personal and social cost. Metaphorically, the texts now warn against allowing seductions of any kind to disturb one’s fundamental relationship to wisdom. Wisdom invites people into a long-term, marriage-like relationship with her.”⁶²⁴

I agree with CLIFFORD that we have to distinguish between two levels, namely, the original intended meaning of the lectures – if we are able to discover it – and their

⁶¹⁸ See SCHÄFER, *Poesie*, 60–62.

⁶¹⁹ Claudia V. CAMP, *Wisdom and the Feminine in the Book of Proverbs*, Bible and Literature Series 11, Sheffield: Almond Press, 1985, 120.

⁶²⁰ FOX, *Proverbs 1–9*, 134. See also his valuable discussion of the different interpretations (pp. 134–141).

⁶²¹ See *ibid.*, 139.

⁶²² Prov 6 also shows that the נְכַרִּיָּהּ (“foreign [woman]”, verses 24) is an Israelite – and not a literal ‘foreigner’ – since she is a “neighbour’s wife”, verse 29. MCKANE rightly points out that the warning against the ‘strange’ woman is not typical for Pro 1–9 alone. It can also be found in the Egyptian *Instruction of Any*. See MCKANE, *Proverbs*, 285. For the text see APPENDIX 1.

⁶²³ HEIJERMAN, for example, argues that there are at least three ways in which the ‘strange’ woman in Prov 7 can be understood: as a mother’s rival, men’s scapegoat or a needy woman. See Mieke HEIJERMAN, “Who would Blame Her? The ‘Strange’ Woman of Proverbs 7”, *Reflections on Theology and Gender*, Van Dijk-Hemmes, F. and Athalya Brenner (eds.), Kampen: Kok Pharos, 1994, 21–31. In my view, HEIJERMAN’s suggestions disregard the statements in Prov 7 which clearly portray the ‘strange’ woman as being married and on a hunt, which describes purposeful action.

⁶²⁴ CLIFFORD, *Proverbs*, 28.

intended meaning in the literary setting of the whole Book of Proverbs.⁶²⁵ What needs to be born in mind, however, is that there always is the danger of over-interpretation, especially in so rich a text as Prov 1–9. FOX cautions as well against many allegorical-symbolic interpretations of the ‘strange’ woman by showing up the inherent female antitheses in Prov 1–9:

“(1) the Strange Woman versus one’s own wife

(2) Personified Folly versus personified wisdom [...]

The vertical relationship is not personification, for Lady Folly (9:13–18) does not embody fornication but folly in its entirety, and Lady Wisdom is not a trope for qualities abstracted from the good wife. Rather, the vertical relationship represents the source of some of the features used in portraying imaginary entities.”⁶²⁶

Thus, the ‘strange’ woman cannot be totally identified with Personified Folly. The antitheses as described by FOX get blurred – if not lost – through allegorical interpretations.⁶²⁷ For example, if the ‘strange’ woman stands for ‘foreign wisdom’, then Prov 5:15–20 cannot refer to marital fidelity but reflects the intimate pursuit of wisdom.⁶²⁸ The analogy to literal marriage gets lost and the positive view of sexuality is obscured.

The same is also true for some feminist interpretations of Prov 1–9. Although the instruction is parental and both the father and the mother play a role in instructing, Prov 1–9 was mainly composed by male writers and the lectures focus on young males (‘sons’): “Proverbs 1–9 clearly have as their referent a father teaching his son

⁶²⁵ For the sake of completeness it might be added that the two levels do not necessarily have to differ much.

⁶²⁶ FOX, *Proverbs 1–9*, 262. MAIER’s approach to understand the ‘strange’ woman as “Typos” is insofar valuable as it underlines that the ‘strange’ woman could stand for any woman except one’s own wife. See MAIER, *Die ‘fremde’ Frau*, 252–259. On the other hand, her identification with lady folly (Prov 9:13–18) and the ‘strange’ woman suffers a conceptual mistake: though adultery definitely is folly, not every folly is adultery. Since the ‘strange’ woman appears only in the context of adultery, the two cannot be straightforwardly equated. Thus, I would opt for a distinction between the ‘strange’ woman – who clearly displays folly – and lady folly, who *is* personified folly.

⁶²⁷ FOX discusses the following allegorical interpretations for the ‘strange’ woman or her qualities: “Folly and Wicked Counsels Generally”, “Heresy, with Reference to Christianity”, “Foreign Wisdom”, “Material Pleasures or the Body” and “The ‘Other’”. (FOX, *Proverbs 1–9*, 254f.)

⁶²⁸ In his investigation of the LXX of Prov 1–9, COOK operates with the hypothesis that “the strange woman is a metaphor for foreign wisdom.” (COOK, *The Septuagint of Proverbs*, 138.) I follow FOX who points out that the LXX deliberately interprets the MT and thus rejects the idea that it could be reflecting an earlier or more original reading. See Michael V. FOX, “The Strange Woman in Septuagint Proverbs”, *JNSL* 22, 1996, 31–44.

in the ways of Wisdom and the dangers of the foreign woman.”⁶²⁹ The patricentrism of ancient Israelite society emphasised the role and the position of the husband and father as head of the household.⁶³⁰ It is thus consequential that the primary group to be educated were young men, in the liminal situation between youth and adulthood.⁶³¹

In my view, it is thus extremely difficult to discover an ‘F voice’ in the text of Prov 1–9 or even behind it.⁶³² But this does not mean that there cannot be a female reading of the ‘strange’ woman in Prov 1–9 since she could be taken as a negative example: *this is how you do not do it*. This is in line with Prov 5:15–20 and 31:10–31 which enable both male and female readers to discover the positive sides of a faithful wife. YEE’s questions are thus missing their aim: “Can a woman ever seek and ultimately find Wisdom? Or does she simply suffer the fate of the *’iššā zārā*, an object of aversion and ever condemned?”⁶³³ Of course she can! The mother could not be named among those who give instruction to the ‘son(s)’ if she did not have wisdom herself (*cf.* Prov 1:8 and 6:20). Thus, the mother, the faithful wife and personified wisdom⁶³⁴ all serve as positive female examples in the pursuit of wisdom.

⁶²⁹ YEE, “I Have Perfumed”, 66. See my detailed argument above why Prov 7 is a speech by the father and not by the mother, as suggested by VANDUK-HEMMES, “Traces of Women’s Texts”, 57.

⁶³⁰ As already noted, I follow BLOCK in his use of ‘patricentrism’ rather than ‘patriarchy’: BLOCK, “Marriage and Family in Ancient Israel”, 40–44.

⁶³¹ For the educational setting as liminality see Leo G. PERDUE, “Liminality as a Social Setting for Wisdom Instructions”, *ZAW* 93, 1981, 114–126.

⁶³² This has been suggested by Athalya BRENNER and Fokkeli van DIJK-HEMMES, *On Gendering Texts: Female and Male Voices in the Hebrew Bible*, Leiden: Brill, 1996. For a critique of their approach see FOX, *Proverbs 1–9*, 258.

⁶³³ YEE, “I Have Perfumed”, 67.

⁶³⁴ Some scholars assume that personified wisdom is a deity and thus reflects an ancient female counterpart to the male God Yahweh. See, for example, Margaret BARKER, “Wisdom: the Queen of Heaven”, *SJOT* 55/2, 2002, 141–159, and Gerlinde BAUMANN, “‘Zukunft feministischer Spiritualität’ oder ‘Werbefigur des Patriarchats’? Die Bedeutung der Weisheitsgestalt in Prov 1–9 für die feministisch-theologische Diskussion”, *Von der Wurzel getragen: christlich-feministische Exegese in Auseinandersetzung mit Antijudaismus*, Schottroff, Louise and Marie-Theres Wacker (ed.), Biblical Interpretation series 17, Leiden: Brill, 1995, 135–152. In my view, Prov 1–9 depicts personified Wisdom as clearly subordinated to Yahweh which leaves no room for such a theological interpretation.

4.5 Conclusion

The warnings against adultery in Prov 1–9 unanimously emphasise the lethal consequences of adultery. **Prov 2:16–19** thereby serve as an overture to the subject in which the four main components for the treatment of adultery in Prov 1–9 are listed:

- (1) The mention of the ‘strange’ and foreign woman’s smooth words (verse 16)
- (2) The ‘strange’ woman’s breaking of her marriage covenant (verse 17)
- (3) The depiction of her house as a place that leads to death (verse 18)
- (4) The lethal consequences for anyone committing adultery with her (verse 19)

These verses thus introduce the ‘strange’ woman. She is the main protagonist in the warnings against adultery in Prov 1–9. Throughout these chapters it becomes clear that her strangeness does consist in the simple fact that she is married to another man. Thus, she is ‘strange’ to any other man than her own husband.

Prov 5 contrasts adultery with its ‘healthy’ alternative, sexual intercourse with and enjoyment of one’s own wife (verses 15–20). Prov 5 stresses more than the other lectures that the consequences of adultery are not ‘only’ about death but also about the loss of youthful vigour, property and inheritance. In my opinion, this loss is mentioned to provide the youth with the whole range that the death penalty ultimately imports. Adultery is a crime that is dealt with by the general public, the local “assembly and congregation” (verse 14), most probably in a proper court case. The lecture points out that the only successful antidote against committing adultery consists in the instruction of the ‘father’ which can save from death.

Prov 6:20–35 explicitly focuses on adultery – even using the technical term (נָאִיָּה) for it, as well as four different designations for the adulteress, as אִשָּׁה רָעָה (“evil woman”, v. 24), נְכַרְיָה (“foreign [woman]”, verse 24), אִשָּׁה אִישׁ (“married woman”, v. 26) and אִשָּׁה רֵיעָה (“neighbour’s wife”, verse 29). The main emphasis of the lecture lies on the exposition of the inevitability of the consequences in case of adultery. The husband’s vengeance described in Prov 6:34–35 refers to a proper public trial and not to individual revenge. The main thrust of lecture IX finds a climax in the fact that the husband shows to be incorruptible by any bribe. This is also in line with the Old Testament legal texts on adultery which do not give the husband a special right to take the matter into his own hands – as in some ancient Near Eastern law texts dealt with in chapter 2 above. Thus, Prov 6:20–35 points out that there is no escape, no getting away with adultery.

Finally, **Prov 7** focuses on the ‘strange’ woman’s seductive action and speech. In the vivid description of her seductive practices the seduced lad stays entirely passive and does not utter one single word. The lecture points out what lies beneath the smoothness of her speech. Sex is on her mind, no matter the cost. Her talk – which resembles the love language of a married couple (verses 18–19) – turns out to be leading straight to death since the lecture ends with the equation of the ‘strange’ woman’s house as the entrance to the chambers of death. The contrast thus produced is sharp, between the ‘sweetness’ of seduction and the bitterness of death.

All passages on adultery in Prov 1–9 mention that the ‘son’ is in real danger of committing adultery. The ‘strange’ woman’s temptations are not just fictitious. The repeated emphasis on death as the ultimate consequence of adultery calls for an explanation which can be found in the legal requirement of the death penalty for adultery. Obviously, Prov 1–9 is not a legal text. The warnings against adultery have a pedagogical aim, functioning as a deterrent. They are concerned with the prevention of adultery at its very beginning – the contact with the ‘strange’ woman – and show up its definite end: death.

Both Prov 5:14 and 6:34f. point to a legal trial in connection with adultery, involving the death penalty. MCKANE’s argument that the death penalty has come out of practice by the time of the composition of Prov 1–9 has been found wanting since Ezek 16:38–40, Ezek 23 and the apocryphal books of Ben Sira (Sir 23:22–27) and Susanna (Sus 36–37, 41b) also arguably refer to the death penalty for adultery. The reason for the harsh treatment of adultery lies both in the threat it poses to the social order – with the family as smallest unit of society – and in the (covenant) relationship with Yahweh. Thus, Prov 5:21–23 depict adultery as sin against God.

The lectures on adultery in Prov 1–9 show that there are connections to Old Testament legal texts, especially Deut 6 and 11 and the Decalogue. They arguably reflect the death penalty as the ultimate consequence of adultery, thus presupposing Lev 20:10 and Deut 22:22. Moreover, Prov 1–9 mentions the necessity of proper trials, refers to public rather than individual punishment and even makes once reference to adultery as sin against God, thus echoing the message of passages on adultery in Old Testament law. Thus, it is unlikely that the ancient Near Eastern treatment of adultery stands in the background of the lectures on adultery in Prov 1–9.⁶³⁵ This conclusion finds further support in the next chapter.

⁶³⁵ I have shown in **CHAPTER 2** that the ancient Near Eastern texts on adultery give at least some room to individual revenge and only rarely connect adultery and the notion of ‘sin’ – in difference to the legal texts of the Old Testament which in my view provide the primary context for reading Prov 1–9.

CHAPTER FIVE:

FURTHER CONNECTIONS

Proverbs 1–9 and the Legal Texts of the Old Testament

5.1 Introduction

We have already seen in chapter 4 that Prov 1–9 has affinities to Deuteronomy. Nevertheless, CRENSHAW argues that the “affinities between Wisdom and Torah seem distant because the texts do not confirm a postulated common origin in the clan.”¹ The current chapter looks at the connection between Prov 1–9 and the legal texts of the Old Testament, extending its evidence from adultery to other topics and concepts. Thus, it is the aim of chapter 5 to support the findings of chapters 2–4, clearly reflecting the present author’s understanding of the connection between wisdom and law in the Old Testament. Chapter 5 comprises two parts.

The first part deals with the concept of worldview which, in my view, is fundamental to an understanding of the connection of wisdom and law in the Old Testament. It is significant that the compilers of the book of Proverbs and the redactors of the Old Testament legal texts arguably belonged to the same people group, sharing a common history and being members of the same religious community. It seems to me that this fact has been largely overlooked in research.²

The second part focuses on further legal concepts in Prov 1–9. If my thesis is valid that the legal texts on adultery stand in the background of the warnings against adultery in Prov 1–9, it should be possible to find further legal concepts in the background of other texts in these chapters. The treatment of these texts will be brief since they only have a supporting function within the present thesis.

¹ James L. CRENSHAW, “Unresolved Issues in Wisdom Literature”, *An Introduction to Wisdom Literature and the Psalms: Festschrift Marvin E. Tate*, Ballard, H. Wayne Jr. and W. Dennis Tucker Jr. (eds.), Macon: Mercer University Press, 2000, 221.

² Only few studies on the place of wisdom in Old Testament theology include the notion of worldview. A notable exception is L. BOSTRÖM, *The God of the Sages*.

5.2 Worldview

In the course of this section, I am going to reflect on the concept of worldview, providing a definition of the term and consequently asking about the worldview of both Prov 1–9 and the legal texts of the Old Testament.

5.2.1 The Concept of Worldview

The term worldview echoes the German word *Weltanschauung* which had its inception in Immanuel Kant's *Critique of Judgment* in 1790.³ In many cases, a *Weltanschauung* is the base for a *Weltbild*, which gives a coherent account of how the world came into being.⁴ HOUTMAN points out that the Old Testament does not have a *Weltbild*, but a *Weltanschauung*.⁵

“Mit dieser Aussage wollen wir zum Ausdruck bringen, daß, obwohl das AT uns kein uniformes Bild vom *wie* des Entstehens und Existierens und vom Aufbau und der Ausstattung des Kosmos ... liefert, das AT uns doch eine einstimmige, exklusive Antwort auf die Frage gibt, *wem* der Kosmos sein Entstehen, Existieren und Fortbestehen zu verdanken hat.”⁶

HOUTMAN's distinction between the exact mechanics of creation, as described by a *Weltbild*, and the belief in the existence of the creator, as expressed in the term *Weltanschauung*, is very valuable. After a brief look at how worldview is defined by others I propose my own definition.

HOLMES argues that a worldview is the foundation for every action, shaped at a prephilosophical level: “It begins, without either systematic planning or theoretical intentions, with the beliefs and attitudes and values on which people act.”⁷ This understanding is shared by ESTES who links it with a prior faith commitment because

³ See David K. NAUGLE, *Worldview: The History of a Concept*, Grand Rapids: Eerdmans, 2002, 66. NAUGLE's work is the most recent and comprehensive work on the concept, providing an excellent overview of the history of the term and its applications throughout the centuries, with an emphasis on the 20th century. A quite comprehensive contribution to the worldview of the Old Testament is made by SIMKINS, *Creator and Creation*. There also is a chapter on the worldview of the Old Testament by John ROGERSON, “The World-View of the Old Testament”, *Beginning Old Testament Study*, ROGERSON, John (ed.), 1983, 2nd edition, London: SPCK, 1998, 58–76.

⁴ *Weltbild* is best translated “conception of the world”, see Langenscheidt's *Encyclopaedic Dictionary of the English and German Languages: Based on the Original Work by Prof. Dr. E. Muret and Prof. Dr. D. Sanders*, Part II: German-English, Springer, Otto (ed.), revised edition, London: Hodder & Stoughton, 1974, 1786. One can speak of the *Weltbild* of evolution or the *Weltbild* of quantum physics or even the *Weltbild* of Christianity. Cf. *Der große Brockhaus in zwölf Bänden*, 18th revised edition, vol. 12, Wiesbaden: Brockhaus, 1981, 325.

⁵ See Cornelis HOUTMAN, *Der Himmel im Alten Testament: Israels Weltbild und Weltanschauung*, Leiden: Brill, 1993, 283–317.

⁶ *Ibid.*, 299. (italics his)

⁷ A.F. HOLMES, *Contours of a World View*, Leicester: Inter-Varsity, 1983, 31–32.

“what one believes sets the course for how all of the world is viewed.”⁸ The *New Shorter Oxford English Dictionary* agrees with this view when it defines worldview as “a set of fundamental beliefs, attitudes, values, etc., determining or constituting a comprehensive outlook on life, the universe, etc.”⁹ Concerning the truth of these beliefs, SIRE remarks:

“A world view is a set of presuppositions (assumptions which may be true, partially true or entirely false) which we hold (consciously or subconsciously, consistently or inconsistently) about the basic make-up of our world.”¹⁰

LOHFINK calls this sort of worldview a “final worldview ... [which] is the matrix of every individual interpretation.”¹¹ Hence, it seems to be generally agreed that a worldview is made up by certain fundamental beliefs and is concerned with the basic perception of the world. Therefore, I define worldview as follows:

*A worldview is a comprehensive outlook on everything which one perceives, resulting from a set of more or less conscious fundamental beliefs.*¹²

It is like a 360° glass-front, tinting with a certain colour everything and everyone. It can be quite simple and does not need to be articulated, but may at times be thoroughly thought through as well.¹³ A worldview is built upon experiences in family life, education and the social, political and religious environment. Since these socio-political and religious factors are at least to a certain degree subject to change and development, a worldview is exposed to change, or to the *threat* of change. The persistence of the medieval worldview should suffice to illustrate that a worldview is normally not only threatened by change but also *opposed* to change since change questions the worldview’s very ‘identity’. Thus, a worldview is normally quite conservative.

⁸ ESTES, *Hear My Son*, 19.

⁹ *The New Shorter Oxford English Dictionary*, Brown, Lesley (ed.), Oxford: Clarendon, 1993, 3721.

¹⁰ James W. SIRE, *The Universe Next Door*, 1976, 2nd ed., Downers Grove: InterVarsity, 1988, 17.

¹¹ Norbert LOHFINK, “Culture Shock and Theology: A Discussion of Theology as a Cultural and Sociological Phenomenon Based on the Example of a Deuteronomic Law”, *BTB* 7, 1977, 12.

¹² Cf. WOLTERS’ definition: “the comprehensive framework of one’s basic beliefs about things.” (Albert M. WOLTERS, *Creation Regained: A Transforming View of the World*, Leicester: InterVarsity, 1985, 2.)

¹³ Cf. LOHFINK, “Culture Shock”, 12: “It [the world view] can exercise its authority almost without reflection out of the background of consciousness, but it can also be formulated in a very reflex theoretical and systematical manner, and be directed by theoreticians.”

5.2.2 The Worldview of Proverbs 1–9

I already argued above that ‘worldview’ is the root metaphor of Prov 1–9.¹⁴ I thereby follow VAN LEEUWEN’s conclusion that Prov 1–9 is not merely embodying a worldview but is “primarily concerned to inculcate a particular Yahwistic worldview.”¹⁵ In the worldview of Prov 1–9, reality is thus “segmented and order is kept by assigning to all persons, actions, and things their proper limits, time, and place.”¹⁶ The images and metaphors of Prov 1–9 create a world of good and evil “where good means staying within prescribed religio-moral boundaries and evil means the trespassing of these limits.”¹⁷ ESTES lists four assumptions by which the worldview of Prov 1–9 is constructed: creation, order, rationality and the fear of Yahweh.¹⁸ These four assumptions will be sketched in the following sections.

5.2.2.1 Creation

That the universe is Yahweh’s creation is “the most fundamental assumption of the worldview represented in Proverbs 1–9.”¹⁹ In my view, ZIMMERLI’s famous dictum that “wisdom thinks resolutely within the framework of a theology of creation”²⁰ might need to be slightly altered, since it is not creation theology that is at the heart of the wisdom enterprise but the creator himself.²¹ Thus, MURPHY rightly points out that “wisdom is not just ‘the self-revelation of creation,’ but the revelation of God through creation.”²² Moreover, wisdom – at least as far as the book of Proverbs is concerned – is propagating a particular Yahwistic worldview without being interested in providing a particular theology. For the ancient Israelite, there was no

¹⁴ See 4.1.5 THE ROOT METAPHOR OF PROVERBS 1–9. Cf. VAN LEEUWEN, “Liminality”, 111–144.

¹⁵ *Ibd.*, 113.

¹⁶ *Ibd.*

¹⁷ *Ibd.*, 116.

¹⁸ See ESTES, *Hear, My Son*, 19–39.

¹⁹ *Ibd.*, 22.

²⁰ Walther ZIMMERLI, “The Place and Limit of the Wisdom in the Framework of Old Testament Theology”, *SJT* 17, 1964, 148. [originally published in German: “Ort und Grenze der alttestamentlichen Weisheit”, *Les Sagesses du proche-orient ancien*, Colloque de Strasbourg 17-19 mai 1962, Paris: Presses Universitaire de France, 1963.]

