

Andrews University

Digital Commons @ Andrews University

Master's Theses

Graduate Research

2009

Theodicy and Execution for Expiation in 2 Samuel 21:1-14

Carrie S. Rhodes
Andrews University

Follow this and additional works at: <https://digitalcommons.andrews.edu/theses>

Recommended Citation

Rhodes, Carrie S., "Theodicy and Execution for Expiation in 2 Samuel 21:1-14" (2009). *Master's Theses*. 50.

<https://digitalcommons.andrews.edu/theses/50>

This Thesis is brought to you for free and open access by the Graduate Research at Digital Commons @ Andrews University. It has been accepted for inclusion in