²¹ I agree with L. BOSTRÖM that “though ‘creation theology’ constitutes an essential aspect of the theology of the sages, it cannot be regarded as the only aspect of their theology, not even as the most important.” (L. BOSTRÖM, *The God of the Sages*, 239.) In my view, Yahweh – the creator – is theologically far more important in Prov 1–9 than his creation.

²² Roland E. MURPHY, “Israel’s Wisdom: A Biblical Model of Salvation”, *Studia Missionalia* 30, 1981, 38.

tension between creation and salvation.²³ Both belonged to the same sphere because both were inextricably connected with Yahweh.

In my opinion, the two passages on creation in Prov 1–9 – Prov 3:19–20 and 8:22–31 – do not propagate a theology of creation but the excellence and immeasurable worth of wisdom. Wisdom thereby is clearly depicted as closely connected with Yahweh. Since creation is a vivid example of God’s own creativity and wisdom, an argument *a majore ad minus* is provided: if wisdom was at God’s side in creation, how much more should it be on *your* side in life? Thus, personified wisdom promises: “whoever finds me finds life and obtains favour from Yahweh” (Prov 8:35a). It is important to note that nowhere in Prov 1–9 personified wisdom acts as an independent deity.²⁴ She is always subordinated to Yahweh, being “beside him” (Prov 8:30), there is not even a hint of rivalry between personified wisdom and Yahweh. Yahweh always remains the main agent in the poems on creation in Prov 1–9.²⁵ It is his creation and it is his world that mankind inhabits – and in the end, it is his wisdom that he bestows on humankind (*cf.* Prov 2:6).

The amount of literature on the figure of personified wisdom is legion and cannot be reviewed here.²⁶ In my view, the personification of wisdom is first and foremost a literary device without presupposing “the actual existence of the person described.”²⁷ Furthermore, personified wisdom might simply be a woman because חֵכֶּמָה (“wisdom”) is a feminine noun.²⁸ She is not an end in herself but a means to living a wise and successful life. It is thus not wisdom as such which is most important but *wisdom applied to life* that counts. Similarly, it is not creation which is the primary

²³ See Roland E. MURPHY, “Wisdom and Creation”, *JBL* 104, 1985, 5.

²⁴ Rather, she is depicted as a created being, *cf.* Prov 8:22. However, there are a few scholars who interpret the personification of wisdom as a divine figure. BARKER, for example, argues that personified wisdom is the female counterpart to Yahweh in the Old Testament. In order to support her arguments, she draws heavily on extrabiblical and apocryphal material, like *1+2 Enoch*, *Wisdom of Solomon*, some of Philo’s works, the *Mishnah*, some quotes from Josephus’ works, *Genesis Rabbah*, the *Didache*, Justin, *Trypho*, *Prayer of Manasseh* etc. See BARKER, “Wisdom: the Queen of Heaven”, 141–159. Although such a comparative study might be helpful for investigating the *Wirkungsgeschichte* of Prov 8, it seems to me rather difficult to establish through it the existence of a female deity in ancient Israel.

²⁵ *Cf.* Holger DELKURT, “Grundprobleme alttestamentlicher Weisheit”, *VuF* 36, 1991, 54.

²⁶ See especially BAUMANN, *Weisheitsgestalt*; CAMP, *Wisdom and the Feminine*; FOX, *Proverbs 1–9*, 352–359 and M.A. KLOPFENSTEIN, “Auferstehung der Göttin in der spätsraelitischen Weisheit von Prov 1-9?”, *Ein Gott allein? JHWH-Verehrung und biblischer Monotheismus im Kontext der israelitischen und altorientalischen Religionsgeschichte*, Dietrich, W. and M.A. Klopfenstein (eds.), OBO 139, Freiburg, 1994, 531–542.

²⁷ FOX, *Proverbs 1–9*, 354.

²⁸ LUCAS, *Exploring the Old Testament*, vol. 3, 108.

object of investigation in Prov 1–9, but the role of wisdom in creation, at the creator’s side.²⁹ She acts as a “mediator between the Creator and the creatures.”³⁰

The personification of wisdom is thereby deliberately kept vague since it is not a person who is in view, but the role of wisdom for everyday life. In my view, HUBBARD rightly concludes that the personification of wisdom “does not really move much beyond a dramatic poetic device, a battery of metaphors to spot-light the glory and splendour of wisdom.”³¹ Thus, it is neither personified wisdom that is most important in Prov 1–9 nor a theology of creation, but the role of wisdom at Yahweh’s side in creation, serving as a model for the role of wisdom in a wise man’s life.

5.2.2.2 Order

That the world is God’s creation has another important implication: there is order in this world – not chaos – and order is inherent to creation.³² It must be added, though, that Proverbs does not give a full-blown philosophy of order.³³ The idea of order is rather a way to explain that Yahweh “reacts favourably to good, and unfavourably to evil.”³⁴ Order is not an explicit concept in Proverbs³⁵ – it is an outflow of four facts:

- (1) Yahweh created the world.
- (2) He also sustains it.
- (3) He made the world in such a manner that there is a consequence to every deed.
- (4) This consequence can be observed and is thus empirically provable.

Although this order is inherent in creation and thus can be observed, it is never separated from Yahweh. Prov 1–9 reflects that order since the ‘son’ is often exhorted to observe life to gain understanding, implying that the inherent order in life brings about certain results. See the following two passages:

²⁹ See Prov 3:19 and 8:22–30.

³⁰ LUCAS, *Exploring the Old Testament*, vol. 3, 111.

³¹ David A. HUBBARD, “The Wisdom Movement and Israel’s Covenant Faith”, *TynB* 17, 1966, 25.

³² See Hans-Jürgen HERMISSON, “Observations on the Creation Theology in Wisdom”, *Israelite Wisdom: Theological and Literary Essays in Honor of Samuel Terrien*, GAMMIE, John G., Walter A. BRUEGGEMANN, W. Lee HUMPHREYS and James M. WARD (eds.), New York: Scholars Press, 1978, 44–47.

³³ FOX cautions against using the concept of ‘world order’ for Israelite wisdom altogether because it depends to a fair degree on the alleged parallel to a central concept in Egyptian ethics, *Ma’at*: “If we wish to establish the existence of a world-order concept in Israelite Wisdom, we must do so independently of *Ma’at*.” (Michael V. FOX, “World Order and *Ma’at*: A Crooked Parallel”, *JNES* 23, 1995, 47.) KAYATZ argues that *Ma’at* influenced the central idea of personified wisdom in Prov 1–9. See KAYATZ, *Studien*, 104. Although there are some parallels between *Ma’at* and wisdom, I follow L. BOSTRÖM who points out that *Ma’at* is a rather impersonal order, quite contrary to Yahweh “as creator and ruler of the earth.” (L. BOSTRÖM, *The God of the Sages*, 93.)

³⁴ MURPHY, *Theses and Hypotheses*, 36.

³⁵ See DELKURT, *Ethische Einsichten*, 158.

¹⁷For in vain is a net spread in the sight of any bird, ¹⁸but these men lie in wait for their own blood; they set an ambush for their own lives. ¹⁹Such are the ways of everyone who is greedy for unjust gain; it takes away the life of its possessors. (Prov 1:17–19)

The wise will inherit honour, but fools get disgrace. (Prov 3:25f.)

The same order can be observed in the texts on adultery in Prov 1–9 where the ‘father’s’ teaching is depicted as protecting from harm.³⁶ That true wisdom is only accessible through the fear of Yahweh is also part of the inherent order in the worldview of wisdom. The order that is reflected in Prov 1–9 is a consequence of Yahweh’s righteousness: “Living wisely in Yahweh’s world is living according to his justice.”³⁷

In my view, this order is not a mechanical principle, where certain deeds automatically lead to the desired results.³⁸ I have already pointed out that Prov 1–9 is not concerned with acts but with the formation of character. Since one’s character which heavily influences one’s behaviour, I opt for the term “character-consequence structure.”³⁹ The aim of the character-consequence structure is to realise the consequences of foolish behaviour – and thus avoid the evil way, Prov 8:13.⁴⁰ The avoidance of evil as such is a character issue – a ‘heart’-issue in the terms of Prov 1–9 – which in turn is not without consequences. Thus, the inner logic of the character-consequence structure is very simple: you reap what you sow; what you sow originates in your heart; therefore, guard your heart “for from it flow the springs of life.” (Prov 4:23)

Since Yahweh is depicted as the guarantor of the order in Prov 1–9, it is not a static, deistic principle:

³⁶ See **CHAPTER 4**.

³⁷ ESTES, *Hear, My Son*, 27.

³⁸ This seems to be PREUB’s understanding. He discourages preaching from the Book of Proverbs because it has a different God than in the rest of the Old Testament. His rejection of Proverbs is thereby primarily motivated by the assumption of wisdom’s “Verhaftetsein an das Denken im Tun-Ergehen-Zusammenhang als dem Prinzip der Weltordnung.” (PREUB, “Alttestamentliche Weisheit in christlicher Theologie?”, 168f.) In contrast to PREUB, L. BOSTRÖM shows that Yahweh has an active role in the process of retribution. See L. BOSTRÖM, *The God of the Sages*, 97–140. Although this active role is only found in Prov 10ff. (see Prov 10:3, 22; 12:2; 14:26; 15:25, 29 etc.), it seems justified to assume it in Prov 1–9 as well. FREULING argues that Yahweh’s action can be presupposed even if it is not explicitly mentioned in the text. See FREULING, *Wer eine Grube gräbt*, 105f.

³⁹ BARTHOLOMEW, *Reading Proverbs*, 11. See also L. BOSTRÖM, *The God of the Sages*, 90 and SKLADNY, *Die ältesten Spruchsammlungen*, 13.

⁴⁰ Delkurt defines the character-consequence structure as “der Versuch, durch Erkennen der Folgen Böses zu meiden und Gutes zu wirken.” (DELKURT, “Grundprobleme“, 63.)

“If one is to make sense of the term ‘order’ to signify the world-view of Israelite wisdom, it must first be qualified theologically as the order which the Lord has established and upholds in the world.”⁴¹

Hence, the order in Proverbs is Yahweh’s order and not a quasi-automatic principle that ‘works’ under any circumstance.⁴²

5.2.2.3 *Rationality*

Because Yahweh created the world in order, it “is knowable, at least in part.”⁴³ It must be borne in mind, however, that the modern split between *emotio* and *ratio* did not exist for the ancient Israelite. Both have their place in the faculty of the heart as ‘inner person’, seat of will, emotions, intellect and character. Therefore, I disagree with FOX who states:

“The numerous anonymous sages whose words are embedded and reworked in the book of Proverbs... are declaring faith in the ability of the human mind, for all its frailties, to illuminate the darkness and guide as aright, ‘For the precept is a lamp and the teaching a light’ (6:23a).”⁴⁴

The pursuit of wisdom is not merely an intellectual enterprise. It is clearly depicted as a matter of the heart, comprising both *ratio* and *emotio*. It is thus not the ability of the human mind that illuminates the darkness – as FOX suggests – but the trust in Yahweh’s created order and his government of the world which can be observed. Such observation – always on the background of the fear of Yahweh – is the source for the precept and the teaching in Prov 6:23a, not the intellectual abilities of the parents.

The pedagogy of Prov 1–9 aims at helping the readers to grow in understanding (*cf.* Prov 1:1–7). The newly achieved understanding again is not a mere intellectual enterprise but focuses on practice. The lectures in Prov 1–9 want to achieve the coherence of knowledge and practical application. To give an example, Prov 6:6–11 exhorts the ‘sluggard’:

⁴¹ L. BOSTRÖM, *The God of the Sages*, 137.

⁴² FREULING rightly opposes the idea that acts are automatically followed by certain consequences. See FREULING, *Wer eine Grube gräbt*, 98–108.

⁴³ ESTES, *Hear, My Son*, 30.

⁴⁴ FOX, *Proverbs 1–9*, 3.

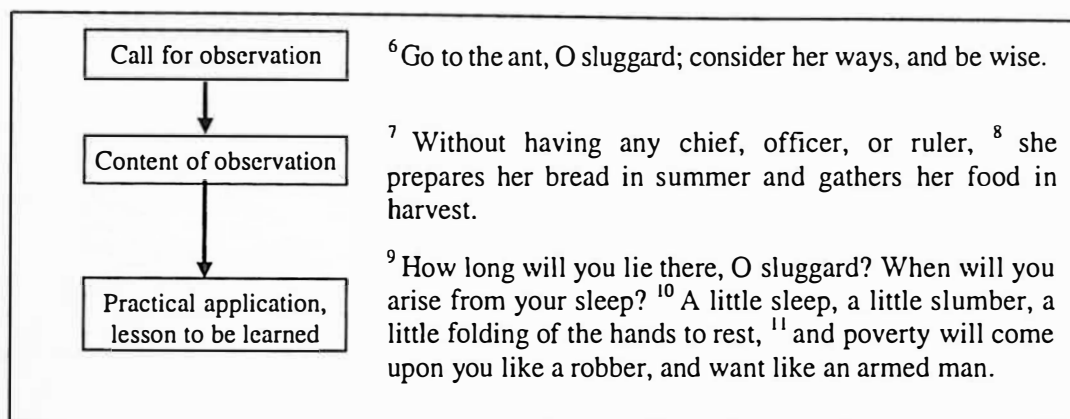


Diagram 34: From Observation to Application in Proverbs 6:6–11

The fictional retrospect in Prov 5:12–14 serves as another example of the fact that consequences of certain actions are absolutely knowable – and if they are knowable, it is also possible to prevent a negative outcome.⁴⁵ Having received this teaching, no ‘son’ can later claim, “I was not aware of the dire consequences of adultery!”

Thus, wisdom is an enterprise that involves the whole being – including one’s intellect. The hermeneutical key, as it were, to unlock the mystery of one’s observations is the fear of Yahweh.⁴⁶ Therefore, I agree with ESTES who points out that wisdom does not deny mystery but “embraces Yahweh, who alone knows the world exhaustively.”⁴⁷ Hence, the rationality of the worldview of Prov 1–9 is firmly rooted in Yahweh himself.

5.2.2.4 Fear of Yahweh

יִרְאַת יְהוָה (“the fear of Yahweh”) is a central concept in the book of Proverbs. Of 21 occurrences of the term in the Old Testament, 14 can be found in the book of Proverbs.⁴⁸ In addition, the concept of fearing Yahweh finds expression four times⁴⁹ in Proverbs, either as *Qal* imperative⁵⁰ or as *Qal* participle,⁵¹ employing derivatives

⁴⁵ See my treatment of the passage in CHAPTER 4.

⁴⁶ According to MARBÖCK, the fear of Yahweh is a “mehrfach variiertes hermeneutischer Schlüssel zum Buch [*i.e.*, Proverbs].” (Johann MARBÖCK, “Im Horizont der Gottesfurcht: Stellungnahme zu Welt und Leben in der alttestamentlichen Weisheit”, *BN* 26, 1985, 57.)

⁴⁷ ESTES, *Hear, My Son*, 35.

⁴⁸ See Proverbs 1:7, 29; 2:5; 8:13; 9:10; 10:27; 14:26, 27; 15:16, 33; 16:6; 19:22; 22:4; 23:17. The seven uses outside of Proverbs are in Isa 11:2, 3; 33:6; Ps 19:10; 34:2; 111:10 and 2 Chron 19:9. See LISOWSKY, *Konkordanz*, 635.

⁴⁹ Details in footnotes below. Although both WHYBRAY (*The Book of Proverbs: A Survey of Modern Study*, Leiden: Brill, 1995, 136) and *TDOT*, vol. 6, 292 speak of five occurrences, I was unable to find the fifth. LISOWSKY, *Konkordanz*, 634f. lists four occurrences as well.

⁵⁰ So in Proverbs 3:7: יִרְאָה אֶת־יְהוָה (“fear Yahweh!”), in 24:21: יִרְאֵת־יְהוָה (with *maqfep* between the imperative and the accusative-marker).

⁵¹ In Proverbs 14:2: יִרְאֵה יְהוָה (“(one who) fears Yahweh”, masculine participle) and 31:30: אִשָּׁה יִרְאֵת־יְהוָה (“a woman who fears Yahweh”, feminine).

of the root ירא (“to fear”). יִרְאֵת יְהוָה (“the fear of Yahweh”) is used in the introduction to the book, Prov 1:7, and at the end, 31:30, forming a thematic frame, an *inclusio*.⁵² It is also found at the end of Prov 1–9, 9:10, framing this section of the book as well.⁵³ Thus, “the book of Proverbs is the wisdom book most intimately connected with the concept of the fear of Yahweh.”⁵⁴

Since Prov 1:7 stands at the end of the introductory verses of Prov 1–9 which itself serves as an introduction to the rest of the book of Proverbs, it has been called the “motto” of Proverbs.⁵⁵ Moreover, the main import of Prov 1:7 can be found, with some variations, in several other places within the wisdom corpus: Prov 9:10; 15:33; Psalm 111:10 and Job 28:28.⁵⁶ Thus, it is not only the motto of Proverbs, but of wisdom in ancient Israel in general.

The fear of Yahweh is portrayed as the starting point⁵⁷ for the wisdom enterprise. It is “the first step to the attainment of knowledge.”⁵⁸ ‘Beginning’ does not refer to the start of wisdom as if one had to start with it and then forget about it. Rather, as BLOCHER has argued, it is the very nature of wisdom that it is only accessible through the fear of Yahweh.⁵⁹

It is noteworthy that the motto of wisdom is the fear of *Yahweh*.⁶⁰ Proverbs clearly prefers the name יְהוָה (“Yahweh”), to אֱלֹהִים (“God”).⁶¹ The former is employed 87 times, the latter only 6 times.⁶² L. BOSTRÖM points out that this deliberate use distinguishes Proverbs from all other Old Testament wisdom books which prefer the

⁵² Cf. BARTHOLOMEW, *Reading Proverbs*, 8. A slight difference between Prov 1–7 and 31:30 exists, however: in Proverbs 1:7 the term יִרְאֵת is a noun, but in Proverbs 31:30 it is a feminine participle in the *Qal*.

⁵³ Cf. MURPHY, *Proverbs*, 255.

⁵⁴ NIDOTTE, vol. 2, 531.

⁵⁵ FOX, *Proverbs 1–9*, 67; KIDNER, *Proverbs*, 59; PLÖGER, *Sprüche*, 13; SCOTT, *Proverbs*, 36.

⁵⁶ See Henri BLOCHER, “The Fear of the Lord as the ‘Principle’ of Wisdom”, *TynB* 28, 1977, 5f. and *TDOT*, vol. 6, 312.

⁵⁷ רֵאשִׁית should be rendered “beginning” in the context of Prov 1–9 because the parallel phrase in Prov 9:10 uses רֵאשִׁית (“beginning”). For a helpful discussion of the different options of how to translate רֵאשִׁית in Prov 1:7 see FOX, *Proverbs 1–9*, 67f.

⁵⁸ FOX, *Proverbs 1–9*, 67.

⁵⁹ See BLOCHER, “The Fear of the Lord”, 14–18. BLOCHER opts for rendering רֵאשִׁית in Prov 1:7 as “principle (with the nuance that separates *principium* from *initium*).” (*ibid.*, 15; italics his) Still, I find ‘beginning’ clearer than ‘principle’, as long as it is emphasised that it is not just the starting line one passes once in a lifetime but rather the very place where one has to look for wisdom and knowledge.

⁶⁰ BARRÉ rightly comments that the ‘fear of God’ can be found in all wisdom texts throughout the ancient Near East but then argues that it belongs to the worldview of wisdom, implying that the connections to the ancient Near East are stronger than to innerbiblical parallels. See Michael L. BARRÉ, “‘Fear of God’ and the World View of Wisdom”, *BTB* 11, 1981, 41–43. However, he completely overlooks that it is the fear of *Yahweh* that Proverbs is concerned with.

⁶¹ Cf. MÜLLER, *Proverbien 1–9*, 157.

⁶² In Proverbs 2:5, 17; 3:4; 25:2; 30:5, 9.

use of אֱלֹהִים.⁶³ As already mentioned in chapter 4, some scholars suggest that Prov 1–9 went through different literary stages, the last stage being a “Yahwistic reinterpretation of an older, empirical, mundane wisdom.”⁶⁴ In my view, for three reasons, the deliberate use of Yahweh for the designation of the deity is not a sign of redactional activity: firstly, such an activity immediately raises the question why it was obviously carried out only in connection with Proverbs and not with the other wisdom books of the Old Testament. Secondly, a Yahwistic reinterpretation rests on the assumption that faith in Yahweh was not foundational to ancient Israel, but reflects a later development from an originally polytheistic worship to the teaching that there is only one God, Yahweh.⁶⁵ In my opinion, such a development seems to be rather unlikely.⁶⁶ I follow DELKURT who writes: “Letztlich ist eine nicht vom Jahweglauben geprägte – profane oder polytheistische – Weisheit in Israel nicht nachweisbar und auch kaum denkbar.”⁶⁷ Thirdly, if a Yahwistic reinterpretation was carried out, why was it only the name of Yahweh which was inserted into the text and not his salvific acts or further passages on the importance of the cult as well? In my view, the constant reference to the fear of Yahweh in Prov 1–9 shows that, in ancient Israel, wisdom was not attainable without the fear of Yahweh.⁶⁸

Prov 1–9 uses the fear of Yahweh in a consistent manner, emphasising two different aspects. On the one hand, the fear of Yahweh is employed in parallelism to דַעַת (“knowledge”) in Prov 1:29, 2:5 and 9:10.⁶⁹ On the other hand, Prov 3:7 and

⁶³ See L. BOSTRÖM, *The God of the Sages*, 35–45. Ecclesiastes never uses ‘Yahweh’ to address God and Job uses אֱלֹהִים/אל (“God”) 128 times, whereas he employs Yahweh mainly in the prologue and epilogue, with a total of 24 uses.

⁶⁴ MCKANE, *Proverbs*, 17. More recently, SCHÄFER suggests a theological reinterpretation of Prov 1–9, understanding all Yahweh-sayings as late insertions into the text. See SCHÄFER, *Poesie*, 271–293. The view that there were several stages in the development of wisdom in ancient Israel also found expression in an early article by FOX: “Aspects of the Religion of the Book of Proverbs”, *HUCA* 39, 1968, 55–69. However, FOX apparently abandoned his early developmental theories since they do not play a role in his commentary, published 32 years after this article.

⁶⁵ For a recent overview of religion in ancient Israel see Bill T. ARNOLD, “Religion in Ancient Israel”, *The Face of Old Testament Studies: A Survey of Contemporary Approaches*, Baker, David W. and Bill T. Arnold (eds.), Grand Rapids: Baker Books, 1999, 391–420.

⁶⁶ I follow RENDTORFF who points out that nowhere in the Old Testament polytheism is an option to the main religious tenet that Yahweh is the sole God in ancient Israel. See RENDTORFF, *Theologie*, vol. 2, 206. MILLARD argues that the monotheistic revolution in Egypt and Mesopotamia at the end of the Bronze Age makes monotheism plausible – at least for the time of Moses (c. 1300 BC), maybe even for the time of Abraham. See Alan R. MILLARD, “Abraham, Akhenaten, Moses and Monotheism”, *He Swore an Oath: Biblical Themes from Genesis 12–50*, HESS, Richard S., Gordon J. WENHAM and Philip E. SATTERTHWAITTE (eds.), Cambridge: Tyndale House, 1993, 119–129.

⁶⁷ DELKURT, “Grundprobleme”, 61.

⁶⁸ PLÖGER writes that the use of the *Tetragrammaton* proves that both the wisdom teachers and their listeners/readers were deeply rooted in faith in Yahweh (“Jahweglaube”). See PLÖGER, *Sprüche*, 14.

⁶⁹ See Joachim BECKER, *Gottesfurcht im Alten Testament*, *Analecta Biblica* 25, Rome: Biblical Institute, 1965, 217. He uses the term “Quasisynonymität.” Some scholars regard Prov 9:10 as a late

8:13 underline a paradigmatic relationship between the concepts of fearing Yahweh and turning away from evil which is another feature of ancient Israelite wisdom.⁷⁰

If this analysis of the deliberate use of Yahweh in Proverbs is right, it has *theological* consequences. First, faith in Yahweh is inextricably linked to the wisdom enterprise.⁷¹ ‘Secular’ wisdom never existed in ancient Israel: “The fear of God is inherently and self-evidently a religious virtue.”⁷² Second, since Yahweh is the covenant God of Israel, it is difficult to imagine that his name is deliberately used without any covenantal connection. Therefore, I am inclined to follow ATKINSON’s remarks:

“This ‘holy fear’, then, carries the sense of an appropriate response to the covenant Lord, who comes to his people in promises of steadfast love and faithfulness, and who is known as the one who rescued his people out of slavery and called them his own.”⁷³

Thus, to provide a definition of the fear of God/Yahweh, I agree with PLATH’s definition of the fear of God as “die gefühls- und bewußtseinsmäßige Anerkennung des Totalitätsanspruches Gottes.”⁷⁴ The fear of Yahweh in Prov 1–9 expresses that the pursuit of wisdom is a thoroughly religious enterprise, being ultimately connected to the giver of all wisdom, Yahweh. In my view, the fear of Yahweh has to be understood in the context of the covenant, underlining that there is no true wisdom outside of that “foundational relationship”⁷⁵ with Yahweh.

5.2.3 The Worldview of the Legal Texts of the Old Testament

It would be far beyond the scope of the present thesis to investigate the worldview of the Old Testament legal texts. Therefore, I am going to look solely – and briefly – at

addition into the text. For the originality of Prov 9:7–12 see MURPHY, *Proverbs*, 61 and BYARGEON, “Structure”.

⁷⁰ See OSBORNE, *Spiral*, 193. He further lists Job 1:1; 28:28 and Prov 16:6. I would like to add to these Job 1:8 and 2:3.

⁷¹ See PLÖGER, *Sprüche*, 14.

⁷² FOX, *Proverbs 1-9*, 69.

⁷³ David ATKINSON, *The Message of Proverbs: Wisdom for Life*, The Bible Speaks Today, Leicester: Inter-Varsity, 1996, 101. DUMBRELL interprets the fear of Yahweh as “total commitment within a framework of covenant relationships which Israel knew had been established.” (William J. DUMBRELL, *Covenant and Creation: A Theology of the Old Testament Covenants*, 1984, reprint, Carlisle: Paternoster, 2002, 205f.)

⁷⁴ PLATH, Siegfried, *Furcht Gottes: Der Begriff אִתָּרָה im Alten Testament*, Berlin: Evangelische Verlagsanstalt, 1963, 127.

⁷⁵ SCHULTZ, “Unity or Diversity”, 293. MARBÖCK also defines the fear of Yahweh relational: “Wissen um Gott und Bindung an Gott.” (MARBÖCK, “Im Horizont der Gottesfurcht”, 58.) This relationship, however, needs to be defined within the parameters of Old Testament faith – and must not be filled with our modern understanding of ‘relationship’.

the same four assumptions underlining the worldview of Prov 1–9 as outlined in the previous section. In my view, an agreement in content arguably lends support to the thesis of a common worldview of wisdom and law since it supports the thesis that wisdom belongs to the same thoughtworld as the legal texts of the Old Testament.

5.2.3.1 Creation

Although creation is not a huge theme in the legal texts of the Old Testament, it appears in the Decalogue:

For in six days Yahweh made heaven and earth, the sea, and all that is in them, and rested the seventh day. Therefore Yahweh blessed the Sabbath day and made it holy. (Exod 20:11)

The argument to keep the Sabbath differs here from Deut 5:14, but there is not necessarily a contradiction between these two passages.⁷⁶ As in Prov 1–9, an argument *a majore ad minus* is used: if Yahweh took some rest after creation, how much more should *you* keep the Sabbath?

Deuteronomy mentions creation as well:⁷⁷

For ask now of the days that are past, which were before you, since the day that God created (בְּרָא) man (אָדָם) on the earth, and ask from one end of heaven to the other, whether such a great thing as this has ever happened or was ever heard of. (Deut 4:32)

I follow MCCONVILLE in his interpretation of the passage as underlining the cosmic dimension of creation.⁷⁸

It is noteworthy that in the legal texts of the Old Testament as well as in Prov 1–9 Yahweh's creation serves as comparison to illustrate a point important to the author/compiler: the commandment to keep the Sabbath (Exod 20:11), the decision for Yahweh as covenant God (Deut 4:32) or the importance and immeasurable worth of wisdom (Prov 3:13–20 and 8:22–31).

5.2.3.2 Order

In my view, the Old Testament legal texts were given to show up boundaries that should not be crossed in order to guarantee the stability of the ancient Israelite community of faith.⁷⁹ The different law books in the Pentateuch (Book of Covenant,

⁷⁶ See MCCONVILLE, *Deuteronomy*, 128.

⁷⁷ Although Deut 32:6b mentions creation, it refers to the creation of Israel by Yahweh who acted as a 'father': "Is not he your father, who created you, who made you and established you?" It thus seems to me that this verse does not have creation in mind but the beginnings of Israel as a chosen nation.

⁷⁸ See MCCONVILLE, *Deuteronomy*, 112.

⁷⁹ See 1.1.4 THESIS TO BE DEFENDED.

Holiness Code, Deuteronomic Code) testify to the fact that it was necessary for the Israelite community to possess particular rules and commandments in order to guarantee some basic order to society. This order did not only concern the communal life but also Israel's relationship with Yahweh.

One of the main functions of Old Testament law thus lies in the ordering of life. In difference to Prov 1–9, the order in the legal texts of the Old Testament is not derived from observation but from revelation – since canonically the legal texts are placed into the context of the covenant. Still, in both cases it is Yahweh's order. Since Yahweh arguably is both the giver of law and of wisdom, the order is essentially the same. The idea of order is thus inherent to both the legal as well as the wisdom texts. It is noteworthy in this context that Prov 1–9 does nowhere contradict the legal teaching of the Old Testament⁸⁰ but rather accepts the boundaries given by the law – although wisdom looks from a different angle, with a different perspective.

5.2.3.3 *Rationality*

If my analysis of the legal texts on adultery is right, then one of the main functions of the death penalty prescribed for adultery is to provide a deterrent. A deterrent only 'works' if there is insight on the side of its recipient, if there is a rational understanding of the law(s). The laws of Yahweh are knowable – as is his created world –, otherwise it could not serve as a guarantor for order. Rationality is thus a part of the worldview of law,⁸¹ as well as of wisdom. Furthermore, especially Deuteronomy underlines that it is possible to learn the fear of Yahweh.⁸² This learning context appeals to intellectual ability. Here again is a connection to Prov 1–9, since Deuteronomy as well emphasises the human heart as the main place of education. MCCONVILLE calls this the "internalization of outward requirement."⁸³ This leads us to the last assumption that forms the basis of the worldview of Prov 1–9, the fear of Yahweh.

⁸⁰ See DELKURT, *Ethische Einsichten*, 146.

⁸¹ I am aware of the fact that my examples for rationality stem only from Deuteronomy. I still use the designation 'law' because in my view, Deuteronomy serves as an example how the rest of the Pentateuchal laws should be treated. The canonical witness of the Pentateuch portrays Deuteronomy as a repetition of the laws given at Sinai, *i.e.* in Exodus 20ff. Moreover, Deuteronomy has a pedagogical outlook which makes it an excellent candidate for the case of rationality treated in this sub-section.

⁸² See Deut 4:10; 6:1f.; 14:23; 17:19; 31:12f. Thus, in nearly 50% of the verses which contain the fear of God in Deuteronomy the concept is connected to the verb לָמַד ("to learn"/"to make learn = to teach"). See APPENDIX 2.

⁸³ MCCONVILLE, *Deuteronomy*, 142.

5.2.3.4 *The Fear of Yahweh*

The exact term ‘fear of Yahweh’ is not used in the legal corpus of the Old Testament.⁸⁴ Nevertheless, the concept can be found in the Holiness Code (Lev 17–26)⁸⁵ and in Deuteronomy.⁸⁶ Since it is a main aim of the Holiness Code to explain that the worship of Yahweh and his holy character imply a ‘holy’ life-style, the use of the fear of God – in connection with the repeated self-declaratory formula אֲנִי יְהוָה (“I am Yahweh”)⁸⁷ – refers to the right and desirable attitude of each Israelite towards Yahweh.⁸⁸ Hence, the use of the fear of God in the Holiness Code aims at the right worship of Yahweh. In Deuteronomy, the fear of God is often paralleled by the keeping of God’s commandments and the walking in his ways.⁸⁹ Thus, in Deuteronomy the fear of God expresses the covenant relationship with Yahweh which entails the keeping of his statutes and commandments.⁹⁰ As already argued above, it is the right relation to Yahweh that also plays a role in Prov 1–9. Hence, I agree with SHERIFFS that “there is a real continuity of spirituality between the ‘fear of the Lord’ in the Pentateuch ... and in the Wisdom literature of the Old Testament.”⁹¹

⁸⁴ Some scholars assume a development of the concept of the fear of God in the Old Testament. BECKER, for example, assumes a semantic development, starting with the numinous fear of God and then reducing the element of a literal fear to a moral fear of God, in order to finally arrive at fear of God as a cultic concept. See BECKER, *Gottesfurcht*, 19–56. In my view, this developmental theory is difficult to maintain. From the point of view of the history of religion, the concept of fear of (the) god(s) is foundational to every religion, always designating both aspects: fear and awe which makes proving a development rather difficult. Furthermore, in my view this developmental theory results from a confusion of an alleged development with the context in which the concept of the fear of God/Yahweh appears. There are, of course, passages in the Old Testament which understand ‘fear’ literally (cf. Exod 3:6), but the main use of the root נָרַא (“to fear”) in connection with God is technical, describing both the right relation to Yahweh and the right way of worshipping him. See Ida ZATELLI, “Yir’at JHWH nella Bibbia, in Ben Sira e nei rotoli di Qumran: considerazioni sintattico-semantiche”, *Rivista Biblica* 36, 1998, 236f. and L. Deroousseaux, *La crainte de Dieu dans l’Ancien Testament: Royauté, Alliance, Sagesse dans les royaumes d’Israël et de Juda. Recherches d’exégèse et d’histoire sur la racine yârê’*, Paris: Editions du Cerf, 1970, 326f.

⁸⁵ See Lev 19:14, 32; 25:17, 36, 43. MILGROM notes that all of these occurrences “deal with the exploitation of the helpless.” (MILGROM, *Leviticus*, AB, 1641.) The concept thus differs from the fear of God in Deuteronomy and Prov 1–9 insofar that it reflects the fear of (divine) punishment. Nevertheless, this fear of God occurs in the context of holiness before God and is thus connected to the right attitude towards God.

⁸⁶ Deuteronomy uses the concept of the fear of God more frequently than Leviticus, 13 times in total. For the texts see APPENDIX 2.

⁸⁷ This formula is used 50x in the Holiness Code. The frequency of ‘Yahweh’ in both Leviticus and Deuteronomy shows that the fear of God is synonymous with the fear of Yahweh in Proverbs.

⁸⁸ See PLATH, *Furcht Gottes*, 75f.

⁸⁹ See *ibid.*, 33.

⁹⁰ See WEINFELD, *Deuteronomy and the Deuteronomistic School*, 274.

⁹¹ Deryck SHERIFFS, *The Friendship of the Lord: An Old Testament Spirituality*, Carlisle: Paternoster, 1996, 151.

5.2.4 The Concept of Worldview and the Connection of Wisdom and Law

In my view, the worldview of Prov 1–9 is rooted in a theological tradition that is also known from the legal texts of the Old Testament.⁹² In this worldview, Yahweh is the overarching figure who created the universe in an orderly manner that can be observed. This observation of order requires a rationality which is firmly rooted in the fear of Yahweh. It is noteworthy that the four basic assumptions constructing the worldview of Prov 1–9 – creation, order, rationality and the fear of Yahweh – are also part of the worldview propagated by the legal texts of the Old Testament. I thus agree with ESTES:

“Both wisdom and law in the Old Testament share the same worldview, in which Yahweh has created the world and placed within it his order ... The special contribution of wisdom is in its challenge to apply the covenant faith to every area of life.”⁹³

If this conclusion is true then there need to be further traces of covenant faith in Prov 1–9, apart from its consistent use of death metaphors which reflect the death penalty for adultery as outlined by the legal texts of the Old Testament. Thus, the following section looks at further connections between wisdom and law in Prov 1–9 in order to support my thesis that the legal texts of the Old Testament stand in the background of the first nine chapters of the book of Proverbs.

5.3 Further Connections between Proverbs 1–9 and Old Testament Law

5.3.1 The Promise of Life

The promise of life is prominent both in Prov 1–9 and the legal texts of the Old Testament.⁹⁴ With the single exception of Exod 20:12,⁹⁵ only Prov 1–9 and Deuteronomy connect the obedience to their instructions with the promise of a long life. Thus, Deuteronomy exhorts its audience:

²⁰You shall write them [the words, commandments] on the doorposts of your house and on your gates, ²¹that *your days* and the days of your children

⁹² DRUBBEL writes: “La source immédiate de la littérature sapientiale sera bien à chercher dans le même milieu, chez le même peuple qui nous a donné les livres prophétiques et le Pentateuque.” (Adrien DRUBBEL, “La conflit entre la sagesse profane et la sagesse religieuse”, *Biblica* 17, 1936, 419.)

⁹³ ESTES, *Hear My Son*, 64.

⁹⁴ See Prov 3:1f., 16–22; 4:4, 10, 13; 4:13; 6:23; 7:6 and 8:35; Deut 4:1; 5:33; 8:1; 11:9; 16:20; 22:7; 30:6; 30:16–19; 31:13; 32:47.

⁹⁵ Since Exod 20:12 is a parallel text to Deut 5:16 it does support the fact that the promise of a long life is found nearly exclusively in Deuteronomy and Proverbs.

may be multiplied in the land that the LORD swore to your fathers to give them, as long as the heavens are above the earth. (Deut 11:20–21; cf. Deut 30:19f.; italics mine)

In Prov 9:11 personified wisdom arguably takes up this promise of long life:

¹¹For by me *your days will be multiplied, and years will be added to your life.* (italics mine)

Thus, both Prov 1–9⁹⁶ and Deuteronomy promise long life to those who follow their instructions. MURPHY rightly points out what this life entails:

“The message of Old Testament wisdom can be summed up in one word: life. [...] This ‘life’ is the good life in the here and now: length of days, numerous progeny, riches and prestige. It is a happy, blessed life...”⁹⁷

WHYBRAY notes that the longing for a blessed life can be found throughout the Old Testament:

“The ancient Israelites were affected in their daily lives by a longing for a more satisfactory mode of life that was constantly denied them, a longing that inevitably influenced their outlook on many things including their religious beliefs.”⁹⁸

This life is life in the here and now, it is this-worldly. It is noteworthy that the pursuit of wisdom in Prov 1–9, through the obedience to the ‘father’s instruction, achieves the same ‘result’ as the obedience towards the law in Deuteronomy.

5.3.2 The Promise of Land

FOX notes that most modern commentators read Prov 2:20–22 “as an allusion to God’s covenantal promise of the land of Canaan to the people of Israel, alongside a warning of exile should they fail to keep this law.”⁹⁹ Clifford – and FOX with him – has a different understanding of ארץ (“land”):

“While there may also be an allusion to the land of Canaan of Israel’s historical traditions, Psalm 37 and Proverbs 2 use dwelling on the land more generally, as metaphors for living in peace and dying prematurely [...]:

⁹⁶ It is interesting that the rest of Proverbs does not take up the promise of life. The closest it comes to describe this kind of promise is in Prov 19:23: “The fear of Yahweh leads to life, and whoever has it rests satisfied; he will not be visited by harm.” Generally, it is the quality of life that wisdom is concerned about, not its length. This underlines the connection of Prov 1–9 and Deuteronomy because the promise of (long) life can primarily be found in these two books.

⁹⁷ MURPHY, “Israel’s Wisdom”, 25.

⁹⁸ Roger Norman WHYBRAY, *The Good Life in the Old Testament*, Edinburgh: T&T Clark, 2002, 2.

⁹⁹ FOX, *Proverbs 1–9*, 123. See, for example, TOY, *Proverbs*, 52; MCKANE, *Proverbs*, 288; PLÖGER *Sprüche*, 28; WHYBRAY, *Proverbs*, NCB, 57; VAN LEEUWEN, “Proverbs”, NIB, vol. 5, 45.

living wisely assures that one will remain on this earth rather than descending to the underworld before one's time."¹⁰⁰

Thus, according to CLIFFORD and FOX Prov 2:20–22 describe the effects of living a wise life rather than reflecting a connection to the promise of the land as one of ancient Israel's core testimonies. I personally find their thesis unconvincing. It is true that living wisely prolongs life, at least potentially. But the notion of אֶרֶץ ("land") cannot be dismissed with mentioning that concern for the land of Israel "is absent from biblical Wisdom literature."¹⁰¹ This is a circular argument: biblical wisdom literature is not concerned with historical traditions, therefore we are not 'allowed' to find in it allusions to them. CLIFFORD and FOX rightly point out that the notion of the land appears in the context of a lecture on the way of wisdom. Differing from their point of view, however, I am inclined to think that Prov 2:20–22 takes up the ancient promise of the land¹⁰² as argument for the rightness of the way of wisdom. As indicated in chapter 4, Prov 2:20–22 is the *peroratio* of lecture II. It pulls together the moral of the lecture, making an additional point – thus it is called "capstone" by FOX.¹⁰³ Prov 2:20–22 can be structured as follows:

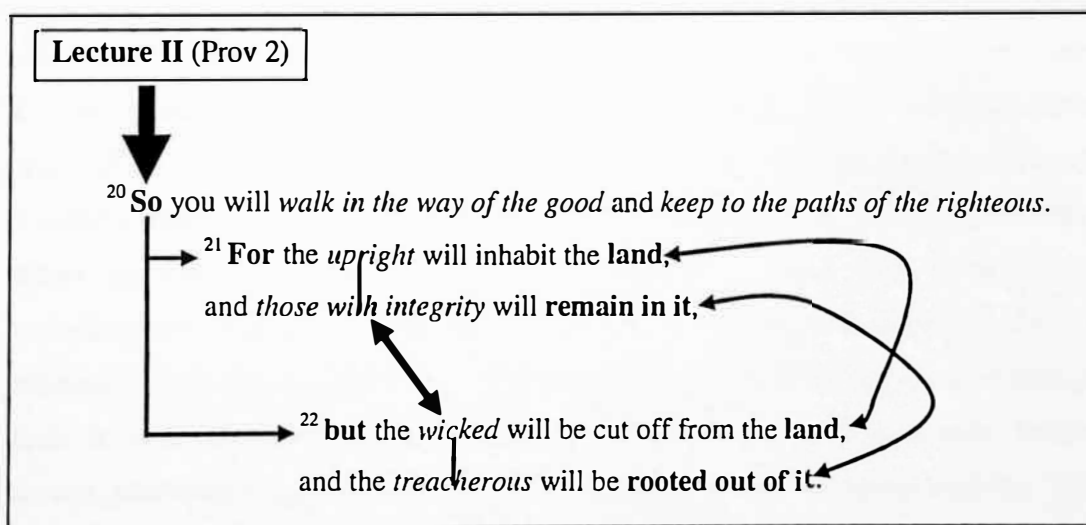


Diagram 35: The Promise of Land in Prov 2:20–22

Verse 20 expresses the aim of the lecture, consequently beginning with לְמַעַן ("so that").¹⁰⁴ This aim is consistent with the core of the wisdom enterprise, accumulating six words often used in wisdom literature: הִלַּךְ ("walk"), שָׁמַר ("keep"), הִרְדֵּף

¹⁰⁰ CLIFFORD, *Proverbs*, 49. Cf. FOX, *Proverbs 1–9*, 123: "The righteous will live (long), the wicked will die (prematurely)."

¹⁰¹ FOX, *Proverbs 1–9*, 123.

¹⁰² See, for example, Gen 12:7; Exod 3:8, 17; 20:12; 23:30; 32:13; 33:1–3; Lev 20:24; Num 14:23f.; 15:2, 18; Deut 4:5; 8:7–10; 12:10.

¹⁰³ *Ibid.*, 126.

¹⁰⁴ HALOT, 614. לְמַעַן introduces a statement of purpose. See *A Guide to Biblical Hebrew Syntax*, 115.

(“way”), אֶרֶץ (“path”), טוֹב (“good”) and צְדִיקָה (“righteous”). But the lecture does not end here, it continues with two verses standing in antithetical parallelism. These verses are introduced with a כִּי (“for, because”, verse 21), thus marking a causal connection to the foregoing. Such a statement of causality is powerful only if the concept expressed is either logical or already well-known to the listener/reader, thus connecting a new thought – the introduction to the way of wisdom – with an ‘old’ thought – the promise of the land and the fundamental momentum of choice, as expressed in Deuteronomy.¹⁰⁵

FOX rightly points out that Ps 37 and Prov 2 have parallels in vocabulary,¹⁰⁶ but in my view this does not prove that Prov 2 does not draw just as well on the earlier tradition of the promise of the land. Furthermore, he argues that the difference in address in Deuteronomy and Proverbs makes a connection rather unlikely, the exile being “a national punishment, a judgment on the people as a whole”, whereas Prov 2:22 envisages “individuals within the nation and promises them appropriate fates.”¹⁰⁷

In my opinion, the difference is not as huge as FOX supposes since it is impossible to divide the fate of the nation of ancient Israel from the ethical conduct of the individual.¹⁰⁸ The laws of Deuteronomy are given to the whole nation as well as to the individual (therefore, the parents ought to teach them to their children). Nation and individual stand in a reciprocal dependency. The pedagogical outlook of Prov 1–9 clearly emphasises the individual side but this does not at all imply that the nation plays no role in the wider context of Prov 1–9. Thus, with most modern commentators, I take the causal link – expressed with כִּי (“for, because”, v. 21) – as referring to the ancient promise of the land.¹⁰⁹ BRUEGGEMANN argues convincingly that “a full, whole life, life intended by Yahweh, requires land: a safe, fruitful, secure, productive place of one’s own.”¹¹⁰ He thus calls the promised land the “first, obvious, and unarguable aim of the Pentateuch.”¹¹¹ In my view, Prov 1–9 looks back to this aim since the text assumes that the people *live* in the land since Prov 2:20–22 assumes that the people live relatively safe in their land. If Prov 2:20–22 envisaged

¹⁰⁵ See Deut 5:16, 33; 6:18; 11:9; 15:4f.; 16:20; 22:7; 25:15; 28:63; Deut 30; 32:47.

¹⁰⁶ See FOX, *Proverbs 1–9*, 124.

¹⁰⁷ *Ibd.*

¹⁰⁸ See the repeated formula in Deuteronomy: “You shall purge the evil from your midst/from Israel” (Deut 13:5; 17:7, 12; 19:19; 21:21; 22:21, 22, 24; 24:7), referring to sins committed by individuals.

¹⁰⁹ RENDTORFF rightly points out that the promise of the land is a core theme in Genesis. See RENDTORFF, *Theologie des Alten Testaments*, vol. 1, 21–23.

¹¹⁰ BRUEGGEMANN, *Theology of the Old Testament*, 169.

¹¹¹ *Ibd.*, 211.

only long life or premature death – as both CLIFFORD and FOX propose –, the lecture could have employed clearer metaphors than ‘land’. The most likely reference to ‘land’ in Prov 2:21f. is to the promise of land in the Pentateuch as one of ancient Israel’s core testimonies.¹¹²

5.3.3 The Offering of Firstfruits

There is only one reference to the cult in Prov 1–9, in 3:9f. However, not all scholars agree that this passage refers to the cult. TOY, for example, argues that these verses do not refer to the cult but to a rather “general righteous employment of riches”, *i.e.* the “care of the poor.”¹¹³ In my view, Prov 3:9f. reflects Old Testament law, referring to the cult.¹¹⁴ FOX renders it as follows:

“⁹ Honour the Lord from your wealth, with the firstfruits [מֵרֵאשִׁית] of your produce,¹⁰ and your barns will overflow with abundance, your vats with new wine.”¹¹⁵

I would like to deal with two aspects of Prov 3:9 in order to figure out if the reference here is to the cult: (1) The translation of רֵאשִׁית in the context of Prov 1–9. Does it refer to the ‘firstfruits’ as a cultic term otherwise not referred to in the wisdom literature of the Old Testament? (2) The exact rendering of Prov 3:9. Some scholars take the construction of the *Piel* כִּבֵּד with מִן comparatively: “Honour Yahweh *more than* your wealth and *more than* the best of your gain.”¹¹⁶ This second rendering takes רֵאשִׁית as ‘best’ and – combined with a comparative rendering of כִּבֵּד with מִן – thus denies any reference to the cult in Prov 3:9f.

רֵאשִׁית occurs in Prov 1:7, 4:7 and 8:22, mostly rendered as “beginning, starting point”.¹¹⁷ Outside of the wisdom corpus, רֵאשִׁית sometimes refers to (the offering of) “firstfruits”.¹¹⁸ From the general use in Prov 1–9, רֵאשִׁית could well be translated ‘first’ or ‘best’ and – although rather less likely¹¹⁹ – ‘firstfruits’. Thus, the context is decisive for the correct understanding of רֵאשִׁית in Prov 3:9. ERNST argues that the

¹¹² WRIGHT points out that the theology of the land “is inseparable from Israel’s consciousness of their unique covenant relationship with Yahweh.” (WRIGHT, *God’s People*, 23.)

¹¹³ TOY, *Proverbs*, 62.

¹¹⁴ See Exod 23:19, Num 28:26f. and Deut 26:1f.

¹¹⁵ FOX, *Proverbs 1–9*, 142.

¹¹⁶ Cf. ERNST, *Kultkritik*, 87: “Ehre Jahwe mehr als dein Vermögen und mehr als das Beste all deines Gewinns!” See also Chaim COHEN, “Two Misunderstood Verses in the Book of Proverbs”, *Shnaton* 11, 1997, 140: “Honor the Lord more than your wealth and more than your choicest income.”

¹¹⁷ See HALOT, 1170. HALOT notes that the meaning in Prov 4:7 and 8:22 is not entirely clear.

¹¹⁸ *E.g.*, in See NIDOTTE, vol. 3, 1027 and TLOT, 1190.

¹¹⁹ ERNST rightly points out that רֵאשִׁית is not used in a cultic context in Proverbs. See ERNST, *Kultkritik*, 83.

technical terms for the tithe of firstfruits – he lists *מַעֲשֵׂר*, *תְּרוּמָה* and *בְּכוֹרִים* – are missing here and that therefore a cultic background of Prov 3:9 is unlikely.¹²⁰ But his argument is not convincing since in a fifth of all appearances *רֵאשִׁית* in the Old Testament is used in a cultic context to designate ‘firstfruits’ – in many cases without one of the terms which ERNST listed.¹²¹ Moreover, as in Prov 3:9, 2 Chron 31:5 and Jer 2:3 use *תְּבוּאָה* (“produce, yield”¹²²) in connection with *רֵאשִׁית*, in a cultic context. Thus, *רֵאשִׁית* can very well be translated ‘firstfruits’ in Prov 3:9.

ERNST finds the rendering ‘to honour Yahweh *מִהוֹנֵךְ* (“from your wealth”) difficult since nowhere *הוֹן* is used in a cultic context.¹²³ His argument is valid only on the assumptions that the words in this verse have to be used in a cultic context elsewhere in the Old Testament and that the general context does not indicate a cultic context in Prov 3:9f. Since *הוֹן* is used in parallelism with *תְּבוּאָה* (“produce, yield”), a cultic context is very possible in these verses – as I have argued above. The underlying idea is that Yahweh is the giver of all things and thus deserves a certain part of one’s property and yield.¹²⁴ This would fit well with the context of Prov 3 which emphasises the fundamental role of the son’s relationship to Yahweh for the pursuit of wisdom.¹²⁵

ERNST further argues that Prov 3:9 should be rendered as a comparative construction.¹²⁶ He mentions that out of 38 instances where *כָּבֵד* is used in the Piel only 3 are constructed with a following *מִן*.¹²⁷ Since only one of these definitely reflects a comparative use (1 Sam 2:19), I am not convinced by his argument. Furthermore, I agree with FOX who points out “that one is not said to ‘honor’ (*kabbēd*) wealth”, a construction which is “an unlikely one.”¹²⁸ Moreover, ERNST does not really take into account that the construction of *כָּבֵד* and *מִן* in Prov 3:9

¹²⁰ See ERNST, *Kultkritik*, 82.

¹²¹ See APPENDIX 2. It seems to me that *רֵאשִׁית* originally was used to emphasise the ‘first’ and the ‘best’ in connection with the A-word of ‘firstfruits’, *בְּכוֹרִים* (cf. Exod 23:19 and 34:26) and then took on itself the meaning ‘firstfruits’. See NKJV: “The first of the firstfruits of your land you shall bring into the house of the LORD your God.” (Exod 23:19, italics mine)

¹²² HALOT, 1679.

¹²³ See ERNST, *Kultkritik*, 83. These are 1 Sam 2:29, Isa 58:13 and Prov 3:9.

¹²⁴ The firstfruits of the land “were to be given to God in the sanctuary” and “appear to be part of the provision of the priests.” (NIDOTTE, vol. 1, 659.)

¹²⁵ FOX argues that lecture III (Prov 3:1–12) has got nothing to do with the wisdom enterprise since it “nowhere requires wisdom and mentions it only in a negative admonition (3:7).” (FOX, *Proverbs 1–9*, 154.) In my view, the role of piety – or a good relationship to Yahweh, as it were – cannot be overstated since it is the fear of Yahweh that is fundamental to the wisdom enterprise.

¹²⁶ See ERNST, *Kultkritik*, 87.

¹²⁷ *Ibid.*, 86.

¹²⁸ FOX, *Proverbs 1–9*, 151.

refers to two nouns because מְרֵאשִׁית also has a prefixed מִן. Usually מְרֵאשִׁית is used partitively, not comparatively. Out of its five uses in the Old Testament only Job 42:12 expresses a comparison: “And Yahweh blessed the latter days of Job more than his beginning [מְרֵאשִׁתּוֹ].” Job 42:12 is the only case where מְרֵאשִׁית is not followed by one or more words to which it refers. The four other cases describe an offering following מְרֵאשִׁית.¹²⁹ They are all partitively used and stand in a cultic context.

FOX has shown that references to the cult are not out of place in the wisdom literature of the ancient Near East.¹³⁰ The cult definitely plays a role in the wisdom tradition of the Old Testament, as PERDUE convincingly argues.¹³¹ In my view, this reference to the cult emphasises two things: firstly, that Prov 1–9 is compiled by people who valued ancient Israel’s cult – otherwise they would not casually refer to it – and secondly, that the truth of an old wisdom principle is extended as true even for the realm of the cult: *you reap what you sow*.¹³² WHYBRAY understands this as “the most blatant expression in the Old Testament of the principle *do ut des* – the offering of gifts to God solely to elicit material rewards from him.”¹³³ The context of Prov 3 does not support WHYBRAY’s view: it is not concerned with a mechanical principle. Rather, the certainty of material blessing – a better word than ‘reward’ – fits into the bigger framework of the promise of life in Prov 3:1f., 16–18 and 21f. The pursuit of wisdom does not lead to long life alone but also to a life that is blessed by Yahweh.¹³⁴ This blessing is reflected in the material realm as well.

Prov 3:9f. represents a link between Prov 1–9 and the legal texts of the Old Testament insofar as it arguably takes up the legal concept of the offering of firstfruits. Although this is the only explicit reference to the cult in Prov 1–9,¹³⁵ Prov 10–29 with its more frequent references¹³⁶ lends support to the fact that the book of

¹²⁹ Cf. Num 15:21; Deut 26:2; 1 Sam 2:29 and Prov 3:9. For the exact use, see APPENDIX 2.

¹³⁰ See FOX, *Proverbs 1–9*, 152.

¹³¹ See PERDUE, *Wisdom and Cult*. However, I would not agree with his overall conclusion that the cult had a “very important place” (p. 225) within the worldview of wisdom. Nevertheless, traces of the cult in Prov 1–9 are to be expected since the cult predates its date of composition and the wisdom writers were ancient Israelites, sharing the general ancient Israelite worldview. See my comments above, 5.2.2 THE WORLDVIEW OF PROVERBS 1–9.

¹³² See PLOGER, *Sprüche*, 34: “Wer gibt, dem wird reichlich wiedergegeben werden.”

¹³³ WHYBRAY, *Proverbs*, NCB, 63. (italics his)

¹³⁴ “Blessed is the one who finds wisdom.” (Prov 3:13) And Yahweh “blesses the dwelling of the righteous.” (3:33) The motif of being blessed to be a blessing is as old as God’s promise to Abraham in Gen 12:2.

¹³⁵ One could, of course, add the peace offering of the ‘strange’ woman in Prov 7:14. I have already pointed out that the use of this offering suggests that the woman is an Israelite. See 4.2.4.2.2 THE PROPOSITIO: VERSES 6–23.

¹³⁶ ERNST lists Prov 14:9, 15:8, 29, 16:6, 17:1, 21:3, 27 and 28:9. See ERNST, *Kultkritik*, XI.

Proverbs views itself – and its audience – as part of the ancient Israelites’ community of faith.

5.3.4 The Pedagogy of Proverbs 1–9 and Deuteronomy

Deuteronomy stresses the fact that the outward requirement of the law needs to be internalised.¹³⁷ One of the key terms in Deuteronomy is לֵב or לִב (“heart”¹³⁸), most prominently used in the phrase “You shall love Yahweh your God with all your heart and with all your soul and with all your might.” (Deut 6:5) The internalisation of wisdom is also an important aspect in the pursuit of wisdom as portrayed in Prov 1–9, there as well often expressed with the ‘heart’ as designation of the ‘inner person’.¹³⁹ It is noteworthy that Deuteronomy and Prov 1–9 use the same words for this internalisation:

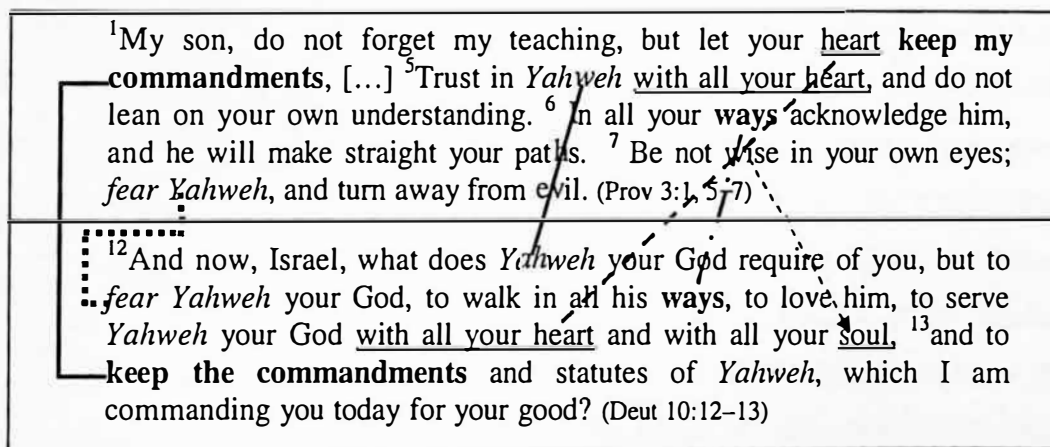


Diagram 36: Internalisation in Proverbs 3:1, 5–7 and Deuteronomy 10:12–13

Both מִצְוָה (“commandment”) and תּוֹרָה (“instruction”) are employed in Deuteronomy (for the teaching of the law) and in Prov 1–9 (for the instruction of the parental wisdom teachers). Thus, the pedagogy of Deuteronomy and Prov 1–9 is not identical, but quite similar. In Deuteronomy, the main pedagogical content is obedience towards God’s commandments. תּוֹרָה is a key term in the book,¹⁴⁰ often designating the totality of the legal teaching contained in it.¹⁴¹ It seems most probable that תּוֹרָה originally was used in a general sense as ‘instruction’ and only later on became a designation for ‘law’ and even later for the totality of the legal

¹³⁷ See MCCONVILLE, *Deuteronomy*, 142.

¹³⁸ HALOT, 514 (לֵב), 516 (לִב). LISOWSKY lists 50 occurrences of לֵב and לִב in Deuteronomy. See LISOWSKY, *Konkordanz*, 708–714.

¹³⁹ See Prov 2:2, 10; 3:1, 3, 5; 4:4, 23; 5:12; 6:14, 18, 21, 25; 7:3, 25.

¹⁴⁰ See MCCONVILLE, *Deuteronomy*, 18.

¹⁴¹ See NIDOTTE, vol. 4, 895.

teaching.¹⁴² Yet, the etymology of חֹרֶה escapes us and it is thus difficult to propose an exact origin.¹⁴³

In Prov 1–9, חֹרֶה describes the parental teaching,¹⁴⁴ the way of wisdom, “godly instruction aimed at encouraging wise conduct.”¹⁴⁵ It is noteworthy that in both cases the teaching is called חֹרֶה or מִצְוָה (“commandment”¹⁴⁶). FOX argues that in Prov 1–9 חֹרֶה and מִצְוָה “are basically secular words and carry with them no allusion to divine law.”¹⁴⁷ I find FOX’s thesis unconvincing because he denies the existence of a ‘divine’ connection and at the same time assumes that there is something as ‘secular’ vocabulary. The use of חֹרֶה in Prov 1–9 might be “not specifically theological”¹⁴⁸ but the parallel use of the term – together with מִצְוָה – in Prov 1–9 and Deuteronomy is nevertheless significant.¹⁴⁹ The urgency with which the ‘father’ is encouraging the ‘son’ to pursue wisdom is comparable to the importance and centrality of the חֹרֶה, as frequently described in Deuteronomy. Both in Deuteronomy and Prov 1–9 the obedience to the חֹרֶה is a matter of life and death. I am inclined to follow NEL who argues that “there was no secular education and therefore no discrepancy between the *tōrâ* of the ‘father’ and of Jahweh [*sic*].”¹⁵⁰ Thus, although the use of חֹרֶה in Prov 1–9 is not specifically theological, it is neither secular nor a-theological. As already pointed out, it is the fear of Yahweh that marks the beginning of the wisdom enterprise, not the search for meaning in this world *per se*. NEL rightly points out that both in the ancient Near East and in the Old Testament education is religiously determined.¹⁵¹

L. BOSTRÖM points out that the religious dimension is presupposed by Prov 1–9:

¹⁴² See *RGG*³, vol. 6, 951.

¹⁴³ For different solutions concerning the etymology of חֹרֶה see *TLOT*, 1415.

¹⁴⁴ Prov 1:8 and 6:20 mention the חֹרֶה of the mother and Prov 3:1; 4:2; 6:23 and 7:2 the חֹרֶה of the father. In chapter 4, I consistently used the designation ‘father’ in order to emphasise that the teacher does not literally have to be a father – he could also be a wise teacher, belonging to the parental generation.

¹⁴⁵ *NIDOTTE*, vol. 4, 896.

¹⁴⁶ See especially Deut 4, 6 and 11 and Prov 2:1; 3:1; 4:4; 6:20, 23; 7:1, 2.

¹⁴⁷ FOX, *Proverbs 1–9*, 79.

¹⁴⁸ *TLOT*, 1416.

¹⁴⁹ See Gerlinde BAUMANN, *Die Weisheitsgestalt in Proverbien 1–9: Traditionsgeschichte und Theologische Studien*, FAT 16, Tübingen: Mohr-Siebeck, 1996, 298f.

¹⁵⁰ Phillip Johannes NEL, “The Concept ‘Father’ in the Wisdom Literature of the Ancient Near East”, *JNSL* 5, 1977, 60.

¹⁵¹ See *ibd.*, 59 (ancient Near East) and 61 (Old Testament).

“Compared to the book of Proverbs, even the Egyptian wisdom books from the age of personal piety appear to be more reluctant to express an intimate relationship between the deity and human beings.”¹⁵²

The pedagogical teaching of Deuteronomy consists of basic instruction about Yahweh and his commandments.¹⁵³ CRENSHAW points out that the first subject studied was the *Shema* (Deut 6:4–9).¹⁵⁴ Although he refers to a later period in time, it is most probable that education in ancient Israel started with the basics about Yahweh, that the teaching curriculum in one’s first years was primarily religiously determined. Deut 6:4–9 underlines this thesis: the religious basics, as it were, had to be passed on to the next generation, forming its identity.

In comparison to the pedagogy of Deuteronomy, Prov 1–9 is not so much concerned with forming identity but with forming character.¹⁵⁵ ESTES rightly speaks of “personal formation”, leading toward “intellectual and ethical maturity.”¹⁵⁶ Thus, the situation of liminality – between youth and adulthood – underlying Prov 1–9 reflects a different pedagogical situation from that of Deuteronomy, as KUHN writes:

“Das Hören auf die Lehren der Weisheit muß zum Studium der Thora, wie es die Gerechten üben, ergänzend hinzukommen. [...] Erst wenn das, was die Thora lehrt, aufs innigste verbunden und durchdrungen wird von den Lehren dieser Welterfahrung und dem denkenden Erfassen des profanen, täglichen Lebens, werden wir aus Gerechten zu Weisen.”¹⁵⁷

In my view, Prov 1–9 reflects a pedagogical situation subsequent to a more basic, primarily religious education.¹⁵⁸ To use an illustration: Prov 1–9 is like the teaching one receives in secondary school, preparing for life, building upon the basic knowledge and some of the skills achieved in primary school, in a family and home

¹⁵² L. BOSTRÖM, *The God of the Sages*, 242.

¹⁵³ I do not at all intend to claim that Deuteronomy is ‘basic’ and ‘simple’. My point here rather is that Deuteronomy establishes “the role of Torah in Israel.” (MCCONVILLE, *Deuteronomy*, 34.) Through the voice of the prophet Moses (cf. Deut 18:15), the people of Israel are instructed about the fundamental will of Yahweh, as expressed in treaty form. This teaching was ‘basic’ and fundamental to ancient Israel’s identity and thus should be passed on from generation to generation (cf. Deut 6:6–9).

¹⁵⁴ See CRENSHAW, *Education*, 9.

¹⁵⁵ See *ibid.*, 1. It is noteworthy that both Deuteronomy and Prov 1–9 refer to the discipline of Yahweh that should be valued by the ‘son’, as part of the educational process towards the formation of identity and character. See Deut 8:5 and Prov 3:11f.

¹⁵⁶ ESTES, *Hear My Son*, 14.

¹⁵⁷ See Gottfried KUHN, *Beiträge zur Erklärung des salomonischen Spruchbuches*, BWANT 57, Stuttgart: Kohlhammer, 1931, 3.

¹⁵⁸ WHYBRAY assumes “two originally distinct types of education in Israel: the teaching of the wisdom schools and the ordinary religious education of the Israelite given by parents or religious authorities.” (Roger Norman WHYBRAY, *Wisdom in Proverbs: The Concept of Wisdom in Proverbs 1–9*, SBT 45, 1965, 2nd imprint, London: SCM Press, 1967, 96.) In my view, both types of education had their place within the (extended) family – as reflected by Deuteronomy and Prov 1–9 – which connects the two and makes a clear-cut distinction rather unlikely.

setting.¹⁵⁹ The תּוֹרָה of the father and mother could thus well refer to both the basic religious education and to the ‘secondary school education’ of the lectures in Prov 1–9. The teaching of Prov 1–9 would then be comparable to the teaching one receives before leaving school. Since the wisdom enterprise is a life-long process, the teaching in its literary setting is not restricted to youth.¹⁶⁰

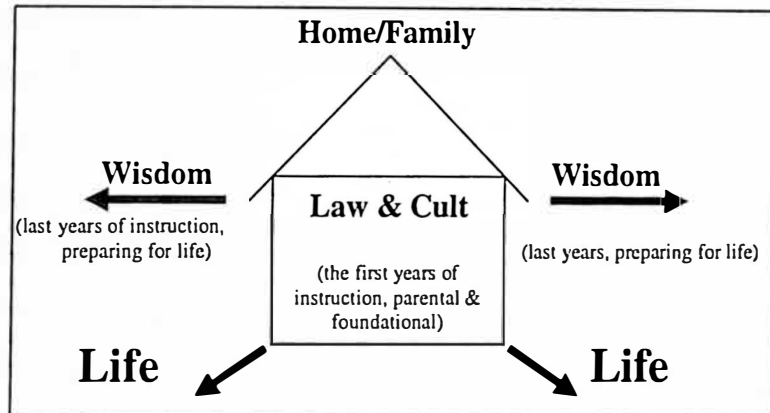


Diagram 37: The Pedagogical Process of Wisdom and Law

If my thesis is right, the teaching of wisdom in Prov 1–9 presupposes the teaching of the law.¹⁶¹ Deut 6:1–2 emphasise that the teaching of the commandment is prior to the fear of God.¹⁶² Since the fear of Yahweh is an important concept in Prov 1–9, it could well be that the (basic) teaching of the commandments is also presupposed in these chapters.¹⁶³ MCCONVILLE rightly points out that Deuteronomy and Proverbs are very close to each other because both offer “training in the right way to live.”¹⁶⁴ Thus, in my view Deuteronomy offers foundational instruction whereas Prov 1–9

¹⁵⁹ I am well aware of the discussion about the (non-)existence of schools in ancient Israel. With my statement, I just want to point out that Prov 1–9 reflects a different, later stage in the pedagogical process.

¹⁶⁰ See Prov 1:5f.: “⁵Let the *wise* hear and increase in learning, and *the one who understands* obtain guidance, ⁶to understand a proverb and a saying, the words of the wise and their riddles.” (italics mine) Thus, even the wise can learn from the wise. The content of the teaching referred to in Prov 1:1–7 thereby is the whole book of Proverbs and not just Prov 1–9.

¹⁶¹ This thesis does not necessarily stand in contrast to WEINFELD’s argument of wisdom influence upon Deuteronomy. (See WEINFELD, *Deuteronomy and the Deuteronomic School*, 260–274.) Since wisdom was a well-known phenomenon in the ancient Near East, the wisdom tradition in ancient Israel is older than both Deuteronomy and Proverbs. Thus, it is possible that there was wisdom influence on Deuteronomy *before* any of the wisdom books of the Old Testament were written. This, of course, does not exclude the possibility that some proverbs or even some of the lectures in Prov 1–9 were already known at the time of the composition of Deuteronomy because they had an oral life before they were put into literary form. The point I want to make simply is that religious education was prior to the teaching of wisdom in the ‘teaching curriculum’ as presupposed by Prov 1–9.

¹⁶² Cf. MCCONVILLE, *Deuteronomy*, 140. See also Deut 4:10: “Gather the people to me, that I may let them hear my words, so that they may learn to fear me all the days that they live on the earth, and that they may teach their children so.”

¹⁶³ See my comments above, 5.2.2.4 THE FEAR OF YAHWEH.

¹⁶⁴ MCCONVILLE, *Deuteronomy*, 43.

builds upon that foundation – to use a metaphor of Prov 1–9 – a house with “seven pillars” (cf. Prov 9:1).¹⁶⁵

5.3.5 The Partial Equation of Wisdom and Law in Deuteronomy 4:5–8

For the most part of the current section, I have dealt with legal concepts in Prov 1–9. Since, as WEINFELD argues,¹⁶⁶ there is wisdom influence upon Deuteronomy and MALFROY convincingly argues that Deuteronomy frequently employs sapiential vocabulary,¹⁶⁷ I would like to take at least a brief look at the *locus classicus* for wisdom vocabulary in Deuteronomy:

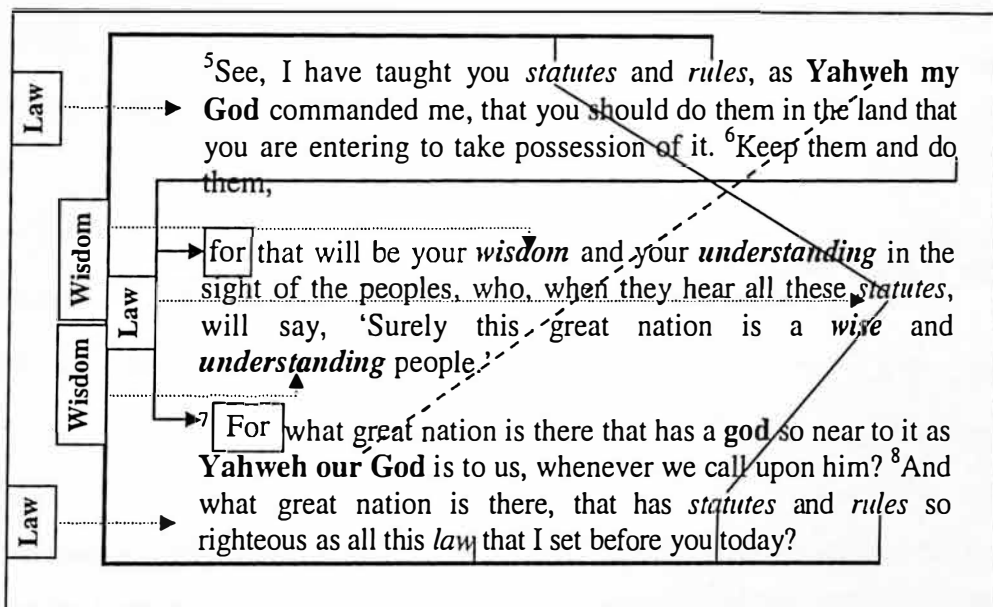


Diagram 38: Wisdom and Law in Deut 4:5-8

It is noteworthy that wisdom finds mention in Deut 4:5–8 in connection with the *keeping* and the *doing* of the law.¹⁶⁸ This is in line with Prov 1–9, since its wisdom instructions do not focus on mere intellectual activity but on a “way of life”.¹⁶⁹ It is about *doing* what is wise. The combined use of typical wisdom and legal vocabulary in Deut 4:5–8 shows that the equation of the two in Sir 24:23f. is not an invention of

¹⁶⁵ ROBERT proposes to see the deuteronomic teaching as base for Prov 1–9. See ROBERT, *Les attaches*, RB 44, 351. See also ESTES' remark: “Its [*i.e.* Prov 1–9] ethical message builds upon the assumed base of theology that was already known to the hearers.” (ESTES, *Hear my Son*, 21.)

¹⁶⁶ See WEINFELD, *Deuteronomy and the Deuteronomic School*, 244–281.

¹⁶⁷ See J. MALFROY, “Sagesse et loi dans le Deuteronomie”, VT 15, 1965, 50–56.

¹⁶⁸ MCCONVILLE points out that the “wisdom advocated in Deuteronomy is closely related to the laws and teachings of God.” (MCCONVILLE, *Deuteronomy*, 65.)

¹⁶⁹ Prov 6:23. Proverbs 1–9 uses דרך (“way”) extensively – 25 out of 57 uses of דרך in Proverbs are in chapters 1–9. See LISOWSKY, *Konkordanz*, 373–375. דרך serves in Prov 1–9 as a metaphor for one’s way of life. For a detailed study on this metaphorical use see ZEHNDER, “Zentrale Aspekte”, 155–170.

Ben Sira¹⁷⁰ – although MCCONVILLE comments Deut 4:5–8 is not making “a systematic equation of wisdom and law.”¹⁷¹ Nevertheless, Deut 4:5–8 shows that both wisdom and law were rated highly at the time of its composition. Otherwise, the praise of the nations that ancient Israel’s law is its wisdom, and that the people are thus wise, would not make much sense. In my view, Deut 4:5–8 shows that wisdom and law were not two separate entities but belonged to the same sphere of thought. Deut 4:5–8 reflects at least a partial equation of wisdom and law.¹⁷² I agree with STEIERT that this correlation can be presupposed with the primary audience of Prov 1–9.¹⁷³

WEINFELD argues that the meaning of wisdom developed from “cunning, pragmatic talent, or the possession of extraordinary knowledge” to “knowledge and understanding of proper behaviour and with morality.”¹⁷⁴ I personally find this alleged development unconvincing since wisdom was a very common phenomenon in the ancient Near East in the second millennium BC. Thus, I agree with MORGAN:

“If wisdom was ever seen to be merely cunning or pragmatic talent, it was, from the very beginning of the monarchy, quickly placed within theological traditions which provided many other dimensions.”¹⁷⁵

Furthermore, since the root חכּם (“wise/wisdom”) has “a fairly wide range of meaning”,¹⁷⁶ I would propose a contextual approach for determining the meaning of חכּם in a particular passage: when it is used together with further wisdom vocabulary, like ‘knowledge’ and ‘understanding’ and when the rest of the passage or the book shows wisdom influence (style, concepts etc.), it most probably denotes the wisdom enterprise. Since Deut 4:5–8 employs wisdom vocabulary and belongs to a book where the fear of God – to name but one trace of wisdom influence in Deuteronomy – features quite strongly,¹⁷⁷ I am inclined to assume that these verses employ ‘wisdom’ and ‘understanding’ in a wisdom-like fashion. Deut 4:5–8 at least partially equates wisdom and law since the obedience towards the law is labelled

¹⁷⁰ I am not concerned with dating issues here. Even if some scholars tend to date Deut 4 very late, it certainly is older than Ben Sira.

¹⁷¹ MCCONVILLE, *Deuteronomy*, 104.

¹⁷² I already argued above that in my view the equation of wisdom and law is inherent in the wisdom enterprise. See 4.2.3.2.1 THE EXORDIUM: VERSES 20–24.

¹⁷³ See STEIERT, *Weisheit*, 229.

¹⁷⁴ WEINFELD, *Deuteronomy and the Deuteronomistic School*, 255.

¹⁷⁵ Donn F. MORGAN, *Wisdom in the Old Testament Traditions*, Atlanta: John Knox Press, 1988, 105.

¹⁷⁶ ABD, vol. 6, 920.

¹⁷⁷ DEROUSSEAU argues that Deuteronomy and Prov 1–9 employ the fear of God in a very similar way. See DEROUSSEAU, *La crainte de Dieu*, 326f

‘wise’. Therefore, I agree with DUMBRELL that “the identification of ‘wisdom’ with ‘law’, though not overtly made until the end of the biblical period, is something which is implicit from the beginning (Deut. 4:6).”¹⁷⁸

5.4 Conclusion

The main aim of the current chapter was to point out further connections between Prov 1–9 and the legal texts of the Old Testament with the help of the concept of worldview and further textual examples. CRENSHAW’s statement that the “affinities between Wisdom and Torah seem distant” might be true within the postulate that both must have a “common origin in the clan”.¹⁷⁹ The approach taken in the current chapter, however, shows that the connection between Prov 1–9 and the legal texts of the Old Testament is better demonstrated in shared assumptions and concepts, rather than in common origins. Thus, Prov 1–9 and the legal texts of the Old Testament are part of the same thoughtworld and share the same worldview, most prominently in four basic assumptions: creation, order, rationality and the fear of God/Yahweh. These assumptions do not find uniform expression but are formulated in genre-typical manner, reflecting the prevailing intention of the textual corpora in which they are placed. For example, the fear of God in Deuteronomy is connected with the keeping of the law, whereas the fear of Yahweh in Prov 1–9 is fundamentally related to the wisdom enterprise. The conclusion that Prov 1–9 and the legal texts of the Old Testament arguably share the same worldview led to the second part of the current chapter, investigating further connections between these two genres.

We have already seen in chapter 4 that there are affinities between Prov 1–9 and Deuteronomy in the lectures on adultery.¹⁸⁰ If Prov 1–9 and the legal texts of the Old Testament share the same worldview, as I believe they do, it should be possible to show this connection on the conceptual level. The main emphasis lay here on Prov 1–9 since it forms the primary textual base for the current thesis. And indeed, Prov 1–9 arguably makes use of several concepts in the law: the promise of life, the promise of land and the offering of firstfruits.

Moreover, we have already seen in chapter 4 that the legal texts on adultery stand in the background of the lectures on adultery in Prov 1–9. In my view, Prov 1–9 and

¹⁷⁸ DUMBRELL, *Covenant and Creation*, 206.

¹⁷⁹ I mentioned this statement in 5.1 INTRODUCTION. See CRENSHAW, “Unresolved Issues”, 221.

¹⁸⁰

See, for example, the treatment of the use of deuteronomical vocabulary and concepts in Prov 6:20–22 in CHAPTER 4.

Deuteronomy employ a similar pedagogy although I found reasons to assume that they pursue different aims. Deuteronomy's aim is to form identity by giving foundational theological instruction on the ways of God with his people. Torah in Deuteronomy mostly refers to the legal teaching provided, with a strong call for obedience towards the law. Torah in Prov 1–9 refers to parental teaching in the way of wisdom which is also religiously determined but focuses on character formation. I thus formulated the thesis that Deuteronomy provides the basic teaching about God and the right relationship to him whereas Prov 1–9 builds upon that foundational teaching and equips its audience to live their lives according to their identity, as formulated in Deuteronomy and elsewhere in the legal corpus. To illustrate this by way of an analogy: Deuteronomy is like the basic instruction one receives in primary school whereas Prov 1–9 builds upon that instruction and prepares the audience for living a wise life after they have left school – comparable to the last year(s) in secondary school.

In a last sub-section, I looked at the *locus classicus* of wisdom influence in Deuteronomy, Deut 4:5–8. These verses connect wisdom vocabulary with obedience towards God's commandments. Thus, they connect and, to a certain degree, equate wisdom and law. This is insofar interesting since the equation of wisdom and law is normally placed into the second century BC, the time of the composition of Sirach – much later than the composition of Deuteronomy. If wisdom and law are connected – if not equated – in Deut 4, it is reasonable to assume that this equation can be taken for granted in Prov 1–9 as well.

The current chapter has taken up the findings of chapters 2–4 and supports the thesis that wisdom and law are not two entirely separate streams, as it were. Although they have different objectives, they fundamentally connect in the notion of the fear of Yahweh since Yahweh is the giver of both wisdom and law. This conclusion is supported by the shared worldview of the authors/compilers of the Old Testament legal as well as wisdom texts. It finds further support in the fact that the equation of wisdom and law is not necessarily a very late feature in ancient Israel but could have been made – at least partially – already at the time of the composition of both Deuteronomy and Prov 1–9.

CHAPTER SIX:

SUMMARY AND CONCLUSIONS

At the outset of the present study stood the question if and how a connection between wisdom and law in the Old Testament can be shown. I summarised five main positions on this connection, arguing that due to the complex and composite structure of wisdom it is difficult to favour only one position. Nevertheless, I argued that the primary context for the connection between wisdom and law is innerbiblical – despite the fact that both the legal and the wisdom tradition of the Old Testament are related to their ancient Near Eastern counterparts.

In order to show that the connection between wisdom and law is mainly innerbiblical, it was necessary to also investigate the ancient Near Eastern texts on a particular topic. As point of comparison thereby served the treatment of adultery because it is frequently dealt with in the extant ancient Near Eastern texts, in the legal texts of the Old Testament and in Prov 1–9. Prov 1–9 serves as an ideal base for comparison since it forms the introduction to the wisdom book *par excellence* in the Old Testament – Proverbs –, having connections to the ancient Near Eastern wisdom tradition and also constituting a self-contained literary unity.

Ancient Near Eastern law is bound to the authority of the king as supreme judge. The need for a certain set of rules in his kingdom led to the formulation of laws, written down in academic style with normative force. The fact that the ancient Near Eastern law collections were not quoted in contemporary legal documents does not contradict their normative force since quotations seem to be a feature of the 1st and not of the 3rd or 2nd millennium BC. The fact that contemporary documents list higher wages or payments than outlined in the law collections arguably testifies to their very existence: the documents exist because they fix sums deviating from the law collections.

Adultery in the ancient Near East can be defined as “consensual sexual intercourse by a married woman with a man other than her husband.”¹ The extant ancient Near Eastern law collections unanimously agree that the standard penalty for adultery is death. However, some texts allow the wronged husband the right to pardon his wife or to apply alternative penalties, like mutilation. Two principles emerge from the ancient Near Eastern texts, regarding the punishment through the wronged husband: the first is that his punishment happens within the framework of the established legal procedures. The second is the principle of equal punishment – the adulterer is to be punished in the same way as the husband’s wife after the charges are proven, in order to prevent fraud.

In general, the ancient Near Eastern laws on adultery are more differentiated than their Old Testament counterparts. Some laws heavily stress the circumstances of the cases described since these were important to settle the question of guilt. For example, some ancient Near Eastern texts depict women as the initiators of adultery. In two laws, only the female initiator is punished with the death penalty. The overall rule seems to be: whoever initiates adultery has to bear the consequences and whoever gives in to this initiation – knowing that the woman was married – is punished as well. Although we do have evidence of individual revenge by the wronged husband, in many cases the punishment for adultery was executed by a group of people, acting on behalf of the husband as well as the whole community. Adultery was conceived as a sin against the gods in the ancient Near East but the motif of sin is nowhere used as an argument for the prevention of adultery in the legal texts. It appears, however, in a few other texts but its rare use hints at the relative unimportance of the concept of sin in connection with the ancient Near Eastern texts on adultery.

The nature of Old Testament law differs fundamentally from its ancient Near Eastern counterpart since the law-giver is not an earthly king but Yahweh himself. It is significant that Old Testament law is depicted as part of ancient Israel’s covenant with Yahweh, the law being made obligatory within the context of the covenant. Both keeping and breaking the law thus had a religious dimension from the very beginning. Therefore, adultery is not just an attack on an existing marriage, it is also an attack on the ancient Israelites’ covenant relationship with Yahweh. Hence, adultery is depicted as something that displeases Yahweh.

¹ WESTBROOK, “Adultery”, 543.

The Old Testament legal texts unanimously agree on the death penalty for a substantiated case of adultery. Although they show some overlap with the ancient Near Eastern texts on adultery, four differences can be found: firstly, the case descriptions are rather restricted to basic cases. Secondly, the initiative of women plays no role in the legal treatment of adultery. Thirdly, the wronged husband is not given the possibility to avert the death penalty. Fourthly, the notion of 'sin' or the concept of the pollution of the land through adultery receives quite a lot of attention in Old Testament law. The legal texts of the Old Testament emphasise that the prosecution of adultery was a matter of the whole community since it endangered society.

Prov 1–9 consists of two wisdom poems, of some varied textual material and of ten lectures of a 'father' – a wisdom teacher – to a 'son' – the recipient of the lectures. Four of these lectures deal with warnings against adultery. They all agree on the lethal consequences of adultery, focussing on the 'strange' woman who is portrayed as the wife of another man with a strong sexual appetite, as it were. Thus, they stress female initiative, mentioning that the 'son' is in real danger of committing adultery. The aim of the lectures is to create an awareness of danger in the 'son' by sharing observations about the 'strange' woman and her seductive life-style as well as pointing out the fatal consequences of adultery.

Although some scholars hold that the strong death language in the lectures on adultery is merely emphasising the seriousness of the matter, I argued that the legal demand of the death penalty for adultery stands in the background of the lectures on adultery in Prov 1–9. There are several reasons which support this conclusion. Firstly, both Prov 5:14 and 6:34f. hint at a proper legal procedure, thus providing a framework for the legal penalty, death. Secondly, Prov 6:21f. and Prov 7:3 take up deuteronomic concepts requiring the internalisation of outward requirement, thus reflecting acquaintance with legal texts. Thirdly, Prov 5:22 depicts adultery as sin against Yahweh, thus taking up the notion of sin in the legal treatment of adultery. Fourthly, since several post-exilic texts agree on the death penalty for adultery,² the argument that it had fallen out of practice at the time of the composition of Prov 1–9 is inconclusive.

Many scholars take Prov 6:34f. as proof that the Old Testament also gives room to individual revenge of the wronged husband in case of adultery. I have tried to show that the legal context of the passage is important for a proper understanding. The text

² Ezek 16:38–40; Ezek 23; Sir 23:22–27; Sus 36–37, 41b.

refers to the husband being on his way to court in order to establish a legal case. On this way he will neither accept payment of ransom nor a huge bribe. This also hints at the impossibility of escaping adultery and thus underlines the message of Prov 6:20–35.

The thesis that the legal texts stand in the background of the warnings against adultery in Prov 1–9 found confirmation in two further areas. The first area is the concept of worldview. Wisdom and law arguably belong to the same thoughtworld, the writers/compilers of both genres belonged to the same nation, to the same religion and even lived in the same towns – although at different ages. They had a shared approach to reality. The worldview of Prov 1–9 is constructed of four basic assumptions: that the world is Yahweh’s creation, that this creation reflects order and purpose, that this order and purpose can be observed and that the key to a proper understanding of these assumptions is provided in the fear of Yahweh. The legal texts of the Old Testament basically share the same assumptions, albeit sometimes formulated in a genre-typical manner.

The second area is the existence of further connections between the legal texts of the Old Testament and Prov 1–9. Prov 1–9 arguably makes use of several legal concepts: the promise of life, the promise of land and the offering of firstfruits. Moreover, the pedagogy of Prov 1–9 and Deuteronomy is very similar although both pursue slightly different objectives. Deuteronomy provides basic teaching about God and the right relationship to him whereas Prov 1–9 builds upon that foundational teaching, outlining how to live a successful life in the world. To use an analogy: Deuteronomy is like the basic instruction one receives in primary school whereas Prov 1–9 builds upon that instruction and prepares the audience for living a wise life after they have left school – comparable to the last year(s) in secondary school. In my view, Prov 1–9 builds upon and thus presupposes the religious education as reflected in Deuteronomy. It is noteworthy that in both cases the instruction is called *Torah*. In a last sub-section, I looked at the *locus classicus* of wisdom influence in Deuteronomy, Deut 4:5–8. These verses connect wisdom vocabulary with obedience towards God’s commandments. Thus, they connect and, to a certain degree, equate wisdom and law. This is insofar interesting since the equation of wisdom and law is normally placed into the second century BC, the time of the composition of Sirach – much later than the composition of Deuteronomy. If wisdom and law are connected – if not equated – in Deut 4, it is reasonable to assume that this equation can be taken for granted in Prov 1–9 as well.

Thus, to point out the contribution of the current study: Wisdom and law in the Old Testament are not two entirely separate streams. They fundamentally connect in the notion of the fear of Yahweh since Yahweh is the giver of both wisdom and law. This connection is held together by the shared worldview of the authors/compilers of the Old Testament legal as well as wisdom texts. The wisdom texts implicitly reflect this connection, for at least two reasons: firstly, in a high context society like ancient Israel it was not necessary to repeat the main assumptions of one's worldview over and over again. They were simply presupposed. Secondly, wisdom and law have two different objectives. The legal texts of the Old Testament show up boundaries that should not be crossed in order to guarantee the stability of the ancient Israelite community of faith, whereas the book of Proverbs – and Prov 1–9 in particular – tries to show up how to live a successful life within these boundaries.

Many questions concerning the relationship of wisdom and law in the Old Testament could not be treated in the present study. This is due to the vast amount of literature on different topics which all have a bearing on such a study as well as the limited space allotted to a PhD thesis. Nevertheless, I would like to point out briefly further areas of research which follow or accompany the present inquiry but could not be covered here.

The fact that the wisdom writers as well as the compilers of the legal texts warned against adultery shows that there was a real danger of committing adultery – otherwise the warnings/laws would not have been so frequently urgent. One question that arises from this observation is in how far both wisdom and law reflect ideals and – in doing so – hint at a quite different practice in ancient Israel. In how far do wisdom and law both reflect contemporary society's circumstances? Since adultery is part of the realm of sexuality it would be helpful to do some more research in the Old Testament's treatment of sexuality. Theological standard works on sexual ethics normally show little interest in the Old Testament evidence and to my knowledge there is not one monograph which covers sexual ethics of the Old Testament – although the Old Testament is full of examples for such a volume.

It seems to me that the similarities and differences between Old Testament wisdom and law in comparison to ancient Near Eastern texts deserve more study. RUFFLE, for example, has argued that the connection of Amenemope and Prov

22:17–24:22 is not as evident as is generally assumed.³ Moreover, if the legal texts of the Old Testament stand in the background of Prov 1–9, it should be possible to also show up a connection between Old Testament law and Prov 10ff., Ecclesiastes and Job. Some scholars already have shown that there are cultic concepts in Prov 10ff. and that even Ecclesiastes shares features of the same worldview. The worldview of the whole Old Testament certainly was subject to (minor) changes and developments. It would be helpful to elaborate on the concept of worldview in the law, the prophets and the writings and to arrive at a comprehensive picture of ancient Israel's basic assumptions.

Furthermore, the whole debate about the place of wisdom in Old Testament theology needs to be pursued further. CLEMENTS has shown that wisdom was important for the creation of the Old Testament canon and the understanding of the Torah as Scripture.⁴ What are the theological implications of the fact that wisdom is portrayed in Prov 1–9 as both a divine gift and a human acquisition? What exactly does the fear of Yahweh entail? Is it possible to integrate wisdom into Old Testament theology, under consideration of its theology? It seems to me that much work still has to be done in this area. I conclude with a quote from L. BOSTRÖM:

“It is our conviction that the theological thinking of the sages is of vital importance to our understanding of the entire Old Testament.”⁵

³ See John RUFFLE, “The Teaching of Amenemope and Its Connection with the Book of Proverbs”, *Learning from the Sages: Selected Studies on the Book of Proverbs*, Zuck, Roy B. (ed.), Grand Rapids: Baker Books, 1995, 293–331.

⁴ See R.E. CLEMENTS, “Wisdom and Old Testament Theology”, *Wisdom in Ancient Israel: Essays in Honour of J.A. Emerton*, Day, John, Robert P. Gordon and H.G.M. Williamson (eds.), Cambridge: University Press, 1995, 269–286.

⁵ L. BOSTRÖM, *The God of the Sages*, 243.

APPENDIX 1:

TEXTS RELATING TO ADULTERY

This appendix has been written in order to provide an overview on adultery in the ancient Near East, including a few texts from ancient Greece which were referred to in the main text of the current work. Where not marked otherwise, the texts stem from ROTH.¹ Some of the texts quoted deal with adultery only in a broader sense. They are included because they shed light on legal procedures and/or constitute parallels to Old Testament passages investigated.

The following texts by no means constitute a comprehensive list of all ancient Near Eastern texts concerning adultery. This would be an impossible task because every year many more textual witnesses - mostly clay tablets - are discovered.² Marriage agreements, for example, are numerous and cannot be considered here.

1. Legal Texts

1.1 The Laws of Ur-Namma (LU)

LU §6: If a man violates the rights of another and deflowers the virgin wife of a young man, they shall kill that male.

LU §7: If the wife of a young man, on her own initiative, approaches a man and initiates sexual relations with him, they shall kill that woman,³ that male shall be released.

LU §8: If a man acts in violation of the rights of another and deflowers the virgin slave woman of a man, he shall weigh and deliver 5 shekels of silver.

LU §14: If a man accuses the wife of a young man of promiscuity but the River Ordeal clears her, the man shall weigh and deliver 20 shekels of silver.

¹ ROTH, *Law Collections*. The abbreviations for the law collections follow ROTH as well.

² See WESTBROOK, "The Character of Ancient Near Eastern Law", 5.

³ This is the reading of the Nippur and Sippar tablets; the Ur tablets have "the man shall kill that woman" (ROTH, *Law Collections*, 21 n.8.).

1.2 The Laws of Lipit-Ishtar (LL)

LL §30: If a young married man has sexual relations with a prostitute from the street, and the judges order him not to go back to the prostitute, (and if) afterwards he divorces his first-ranking wife and gives the silver of her divorce settlement to her, (still) he will not marry the prostitute.

LL §33: If a man claims that another man's virgin daughter has had sexual relations but it is proven that she has not had sexual relations, he shall weigh and deliver 10 shekels of silver.

1.3 The Laws of Eshnunna (LE)

LE §26: If a man brings the bridewealth [*terhatum*] for the daughter of a man, but another, without the consent of her father and mother, abducts her and then deflowers her, it is indeed a capital offense – he shall die.

LE §27: If a man marries a daughter of another man without the consent of her father and mother, and moreover does not conclude the nuptial feast and the contract for(?) her father and mother, should she reside in his house for even one full year, she is not a wife.

LE §28: If he concludes the contract and the nuptial feast for(?) her father and mother and he marries her, she is indeed a wife; the day she is seized in the lap of another man, she shall die, she will not live.⁴

LE §31: If a man should deflower the slave woman of another man, he shall weigh and deliver 20 shekels of silver, but the slave woman remains the property of her master.

1.4 The Laws of Hammurabi (LH)

LH §129: If a man's wife should be seized lying with another male, they shall bind them and cast them into the water; if the wife's master allows his wife to live, then the king shall allow his subject (*i.e.*, the other male) to live.

LH §130: If a man pins down another man's virgin wife who is still residing in her father's house, and they seize him lying with her, that man shall be killed; that woman shall be released.

LH §131: If her husband accuses his own wife (of adultery), although she has not been seized lying with another male, she shall swear (to her innocence by) an oath by the god, and return to her house.

LH §132: If a man's wife should have a finger pointed against her in accusation involving another male, although she has not been seized lying with another male, she shall submit to the divine River Ordeal for her husband.

LH §133a: If a man should be captured and there are sufficient provisions in his house, his wife [... , she will not] enter [another's house].

LH §133b: If that woman does not keep herself chaste but enters another's house, they shall charge and convict that woman and cast her into the water.

⁴ See ROTH, *Law Collections*, 69 n.11 on the question if the last part refers to the woman or the paramour.

LH §134: If a man should be captured and there are not sufficient provisions in his house, his wife may enter another's house; that woman will not be subject to any penalty.

LH §135: If a man should be captured and there are not sufficient provisions in his house, before his return his wife enters another's house and bears children, and afterwards her husband returns and gets back to his city, that woman shall return to her first husband; the children shall inherit from their father.

LH §155: If a man selects a bride for his son and his son carnally knows her, after which he himself then lies with her and they seize him in the act, they shall bind that man and cast him into the water.

LH §156: If a man selects a bride for his son and his son does not yet carnally know her, and he himself then lies with her, he shall weigh and deliver to her 30 shekels of silver; moreover, he shall restore to her whatever she brought from her father's house, and a husband of her choice shall marry her.

1.5 The Middle Assyrian Laws, Tablet A (MAL A)

MAL A §12: If a wife of a man should walk along the main thoroughfare and should a man seize her and say to her, 'I want to have sex with you!'⁵ – she shall not consent but she shall protect herself; should he seize her by force and fornicate with her – whether they discover him upon the woman or witnesses later prove the charges against him that he fornicated with the woman – they shall kill the man; there is no punishment for the woman.

MAL A §13: If the wife of a man should go out of her own house, and go to another man where he resides, and should he fornicate with her knowing that she is the wife of a man, they shall kill the man and the wife.

MAL A §14: If a man should fornicate with another man's wife either in an inn or in the main thoroughfare, knowing that she is the wife of a man, they shall treat the fornicator as the man declares he wishes his wife to be treated. If he should fornicate with her without knowing that she is the wife of a man, the fornicator is clear; the man shall prove his charges against his wife and he shall treat her as he wishes.

MAL A §15: If a man should seize another man upon his wife and they prove the charges against him and find him guilty, they shall kill both of them; there is no liability for him (*i.e.*, the husband). If he should seize him and bring him either before the king or the judges, and they prove charges against him and find him guilty – if the woman's husband kills his wife, then he shall also kill the man; if he cuts off his wife's nose, he shall turn the man into a eunuch and they shall lacerate his entire face; but if (he wishes to release) his wife, he shall (release) the man.

MAL A §16: If a man (should fornicate) with the wife of a man (... by) her invitation, there is no punishment for the man; the man (*i.e.* the husband) shall impose whatever punishment he chooses upon his wife. If he should fornicate with her by force and they prove charges against him and find him guilty, his punishment shall be identical to that of the wife of the man.

⁵ ROTH, *Law Collections*, 192 n.11: "Literally, 'I want to fornicate with you'; the verb *nāku* is used of initiating illicit sexual intercourse."

MAL A §17: If a man should say to another man, ‘Everyone has sex with⁶ your wife,’ but there are no witnesses, they shall draw up a binding agreement, they shall undergo the divine River Ordeal.

MAL A §18: If a man says to his comrade, either in private or in a public quarrel, ‘Everyone has sex with⁷ your wife,’ and further, ‘I can prove the charges,’ but he is unable to prove the charges and does not prove the charges, they shall strike that man 40 blows with rods; he shall perform the king’s service for one full month; they shall cut off his hair;⁸ moreover, he shall pay 3,600 shekels of lead.

MAL A §22: If an unrelated man – neither her father, nor her brother, nor her son – should arrange to have a man’s wife travel with him, then he shall swear an oath to the effect that he did not know that she is the wife of a man and he shall pay 7,200 shekels of lead to the woman’s husband. If (he knows that she is the wife of a man), he shall pay damages and he shall swear, saying, ‘I did not fornicate with her.’ But if the man’s wife should declare, ‘He did fornicate with me,’ since the man has already paid damages to the man (*i.e.*, husband), he shall undergo the divine River Ordeal; there is no binding agreement. If he should refuse to undergo the divine River Ordeal, they shall treat him as the woman’s husband treats his wife.

MAL A §23: If a man’s wife should take another man’s wife into her house and give her to a man for purposes of fornication, and the man knows that she is the wife of a man, they shall treat him as one who has fornicated with the wife of another man; and they treat the female procurer just as the woman’s husband treats his fornicating wife. And if the woman’s husband intends to do nothing to his fornicating wife, they shall do nothing to the fornicator or to the female procurer; they shall release them. But if the man’s wife does not know (what was intended), and the woman who takes her into her house brings the man in to her by deceit(?), and he then fornicates with her – if, as soon as she leaves the house, she should declare that she has been the victim of fornication, they shall release the woman, she is clear; they shall kill the fornicator and the female procurer. But if the woman should not so declare, the man shall impose whatever punishment on his wife he wishes; they shall kill the fornicator and the female procurer.

MAL A §55: If a man forcibly seizes and rapes a maiden who is residing in her father’s house, (...) who is not betrothed(?),⁹ whose [womb(?)] is not opened, who is not married, and against whose father’s house there is no outstanding claim – whether within the city or in the countryside, or at night whether in the main thoroughfare, or in a granary, or during the city festival – the father of the maiden shall take the wife of the fornicator of the maiden and hand her over to be raped; he shall not return her to her husband, but he shall take (and keep?) her; the father shall give his daughter who is the victim of fornication into the protection of the household of the fornicator. ... If he (the fornicator) has no wife, the fornicator shall give ‘triple’ the silver as the value of the maiden to her father; her fornicator shall marry her; he shall not reject(?) her. If the father does not desire it so, he shall give

⁶ The same word as in MAL A §12 is used: “the verb *nāku* is used of initiating illicit sexual intercourse.” (ROTH, *Law Collections*, 192 n.11).

⁷ See the footnote above.

⁸ “Or ‘beard’.” (ROTH, *Law Collections*, 192 n.14)

⁹ ROTH, *Law Collections*, 193 n. 31: “*ūtarrīšuni* (viii 9) is taken, following VON SODEN (*AHW.s.v.urrušu* II), as a II/2 of *erēšu* (B) ‘to ask, request.’”

'triple' silver for the maiden, and shall give his daughter in marriage to whomever he chooses.

MAL A §56: If a maiden should willingly give herself to a man, the man shall so swear; they shall have no claim to his wife; the fornicator shall pay 'triple' the silver as the value of the maiden; the father shall treat his daughter in whatever manner he chooses.

1.6 The Hittite Laws (HL)

HL §28: 28a If a daughter has been promised to a man, but another man runs off with her, he who runs off with her shall give to the first man whatever he paid and shall compensate him.¹⁰ The father and mother (of the woman) shall not make compensation. 28b If her father and mother give her to another man, the father and mother shall make compensation (to the first man). 28c If the father and mother refuse to do so,¹¹ they shall separate her from him."

HL §197: If a man seizes a woman in the mountains (and rapes her), it is the man's offense, but if he seizes her in her house, it is the woman's offense: the woman shall die. If the woman's husband discovers them in the act, he may kill them without committing a crime.

HL §198: If he brings them to the palace gate (*i.e.*, the royal court) and says: 'My wife shall not die,' he can spare his wife's life, but he must also spare the lover and 'clothe his head,'¹² If he says, 'Both of them shall die,' they shall 'roll the wheel.'¹³ The king may have them killed or he may spare them."

1.7 "A Trial for Adultery" (A Sumerian Model Courtcase)

Ishtar-ummi the daughter of Ili-asu was taken in marriage by Erra-malik. In the first place she broke into his granary. In the second place she opened his pots of sesame-oil and covered them with cloths. In the third place he caught her on top of a man; he bound her on the body of the man in the bed (and) carried her to the assembly. The assembly, because the man was caught on top of her (*sic!*), set his (Erra-malik's) divorce-money at (... pounds of silver). They shaved [half (of her head)] (and the place of) urine, (her) pudenda. They pierced [the same verb as "broke" above] her nose with an arrow. For going around the city she was given over by the king. It was a case accepted for trial by the king. Ishme-Dagan-zimu was its bailiff.¹⁴

¹⁰ ROTH, *Law Collections*, 239 n.22: "Another manuscript reads: 'As soon has (*kuššan*) he runs off ... they (*i.e.*, the parents) shall compensate...'"

¹¹ ROTH, *Law Collections*, 239 n.23: "Another manuscript reads: 'But if it is not the wish of the father and mother.'"

¹² ROTH, *Law Collections*, 240 n.65: "The significance of this gesture are [*sic*] unknown."

¹³ ROTH, *Law Collections*, 240 n.66: "The nature and significance of this action is unknown."

¹⁴ Text from HALLO, *The Context of Scripture*, vol. 3, 311. For an alternative reading of this court case see J. VAN DIJK, "Neusumerische Gerichtsurkunden in Bagdad", *ZA* 55, 1963, 70–78: since the Sumerian does not have gender determination, he reads this text as the discovery of a homosexual act. The wife caught her husband on a man *in flagrante delicto*. According to VAN DIJK, the woman receives the divorce money and therefore the delict must have been on the husband's side. He understands the first two 'places' as referring to the validity of marriage and the third 'place' to the husband's offence against that marriage. I follow (with HALLO) GREENGUS in his understanding of the text: all three 'places' establish the case for divorce, adultery being the most serious argument: "A Textbook Case of Adultery in Ancient Mesopotamia", *HUCA* 40, 1969, 33–44.

2. Wisdom Texts

2.1. A Bilingual Hymn to Ninurta

He who has intercourse with (another) man's wife, his guilt is grievous.¹⁵

2.2 A Hymn to Šamaš

A man who covets his neighbour's wife will [...] before his appointed day.¹⁶

2.3 The Babylonian Counsels of Wisdom

... to create trust and then to abandon, to [...] and not to give is an abomination to Marduk.¹⁷

3. Texts from Egypt

3.1 King Cheops and the Magicians (Middle Egyptian)

But the wife of Webaoner [... was enamored/of a townsman. She cased to be brought (?) to him a chest filled with garments [...], and he returned with [the] servant.¹⁸ [Now several] days [passed by...]. There was a greenhouse¹⁹ [on the estate] of Webaoner. The townsman [said to the wife of Weba]oner: Is there a greenhouse [...]? [Come], let us pass time in it. [Then said the wife of] Webaoner to the caretaker who [cared for the estate]: Let the greenhouse be prepared, [...] and she spent the day there drinking / [with the townsman... and] ḥrestingḥ [...] Now after [evening came...] he [went to...] the caretaker, and [the] servant girl [...].

[When] day broke, and the second day [came, the caretaker informed Webaoner of] this matter [...]. He gave it to his / [...] of the water. Then [he (?) lit [a fire]. [He said to his caretaker]: Bring me [... my chest] of ebony and gold [and he made... and opened ... and made] a crocodile [of wax...] seven [fingers long...]. He read out his [magic words saying...]: [If anyone] comes [to] bathe [in] my lake [...] the townsman./ Then he gave it to [the caretaker], and he said to him: After the townsman goes down to the pool, as is his daily fashion, you shall cast [the] crocodile after him. The [caretaker] went forth and he took the crocodile of wax with him.

¹⁵ W. G. LAMBERT, *Babylonian Wisdom Literature*, Oxford: Clarendon Press, 1960, 119.

¹⁶ LAMBERT, *Babylonian Wisdom Literature*, 131. LOEWENSTAMM assumes that this points to a premature death by the hand of Šamaš: LOEWENSTAMM, "The Laws of Adultery and Murder", 147.

¹⁷ LAMBERT, *Babylonian Wisdom Literature*, 106. MATTHEWS adds that "to promise and not to give" should be read and connects these verses with adultery as a violation of the marriage agreement that angered the gods (in this case: Marduk): MATTHEWS, "Marriage and Family in the Ancient Near East", 27.

¹⁸ William Kelly SIMPSON (ed.), *The Literature of Ancient Egypt: an Antology of Stories, Instructions, and Poetry*, 1972, new edition, New Haven and London: Yale University Press, 1973, 17 n. 3: "Evidently the adulterous wife makes a present to the good-looking townsman and he returns to thank her."

¹⁹ *Ibd.*, 17 n. 4: "A sort of garden pavillon."

Now the [wife] of Webaoner sent to the caretaker who was in charge of the [garden] saying: Let the greenhouse be prepared for I have come to stay in it. The greenhouse was prepared [with] every good thing. They [the wife and the maid servant?] went forth, and they [spent] / a pleasant day with the townsman. After night fell, the townsman returned as was his daily fashion, and the caretaker threw the crocodile of wax behind him into the water. [At once it grew] into a crocodile of seven cubits,²⁰ and it took hold of the townsman.

Webaoner tarried with His Majesty the King of Upper and Lower Egypt, Nebka, the vindicated, for seven days, all the while the townsman was in the [lake without] breathing. After seven days had passed, His Majesty the King of Upper and Lower Egypt, Nebka, the vindicated [came forth], and the chief lector Webaoner placed himself in <his> presence and [he] said [to him]: May Your Majesty / come and see the marvel which has taken place in Your Majesty's time. [His Majesty went with] Webaoner. [He called out to the] crocodile and said: Bring back the townsman. [The crocodile] came [out of the water ...]. Then the [chief] lector [Webaoner] said: [Open up]! And he [opened up]. Then he placed [...]. Said His Majesty, the King of Upper and Lower Egypt, / Nebka, the vindicated: this crocodile is indeed ꜥfearfulꜥ ! But Webaoner bent down, and caught it and it became a crocodile of wax in his hand. The chief lector Webaoner told His Majesty the King of Upper and Lower Egypt, Nebka, the vindicated, about this affair which the townsman had in his house with his wife. And his Majesty said to the crocodile: Take what belongs to you! The crocodile then went down to the [depths] of the lake, and no one knew the place where he went with him.

His [Majesty the King of Upper] and Lower Egypt, Nebka, the vindicated, had the wife of Webaoner taken to a plot north of the capital, and he set / fire to her [... in] the river.²¹

3.2 The Two Brothers (Late Egyptian)

"[There were two brothers, the younger being like a son to the older brother, living in his house]... And many days later, when they were in the field, they had need of seed. Then he sent his young brother, saying: 'Hurry, fetch us seed from the village.' His young brother found the wife of his elder brother seated braiding her hair. He said to her: 'Get up, give me seed, (3.1) so that I may hurry to the field, for my elder brother is waiting for me. Don't delay.' She said to him: 'Go, open the storeroom and fetch what you want. Don't make me leave my hairdo unfinished.'

Then the youth entered his stable and fetched a large vessel, for he wished to take a great quantity of seed. ... Then she (spoke to) him saying: 'There is (great) strength in you. I see your vigor daily.' And she desired to know him as a man. She got up, took hold of him, and said to him: 'Come, let us spend an hour lying together. It will be good for you. And I will make fine clothes for you.'

Then the youth became like a leopard in (his) anger over the wicked speech she had made to him; and she became very frightened. He rebuked her, saying: 'Look, you are like a mother to me; and your husband is like a father to me. He who is older than I has raised me. What (4.1) is the great wrong you said to me? Do not say it to me again! But I will not tell it to anyone. I will not let it come from my mouth to any

²⁰ *Ibd.*, 18 n. 5: "The cubit measures 20.6 inches."

²¹ Text with brackets and textual signs from SIMPSON (ed.), *The Literature of Ancient Egypt*, 16–18.

man.' He picked up his load; he went off to the field. He reached his elder brother and they began to work at their task...

Now the wife of his elder brother was afraid on account of the speech she had made. So she took fat and grease and made herself appear as if she had been beaten... She did not pour water over his hands in the usual manner; nor had she lit a fire for him. His house was in darkness, and she lay vomiting.

Her husband said to her, 'Who has had words with you?' She said to him: 'No one has had words with me except your (5.1) young brother. When he came to take seed to you, he found me sitting alone. He said to me: 'Come let us spend an hour lying together; loosen your braids.' So he said to me...'

Then his elder brother became like a leopard. He sharpened his spear and took it in his hand... [The young brother escaped by praying to Pre-Harakhti. He was able to talk to his older brother without getting harmed.] ... Then he let him know all that had happened between him and his wife. And he swore by Pre-Harakhti, saying: 'As your coming to kill me wrongfully, you carried your spear on the testimony of a filthy whore!' Then he took a reed knife, cut off his phallus, and threw it into the water; and the catfish swallowed it. And he (8.1) grew weak and became feeble.

... and his elder brother went to his home, his hand on his head and smeared with dirt. When he reached his house, he killed his wife, cast her to the dogs and sat mourning for his young brother...²²

3.3 The Instructions of Any

Beware of a woman who is a stranger, one not known in her town; don't stare at her when she goes by, do not know her carnally. A deep water whose course is unknown, such is a woman away from her husband. 'I am pretty,' she tells you daily, when she has no witnesses; she is ready to ensnare you, a great deadly crime when it is heard.²³

3.4 Remarks on the 125th Chapter of the Egyptian "Book of the Dead"

Sometimes one finds references to the negative confessions in the 125th chapter of the Egyptian "Book of the Dead" in treatments on adultery. Thus, KORNFIELD cites a passage: "Je n'ai pas commis d'adultère, je ne me suis pas prostituée... Je ne me suis pas accouplé avec l'épouse d'un homme, je n'ai pas commis de fornication."²⁴ Although this reads like a further example of the Egyptian treatment of adultery, I keep to a more recent translation in *COS 2* of the same text in which adultery does not play a role at all: "I have not copulated [with a boy?]. I have not been lascivious in the sanctuary of my local god."²⁵

²² HALLO, *COS*, vol. 1, 85-87.

²³ HALLO, *COS*, vol. 1, 111.

²⁴ KORNFIELD, "L'adultère dans l'orient antique", 105.

²⁵ HALLO, *COS*, vol. 2, 60.

4. Texts from Mari

4.1 26 249

Further: The superior (of the god River) and Aštammaram, the regent of Id, came to me about the plunging party of Yarkab-Addu concerning which my lord wrote me some time ago, and about Amat-Sakkanum of the kin of Samsi-Addu, whom River spat out. They spoke to me as follows: “We made her take the plunge (after saying), ‘If your lady performed sorcery against Yarkab-Addu, her lord²⁶ let (a confidential) matter of the palace go out and another (than her husband) opened the thigh of you lady, (or) your lady did not fault her lord’” – because of these things they made her take the plunge. River spat her out, ‘and’ she did not [2 lines]. This [they] ‘said’.²⁷

4.2 26 250

To my lord speak! Your servant Ibal-Pi-El (says), “On the day I stayed overnight in Id, we were present in the morning, and the brother of Hammu-Kuna and the woman, whom my lord dispatched for taking the plunge, took the plunge. The man came out. He was well. And the woman came out, and both of them came out.”²⁸

4.3 26 252

To my lord [speak]! Your servant Yaqqim-[Addu] (says), “About (the woman) Rumatum, a ‘neighbor in the city quarter’ of Sin-Iddinam, a man of Dur-Yahdun-Lim, whose name the wife of Sin-Iddinam invoked (so that she would have) to take the plunge in River,²⁹ and concerning whom my lord wrote me to have her conducted to my lord. According to the letter of my lord [] Rumatum [] Sin-Iddinam. [I gave] strict orders, and a (person named) Rumatum, neighbor [of] Sin-Iddinam, does not exist. [And] they ‘went in search throughout’ the city of Dur-Yahdun-Lim, and there is [a woman] by the name of Rumatum. That woman I have had conducted to my lord.”³⁰

5. An Ancient Greek Text: The Law Code of Gortyn

If one commit rape on a free man or woman, he shall pay 100 *staters*, and if on the son or daughter of an *apetairos* ten, and if a slave on a free man or woman, he shall pay double, and if a free man on a male or female serf five *drachmas*, and if a serf on a male or female serf, five *staters*. If one debauch a female house-slave by force he shall pay two *staters*, but if one already debauched, in the daytime, an *obol*, but if at night, two *obols*. If one tries to seduce a free woman, he shall pay ten *staters*, if a witness testify. . .

²⁶ “That is to say, ‘her husband’.” (HEIMPEL, *Letters*, 273.)

²⁷ HEIMPEL, *Letters*, 272f. This supports VON WEIHER’s thesis that usually an oath had to be taken before the ordeal. See VON WEIHER, “Bemerkungen zu § 2 KH”, 97.

²⁸ HEIMPEL, *Letters*, 273. It is not clear if this report is concerned with adultery. But since it is a man and a woman who have to ‘take the plunge’ it may well be. The reports are quite short and thus – to us – a bit cryptic. Moreover, it seems to me that the translation of HEIMPEL reports about something like ‘sports events’ rather than about a judicial act. Maybe it was an upper-class ‘sport’ to be in *Id* for the ‘event’?

²⁹ “The reason was that Sin-Iddinam’s wife accused her of adultery with her husband.” (HEIMPEL, *Letters*, 274.)

³⁰ HEIMPEL, *Letters*, 274.

If one be taken in adultery with a free woman in her father's, brother's, or husband's house, he shall pay 100 *stater*s, but if in another's house, fifty; and with the wife of an *apetairos*, ten. But if a slave with a free woman, he shall pay double, but if a slave with a slave's wife, five. . .³¹

Let him (the plaintiff) proclaim in the presence of the three witnesses to the relatives of the one caught in (the house) that he is to be ransomed within five days... and if he should not be ransomed, those who caught him may deal with him as they wish...³²

³¹ Text from <http://www.fordham.edu/halsall/ancient/450-gortyn.html> (last time accessed December 21, 2005). The text obviously is written in poor English but for the sake of a fluent reading I did not insert indicators for mistakes.

³² These are the lines 28–36 and stem from WESTBROOK, "Adultery", 565.

APPENDIX 2:

EXEGETICAL STATISTICS

The following statistics serve to underline the exegetical work done in the main text of this dissertation. The figures are taken always from LISOWSKY, *Handkorkordanz*.

1. The use of פְּמַעַט in the Old Testament

Verse	Text	Reference to
Gen 26:10	One of the people might <i>easily</i> have lain with your wife,	proximity
2 Sam 19:37	Your servant will go a <i>little</i> way over the Jordan with the king.	number/size
1 Chron 16:19	When you were <i>few</i> in number, and of little account,	number/size
2 Chron 12:7	I will grant them <i>some</i> deliverance	number/size
Ezra 9:8	But now <i>for a brief moment</i> favour has been shown	time
Job 32:22	... else my Maker would soon take me away.	time
Ps 2:12	... for his wrath is <i>quickly</i> kindled.	time
Ps 73:2	But as for me, my feet had <i>almost</i> stumbled,	proximity
Ps 81:15	I would <i>soon</i> subdue their enemies	time
Ps 94:17	...my soul would <i>soon</i> have lived in the land of silence.	time
Ps 105:12	When they were <i>few</i> in number [<i>cf.</i> 1 Chron 16:9]	number/size
Ps 119:87	They have <i>almost</i> made an end of me on earth	proximity
Prov 5:14	<i>Soon</i> I was in a lot of evil in the midst of the assembly and congregation.	time?
Prov 10:20	the heart of the wicked is of <i>little</i> worth	number/size
S of Songs 3:4	<i>Scarcely</i> had I passed them when I found him whom my soul loves	time
Isa 1:9	If the LORD of hosts had not left us a <i>few</i> survivors	number/size
Isa 26:20	hide yourselves <i>for a little while</i> until the fury has passed by	time
Ezek 16:47	<i>within a very little time</i> you were more corrupt than they in all your ways. ¹	time

¹ It is not quite sure where פְּמַעַט belongs to in Ezek 16:47. NRSV, ESV and NIV take it as referring to time (thus connecting it to the first half of the verse), NKJV takes it as referring to number/size, thus belonging to the second half of the verse.

2. Occurrences of רָע in Proverbs

Verse	Text	Remarks
1:16	for their feet <i>run to evil</i> ,	evil 1
2:12	delivering you from <i>the way of evil</i> , from men of perverted speech, (מִדְרֹךְ רָע)	way 1
2:14	who rejoice in <i>doing evil</i>	doing 1
2:14	and delight in the perverseness of evil,	evil 2
3:7	Be not wise in your own eyes; fear Yahweh, and <i>turn away from evil</i> . (וְסוּר מִרָע)	turn 1
4:14	Do not enter the path of the wicked, and do not walk in <i>the way of the evil</i> . (בְּדֶרֶךְ רָעִים)	way 2
4:27	Do not swerve to the right or to the left; <i>turn your foot away from evil</i> . (הִסֵּר רִגְלֶךָ מִרָע)	turn 2
5:14	Soon I was in a lot of <i>evil</i> in the midst of the assembly and congregation. (בְּכָל־רָע)	evil?
6:14	who with perverted heart devises evil (חָרַשׁ רָע)	evil 3
6:24	to preserve you from the <i>evil woman</i> , from the smooth tongue of the adulteress. (לְשִׁמְרֶךָ מֵאִשָּׁת רָע)	woman
8:13	The fear of Yahweh is hatred of evil.	evil 4
8:13	Pride and arrogance and <i>the way of evil</i> and perverted speech I hate. (וְדֶרֶךְ רָע)	way 3
11:15	Whoever puts up security for a stranger <i>will surely suffer harm</i> , (רַעֲיִרוּעַ)	harm 1
11:21	Be assured, an <i>evil person</i> will not go unpunished, but the offspring of the righteous will be delivered.	man 1
12:12	Whoever is wicked covets the spoil of <i>evildoers</i> , but the root of the righteous bears fruit. (רָעִים)	doing 2
12:13	An <i>evil man</i> is ensnared by the transgression of his lips, but the righteous escapes from trouble. (רָע)	man 2
12:20	Deceit is in the heart of those who devise evil, (חָרְשֵׁי רָע)	devise 1
12:21	No ill befalls the righteous, but the wicked are filled with <i>trouble</i> .	trouble 1
13:17	A wicked messenger <i>falls into trouble</i> , (יִפֹּל בְּרָע)	trouble 2
13:19	to <i>turn away from evil</i> is an abomination to fools. (סוּר מִרָע)	turn 3
14:16	One who is wise is cautious and <i>turns away from evil</i> , (סוּר מִרָע)	turn 4

14:19	The evil bow down before the good (רָעִים)	the evil 1
14:22	Do they not go astray who devise evil? (חֲרָשֵׁי רָע)	devise 2
15:3	The eyes of Yahweh are in every place, keeping watch on the evil and the good. (רָעִים)	the evil 2
15:10	There is severe discipline for him who forsakes the way; (מוֹסֵר רָע)	severe
15:15	All the days of the afflicted are evil,	evil 5
15:26	The thoughts of <i>the wicked</i> are an abomination to Yahweh (רָע)	man 3
16:6	by the fear of Yahweh one <i>turns away from evil</i> . (סוֹר מִרָע)	turn 5
16:17	The highway of the upright <i>turns aside from evil</i> ; (סוֹר מִרָע)	turn 6
17:11	An <i>evil man</i> seeks only rebellion	man 4
19:23	whoever has it rests satisfied; he will not be visited by <i>harm</i> .	harm 2
20:8	A king who sits on the throne of judgment winnows all evil with his eyes. (כָּל-רָע)	evil 6
20:14	"Bad, Bad," says the buyer, [2א!]	bad
20:22	Do not say, "I will repay evil"; wait for Yahweh, and he will deliver you.	evil 7
20:30	Blows that wound cleanse away evil; (בְּרָע)	evil 8
21:10	The soul of the wicked <i>desires evil</i> ;	evil 9
21:12	The Righteous One observes the house of the wicked; he throws the wicked down <i>to ruin</i> . (לְרָע)	ruin
23:6	Do not eat the bread of <i>a man who is stingy</i> ; (רַע עֵין)	stingy 1
24:20	for the <i>evil man</i> has no future; (לֹא-תְהִיָּה אַחֲרֵיהֶם לְרָע)	man 5
25:20	Whoever sings songs <i>to a heavy heart</i> (עַל לֵב-רָע)	heavy
26:23	Like the glaze covering an earthen vessel are fervent lips with an <i>evil heart</i> . (וּלְבַב-רָע)	evil heart
28:5	<i>Evil men</i> do not understand justice, but those who seek Yahweh understand it completely. (אֲנָשֵׁי-רָע)	the evil 3
28:10	Whoever misleads the upright <i>into an evil way</i> will fall into his own pit, (בְּדֶרֶךְ רָע)	way 4
28:22	A <i>stingy man</i> hastens after wealth (אִישׁ רַע עֵין)	stingy 2
29:6	An <i>evil man</i> is ensnared in his transgression, but a righteous man sings and rejoices. (אִישׁ רָע)	man 6
31:12	She does him good, and not <i>harm</i> , all the days of her life.	harm 3

3. Occurrences of מִצְוָה in Proverbs 1–9

Verse	Text	Remarks
2:1	My son, if you receive my words and treasure up my <i>commandments</i> with you...	no difference to תּוֹרָה
3:1	... but let your heart keep my <i>commandments</i> ...	parallel to תּוֹרָה
4:4	He [the grandfather] taught me and said to me, 'Let your heart hold fast my words; keep my <i>commandments</i> , and live.'	analogous to 4:2 ²
6:20	My son, keep your father's <i>commandment</i> ...	parallel to תּוֹרָה
6:23	For the <i>commandment</i> is a lamp...	parallel to תּוֹרָה
7:1	My son, keep my words and treasure up my <i>commandments</i> with you	
7:2	keep my <i>commandments</i> and live;	

4. Occurrences of תּוֹרָה in Proverbs 1–9

Verse	Text	Remarks
1:8	Hear, my son, your father's discipline, and forsake not your mother's <i>instruction</i> ...	no difference to מִצְוָה
3:1	My son, do not forget my <i>instruction</i> ...	parallel to מִצְוָה
4:2	... do not forsake my <i>instruction</i> ...	analogous to 4:4 ³⁹
6:20	... and forsake not your mother's <i>instruction</i> .	parallel to מִצְוָה
6:23	... and the <i>instruction</i> a light...	parallel to מִצְוָה
7:2	...keep my <i>instruction</i> as the apple of your eye;	parallel to מִצְוָה

5. Occurrences of the topical pair אֹר and נֵר in the Old Testament

Verse	Text	Remarks
Job 18:6	The light (אֹר) is dark in his tent, and his lamp (נֵר) above him is put out.	used as subject
Job 29:3	when his lamp (נֵר) shone upon my head, and by his light (לְאֹרִי) I walked through darkness...	used as subject and object
Ps 119:105	Your word is a lamp (נֵר) to my feet and a	used as metaphorical predication

² The analogy in Prov 4:1–4 consists of the 'father' teaching the 'son' as the grandfather taught his son (i.e., the father). Obviously, the content might have changed and developed but the main thrust of the instructions and the commandments is the same.

	light (אור) to my path.	
Prov 6:23	For the commandment is a lamp (נר) and the instruction a light (אור)	used as metaphorical predication
Prov 13:9	The light (אור) of the righteous rejoices, but the lamp (נר) of the wicked will be put out.	used as subject
Jer 25:10	I will banish from them the voice of mirth and the voice of gladness, the voice of the bridegroom and the voice of the bride, the grinding of the millstones and the light (אור) of the lamp (נר).	used as object

6. Occurrences of לא ינקה in Proverbs

Verse	Text	Remarks
6:29	So is he who goes in to his neighbour's wife; none who touches her <i>will go unpunished</i> .	most probably juridical (see v. 31)
11:21	Be assured, an evil person <i>will not go unpunished</i> , but the offspring of the righteous will be delivered.	character (being evil)
16:5	Everyone who is arrogant in heart is an abomination to the LORD; be assured, <i>he will not go unpunished</i> .	character
17:5	Whoever mocks the poor insults his Maker; he who is glad at calamity <i>will not go unpunished</i> .	character
19:5	A false witness <i>will not go unpunished</i> , and he who breathes out lies will not escape.	juridical context
19:9	A false witness <i>will not go unpunished</i> , and he who breathes out lies will perish.	juridical context
28:20	A faithful man will abound with blessings, but whoever hastens to be rich <i>will not go unpunished</i> .	character

7. Occurrences of כִּפְרָה in the Old Testament

Verse	Text	Remarks
Exod 21:30	If a <i>ransom</i> is imposed on him, then he shall give for the redemption of his life whatever is imposed on him.	An ox that gored someone to death and the consequences
Exod 30:12	When you take the census of the people of Israel, then each shall give a <i>ransom for his life</i> to Yahweh when you number them, that <u>there</u> be no plague among them when you number them.	ransom for life
Num 35:31	Moreover, you shall accept no <i>ransom</i> for the	Death penalty for a

	life of a <u>murderer</u> , who is <u>guilty of death</u> , but <u>he shall be put to death</u> .	murderer
Num 35:32	And you shall accept no <i>ransom</i> 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.	A murderer cannot buy himself out
1 Sam 12:3	Whom have I oppressed? Or from whose hand have I taken a <i>bribe</i> to blind my eyes with it?	Samuel's farewell address; bribe as hush-up money
Isa 43:3	For I am the LORD your God, the Holy One of Israel, your Saviour. I give Egypt as your <i>ransom</i> , Cush and Seba in exchange for you.	ransom as exchange, for life
Am 5:12	For I know how many are your transgressions and how great are your sins- you who afflict the righteous, who take a <i>bribe</i> , and turn aside the needy in the gate.	bribe (corruption)
Ps 49:8	⁷ Truly no man can ransom another, or give to God the price of his life, ⁸ for the <i>ransom</i> of their life is costly and can never suffice, ⁹ that he should live on forever and never see the pit.	to ransom one's life is impossible
Job 33:24	If there be for him an angel, a mediator, one of the thousand, to declare to man what is right for him, ²⁴ and he is merciful to him, and says, 'Deliver him from going down into the pit; I have found a <i>ransom</i> ;	ransom for life
Job 36:18	Beware lest wrath entice you into scoffing, and let not the greatness of the <i>ransom</i> turn you aside.	ransom for life
Prov 6:35	He will accept no <i>compensation</i> ; he will refuse though you multiply gifts. (ESV)	ransom for life
Prov 13:8	The <i>ransom</i> of a man's life is his wealth, but a poor man hears no threat.	ransom money for life
Prov 21:18	The wicked is a <i>ransom</i> for the righteous, and the traitor for the upright.	Substitute, ransom for life

8. Occurrences of 𐤓𐤏𐤍 in the Old Testament

Verse	Text	Remarks
Exod 20:14	You shall not <i>commit adultery</i> .	literal adultery
Lev 20:10 (4x)	If a man <i>commits adultery</i> [if a he <i>commits adultery</i>] with the wife of his neighbour, both the <i>adulterer</i> and the <i>adulteress</i> shall surely be put to death.	literal adultery
Deut 5:18	And you shall not <i>commit adultery</i> .	literal adultery
Isa 57:3	But you, draw near, sons of the sorceress, offspring of the <i>adulterer</i> and the loose woman.	spiritual adultery

Jer 3:8	She saw that for all the <i>adulteries</i> of that faithless one, Israel, I had sent her away with a decree of divorce. Yet her treacherous sister Judah did not fear, but she too went and played the whore.	spiritual adultery
Jer 3:9	Because she took her whoredom lightly, she polluted the land, <i>committing adultery</i> with stone and tree.	spiritual adultery
Jer 5:7	How can I pardon you? Your children have forsaken me and have sworn by those who are no gods. When I fed them to the full, they <i>committed adultery</i> and trooped to the houses of whores.	literal adultery
Jer 7:9	Will you steal, murder, <i>commit adultery</i> , swear falsely, make offerings to Baal, and go after other gods that you have not known,	literal adultery
Jer 9:1 (ET = 9:2)	Oh that I had in the desert a travelers' lodging place, that I might leave my people and go away from them! For they are all <i>adulterers</i> , a company of treacherous men.	spiritual adultery
Jer 23:10	For the land is full of <i>adulterers</i> ; because of the curse the land mourns, and the pastures of the wilderness are dried up. Their course is evil, and their might is not right.	spiritual adultery
Jer 23:14	But in the prophets of Jerusalem I have seen a horrible thing: they <i>commit adultery</i> and walk in lies; they strengthen the hands of evildoers, so that no one turns from his evil; all of them have become like Sodom to me, and its inhabitants like Gomorrah.	spiritual adultery
Jer 29:23	because they have done an outrageous thing in Israel, they have <i>committed adultery</i> with their neighbours' wives, and they have spoken in my name lying words that I did not command them. I am the one who knows, and I am witness, declares Yahweh.	literal adultery
Ezek 16:32	<i>Adulterous</i> wife, who receives strangers instead of her husband!	spiritual adultery
Ezek 16:38	And I will judge you as women who <i>commit adultery</i> and shed blood are judged, and bring upon you the blood of wrath and jealousy.	spiritual adultery
Ezek 23:37 (two cases)	For they have <i>committed adultery</i> , and blood is on their hands. With their idols they have <i>committed adultery</i> , and they have even offered up to them for food the children whom they had borne to me.	spiritual adultery
Ezek 23:45 (two cases)	But righteous men shall pass judgment on them with the sentence of <i>adulteresses</i> , and with the sentence of women who shed blood, because they are <i>adulteresses</i> , and blood is on their hands.	spiritual adultery

Hos 3:1	And Yahweh said to me, "Go again, love a woman who is loved by another man and is an <i>adulteress</i> , even as Yahweh loves the children of Israel, though they turn to other gods and love cakes of raisins."	both literal and spiritual (as picture for Israel's apostasy)
Hos 4:2	there is swearing, lying, murder, stealing, and <i>committing adultery</i> ; they break all bounds, and bloodshed follows bloodshed.	literal adultery
Hos 4:13	They sacrifice on the tops of the mountains and burn offerings on the hills, under oak, poplar, and terebinth, because their shade is good. Therefore your daughters play the whore, and your brides <i>commit adultery</i> .	both literal and spiritual ?
Hos 4:14	I will not punish your daughters when they play the whore, nor your brides when they <i>commit adultery</i> ; for the men themselves go aside with prostitutes and sacrifice with cult prostitutes, and a people without understanding shall come to ruin.	both literal and spiritual ?
Hos 7:4	They are all <i>adulterers</i> ; they are like a heated oven whose baker ceases to stir the fire, from the kneading of the dough until it is leavened.	both literal and spiritual ?
Mal 3:5	Then I will draw near to you for judgment. I will be a swift witness against the sorcerers, against the <i>adulterers</i> , against those who swear falsely, against those who oppress the hired worker in his wages, the widow and the fatherless, against those who thrust aside the sojourner, and do not fear me, says the LORD of hosts.	literal adultery
Ps 50:18	If you see a thief, you are pleased with him, and you keep company with <i>adulterers</i> .	literal adultery
Job 24:15	The eye of the <i>adulterer</i> also waits for the twilight, saying, 'No eye will see me'; and he veils his face.	literal adultery
Prov 6:32	He who <i>commits adultery</i> lacks sense; he who does it destroys himself.	literal adultery
Prov 30:20	This is the way of an <i>adulteress</i> : she eats and wipes her mouth and says, "I have done no wrong."	literal adultery

9. Occurrences of אֶצְבֵּעַ in the Old Testament

Verse	Text	Remarks
Exod 8:15 (ET = 8:19)	Then the magicians said to Pharaoh, "This is the <i>finger</i> of God." But Pharaoh's heart was hardened, and he would not listen to them, as Yahweh had said.	God's finger (metaphorical)
Exod 29:12	and shall take part of the blood of the bull and put it on the horns of the altar with your <i>finger</i> , and the rest of the blood you shall pour out at the base of the altar.	literal

Exod 31:18	And he gave to Moses, when he had finished speaking with him on Mount Sinai, the two tablets of the testimony, tablets of stone, written with the <i>finger</i> of God.	God's finger (metaphorical)
Lev 4:6	and the priest shall dip his <i>finger</i> in the blood and sprinkle part of the blood seven times before Yahweh in front of the veil of the sanctuary.	literal
Lev 4:17	and the priest shall dip his <i>finger</i> in the blood and sprinkle it seven times before Yahweh in front of the veil.	literal
Lev 4:25	Then the priest shall take some of the blood of the sin offering with his <i>finger</i> and put it on the horns of the altar of burnt offering and pour out the rest of its blood at the base of the altar of burnt offering.	literal
Lev 4:34	Then the priest shall take some of the blood of the sin offering with his <i>finger</i> and put it on the horns of the altar of burnt offering and pour out all the rest of its blood at the base of the altar.	literal
Lev 8:15	And he killed it, and Moses took the blood, and with his <i>finger</i> put it on the horns of the altar around it and purified the altar and poured out the blood at the base of the altar and consecrated it to make atonement for it.	literal
Lev 9:9	And the sons of Aaron presented the blood to him, and he dipped his <i>finger</i> in the blood and put it on the horns of the altar and poured out the blood at the base of the altar.	literal
Lev 14:16 (2x)	and dip his right <i>finger</i> in the oil that is in his left hand and sprinkle some oil with his <i>finger</i> seven times before Yahweh.	literal (both times)
Lev 14:27	and shall sprinkle with his right <i>finger</i> some of the oil that is in his left hand seven times before Yahweh.	literal
Lev 16:14 (two cases)	And he shall take some of the blood of the bull and sprinkle it with his <i>finger</i> on the front of the mercy seat on the east side, and in front of the mercy seat he shall sprinkle some of the blood with his <i>finger</i> seven times.	literal (both times)
Lev 16:19	And he shall sprinkle some of the blood on it with his <i>finger</i> seven times, and cleanse it and consecrate it from the uncleannesses of the people of Israel.	literal
Num 19:4	And Eleazar the priest shall take some of its blood with his <i>finger</i> , and sprinkle some of its blood toward the front of the tent of meeting seven times.	literal
Deut 9:10	And Yahweh gave me the two tablets of stone written with the <i>finger</i> of God, and on them	God's finger (metaphorical)

	were all the words that Yahweh had spoken with you on the mountain out of the midst of the fire on the day of the assembly.	
2 Sam 21:20 (two cases)	And there was again war at Gath, where there was a man of great stature, who had six <i>fingers</i> on each hand, and six <i>toes</i> on each foot, twenty-four in number, and he also was descended from the giants.	literal (both 'fingers' and 'toes' are expressed by אֶצְבָּעַי)
Isa 2:8	Their land is filled with idols; they bow down to the work of their hands, to what their own <i>fingers</i> have made.	parallel to 'hand', thus metaphorical for action/result
Isa 17:8	He will not look to the altars, the work of his hands, and he will not look on what his own <i>fingers</i> have made, either the Asherim or the altars of incense.	parallel to 'hand', thus metaphorical for action/result
Isa 58:9	Then you shall call, and Yahweh will answer; you shall cry, and he will say, 'Here I am.' If you take away the yoke from your midst, the pointing of the <i>finger</i> , and speaking wickedness,	metaphorical as 'accusation'
Isa 59:3	For your hands are defiled with blood and your <i>fingers</i> with iniquity; your lips have spoken lies; your tongue mutters wickedness.	parallel to 'hand', thus metaphorical for action/result
Jer 52:21	As for the pillars, the height of the one pillar was eighteen cubits, its circumference was twelve cubits, and its thickness was four <i>fingers</i> , and it was hollow.	literal, as measure
Ps 8:4 (ET = 8:3)	When I look at your heavens, the work of your <i>fingers</i> , the moon and the stars, which you have set in place,	God's finger, metaphorical for creation
Ps 144:1	Of David. Blessed be Yahweh, my rock, who trains my hands for war, and my <i>fingers</i> for battle;	metaphorical for action/martial ability
Prov 6:13	winks with his eyes, signals with his feet, points with his <i>finger</i> ,	literal
Prov 7:3	bind them on your <i>fingers</i> ; write them on the tablet of your heart.	metaphorical
S of Songs 5:5	I arose to open to my beloved, and my hands dripped with myrrh, my <i>fingers</i> with liquid myrrh, on the handles of the bolt.	parallel to 'hand', metaphorical for action/result; love language
1 Chron 20:6 (here only once but אֶצְבָּעַי refers to both 'fingers' and 'toes')	And there was again war at Gath, where there was a man of great stature, who had six <i>fingers</i> on each hand and six <i>toes</i> on each foot, twenty-four in number, and he also was descended from the giants.	literal (see above, 2 Sam 21:20)

10. Occurrences of עָרַץ in the Old Testament

Verse	Text	Remarks
Gen 49:22	Joseph is a fruitful bough, a fruitful bough by a spring; his branches <i>run over</i> the wall.	unusual usage in a prayer of blessing; bridging a distance
Judg 5:4	Yahweh, when you went out from Seir, when you <i>marched</i> from the region of Edom, the earth trembled and the heavens dropped, yes, the clouds dropped water.	bridging a distance
2 Sam 6:13	And when those who bore the ark of Yahweh <i>had gone</i> six steps, he sacrificed an ox and a fattened animal.	bridging a distance
Jer 10:5	Their idols are like scarecrows in a cucumber field, and they cannot speak; they have to be carried, for they cannot <i>walk</i> . Do not be afraid of them, for they cannot do evil, neither is it in them to do good.	bridging a distance
Hab 3:12	You <i>marched</i> through the earth in fury; you threshed the nations in anger.	bridging a distance
Ps 68:8	O God, when you went out before your people, when you <i>marched</i> through the wilderness,	bridging a distance
Prov 7:8	passing along the street near her corner, <i>walking along on</i> the road to her house	bridging a distance
Job 18:14	He is torn from the tent in which he trusted and <i>is brought</i> to the king of terrors.	the only <i>Hiphil</i> -use; causative = made march, being brought, thus also bridging a distance

11. Occurrences of עָרַשׁ in the Old Testament

Verse	Text	Remarks
Deut 3:11 (2x)	For only Og the king of Bashan was left of the remnant of the Rephaim. Behold, his <i>bed</i> was a <i>bed</i> of iron. Is it not in Rabbah of the Ammonites? Nine cubits was its length, and four cubits its breadth, according to the common cubit.	rather a bed than a couch
Amos 3:12	Thus says Yahweh: "As the shepherd rescues from the mouth of the lion two legs, or a piece of an ear, so shall the people of Israel who dwell in Samaria be rescued, with the corner of a couch and part of a <i>bed</i> ."	rather a bed than a couch
Amos 6:4	Woe to those who lie on beds of ivory and stretch themselves out on their <i>couches</i> , and eat lambs from the flock and calves from the midst of the stall,	for dining; in parallelism to the main word for 'bed' (מִטָּה)

Ps 6:7 (ET = 6:6)	I am weary with my moaning; every night I flood my bed with tears; I drench my <i>couch</i> with my weeping.	in parallelism to the main word for 'bed' (מִטָּה)
Ps 41:4	Yahweh sustains him on his <i>sickbed</i> ; in his illness you restore him to full health.	bed
Ps 132:3	I will not enter my house or get into my <i>bed</i> ,	bed
Prov 7:16	I have spread my <i>couch</i> with coverings, coloured linens from Egyptian linen;	could be either bed or couch for dining; in parallelism to מִשְׁכָּב (as in Job 7:13)
Job 7:13	When I say, "My <i>bed</i> will comfort me, my couch will ease my complaint,"	bed; in parallelism to מִשְׁכָּב (as in Prov 7:16f.)
S of Songs 1:16	Behold, you are beautiful, my beloved, truly delightful. Our <i>couch</i> is green;	bed (love-making)

12. Occurrences of אָהַב in the Old Testament

Verse	Text	Remarks
Ezek 16:8	When I passed by you again and saw you, behold, you were at the age for <i>love</i> , and I spread the corner of my garment over you and covered your nakedness; I made my vow to you and entered into a covenant with you, declares Yahweh, and you became mine.	physical love-making
Ezek 23:17	And the Babylonians came to her into the bed of <i>love</i> , and they defiled her with their whoring lust.	physical love-making
Prov 7:18	Come, let us take our fill of <i>love</i> till morning; let us delight ourselves with love.	physical love-making
S of Songs 1:2	Let him kiss me with the kisses of his mouth! For your <i>love</i> is better than wine;	love, not necessarily sex
S of Songs 1:4	Draw me after you; let us run. The king has brought me into his chambers. We will exult and rejoice in you; we will extol your <i>love</i> more than wine; rightly do they love you.	love, not necessarily sex
S of Songs 4:10 (2x)	How beautiful is your <i>love</i> , my sister, my bride! How much better is your <i>love</i> than wine, and the fragrance of your oils than any spice!	physical love-making
S of Songs 5:1	I came to my garden, my sister, my bride, I gathered my myrrh with my spice, I ate my honeycomb with my honey, I drank my wine with my milk. Eat, friends, drink, and be drunk with <i>love</i> !	physical love-making

S of Songs 7:13	let us go out early to the vineyards and see whether the vines have budded, whether the grape blossoms have opened and the pomegranates are in bloom. There I will give you my <i>love</i> .	physical love-making
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13. Occurrences of ראשית in the Old Testament

Verse	Text	Remarks
Gen 1:1	In the <i>beginning</i> , God created the heavens and the earth.	beginning
Gen 10:1	The <i>beginning</i> of his kingdom was ...	beginning
Gen 49:3	Reuben, you are my firstborn, my might, and the <i>firstfruits</i> of my strength...	firstfruits
Exod 23:19 + 34:26	The <i>best</i> of the firstfruits [ראשית בְּכֹרֵי] of your ground...	best
Lev 2:12	As an offering of <i>firstfruits</i>	firstfruits
Lev 23:10	...you shall bring the sheaf of the <i>firstfruits</i> of your harvest...	firstfruits
Num 15:20	Of the <i>first</i> of your dough you shall present a loaf...	first
Num 15:21	Some of the <i>first</i> [מֵרֵאשִׁית] of your dough	first
Num 18:12	...the <i>firstfruits</i> of what they give to Yahweh	firstfruits
Num 24:20	Amalek was the <i>first</i> among the nations...	first
Deut 11:12	...from the <i>beginning</i> of the year to the end of the year.	beginning
Deut 18:4	The <i>firstfruits</i> of your grain, of your wine and of your oil, and the <i>first</i> fleece of your sheep...	firstfruits <u>and</u> first
Deut 21:17	...for he is the <i>firstfruits</i> of his strength.	firstfruits
Deut 26:2	... you shall take some of the <i>first</i> of all the fruit [מֵרֵאשִׁית כָּל-פְּרִי] of the ground	first
Deut 26:10	And behold, now I bring the <i>first</i> of the fruit of the ground...	first
Deut 33:21	He chose the <i>best</i> of the land for himself...	best
1 Sam 2:29	... and honour your sons above me by fattening yourselves on the <i>choicest parts</i> of every offering... [מֵרֵאשִׁית כָּל-מִנְחָת]]	choicest part [best]
1 Sam 15:21	..the <i>best</i> of the things devoted to destruction..	best
2 Chron 31:5	... the people of Israel gave in abundance the <i>firstfruits</i> of grain, wine [תִּירוֹשׁ], oil, honey,	firstfruits

	and of all the produce [תְּבוּאָה] of the field.	
Neh 10:38	... and to bring the <i>first</i> of our dough,	first
Neh 12:44	On that day men were appointed over the storerooms, the contributions, the <i>firstfruits</i> ...	firstfruits
Job 8:7	And though your <i>beginning</i> was small...	beginning
Job 40:19	He is the <i>first</i> of the works of God...	first
Job 42:12	And Yahweh blessed the latter days of Job more than his <i>beginning</i> [מֵרֵאשִׁיתוֹ]...	beginning
Ps 78:51	He struck down every firstborn in Egypt, the <i>firstfruits</i> of their strength...	firstfruits
Ps 105:36	He struck down all the firstborn in their land, the <i>firstfruits</i> of all their strength [רֵאשִׁית לְכָל-אוֹנִם]	firstfruits
Ps 111:10	The fear of Yahweh is the <i>beginning</i> of wisdom...	beginning
Pro 1:7	The fear of Yahweh is the <i>beginning</i> of knowledge....	beginning
Pro 3:9	Honour Yahweh with your wealth and with the <i>firstfruits</i> of all your produce [מֵרֵאשִׁית כָּל-תְּבוּאֹתֶיךָ]; ¹⁰ then your barns will be filled with plenty, and your vats will be bursting with wine [חִירוֹשׁ]...	firstfruits
Pro 4:7	The <i>beginning</i> of wisdom is this...	beginning
Pro 8:22	Yahweh possessed me at the <i>beginning</i> of his work...	beginning
Pro 17:14	The <i>beginning</i> of strife is like letting out water...	beginning
Eccl 7:8	Better is the end of a thing than its <i>beginning</i> ...	beginning
Isa 46:10	...declaring the end from the <i>beginning</i> ...	beginning
Jer 2:3	Israel was holy to Yahweh, the <i>firstfruits</i> of his harvest [רֵאשִׁית תְּבוּאָתוֹהָ]	firstfruits
Jer 26:1 (~ 27:1; 28:1; 49:34)	In the <i>beginning</i> of the reign of Jehoiakim...	beginning (4x)
Jer 49:35	Behold, I will break the bow of Elam, the <i>mainstay</i> of their might..	mainstay [KJV chief]
Ezek 20:40	... and there I will require your contributions and the <i>choicest</i> of your gifts...	choicest [best]
Ezek 44:30	And the <i>first</i> of all the firstfruits [רֵאשִׁית כָּל-בְּכוֹרֵי] of all kinds, and every offering of all kinds from all your offerings, shall belong to the priests. You shall also give to the priests the <i>first</i> of your dough,	first (2x)

Ezek 48:14	They shall not alienate this <i>choice portion</i> of the land,	choice portion [best]
Dan 11:24	... and the <i>main part</i> of the Ammonites.	main part
Hos 9:10	Like the first fruit on the fig tree in <i>its first season</i>	first
Amos 6:1	...Samaria, the notable men of the <i>first</i> of the nations...	first
Amos 6:6	... and anoint themselves with the <i>finest</i> oils..	finest [best]
Mic 1:13	...it was the <i>beginning</i> of sin to the daughter of Zion...	beginning

14. The Use of the Fear of God in Deuteronomy

Verse	Text	Remarks
Deut 4:10	...how on the day that you stood before Yahweh your God at Horeb, Yahweh said to me, 'Gather the people to me, that I may let them hear my words, so that they may learn [למד] to fear me all the days that they live on the earth, and that they may teach their children so.'	Learning
Deut 6:{1-}2	{Now this is the commandment, the statutes and the rules that Yahweh your God commanded me to teach [למד] you, that you may do them in the land to which you are going over, to possess it,} that you may fear Yahweh your God , you and your son and your son's son, by keeping all his statutes and his commandments, which I command you, all the days of your life, and that your days may be long.	Teaching/Keeping commandments and statutes
Deut 6:13	It is Yahweh your God you shall fear . Him you shall serve and by his name you shall swear.	Serving
Deut 6:24	And Yahweh commanded us to do all these statutes, to fear Yahweh our God , for our good always, that he might preserve us alive, as we are this day.	Keeping commandments and statutes
Deut 10:12	And now, Israel, what does Yahweh your God require of you, but to fear Yahweh your God , to walk in all his ways, to love him, to serve Yahweh your God with all your heart and with all your soul...	Serving/walking in Yahweh's ways
Deut 10:20	You shall fear Yahweh your God . You shall serve him and hold fast to him, and by his name you shall swear.	Serving
Deut 13:4	You shall walk after Yahweh your God and fear him and keep his commandments and obey his voice, and you shall serve him and	Keeping commandments,

	hold fast to him.	obedience
Deut 14:23	And before Yahweh your God, in the place that he will choose, to make his name dwell there, you shall eat the tithe of your grain, of your wine, and of your oil, and the firstborn of your herd and flock, that you may learn [למד] to fear Yahweh your God always.	Learning
Deut 17:19	And it shall be with him, and he shall read in it all the days of his life, that he may learn [למד] to fear Yahweh his God by keeping all the words of this law and these statutes, and doing them,	Learning/Keeping commandments and statutes
Deut 25:18	...how he [Amalek] attacked you on the way when you were faint and weary, and cut off your tail, those who were lagging behind you, and he did not fear God .	Amalek has no relationship to Yahweh which becomes obvious through his actions
Deut 28:58	If you are not careful to do all the words of this law that are written in this book, that you may fear this glorious and awesome name, Yahweh your God...	Keeping commandments
Deut 31:12	Assemble the people, men, women, and little ones, and the sojourner within your towns, that they may hear and learn [למד] to fear Yahweh your God , and be careful to do all the words of this law,	Learning/Keeping commandments
Deut 31:13	and that their children, who have not known it, may hear and learn [למד] to fear Yahweh your God , as long as you live in the land that you are going over the Jordan to possess.	Learning

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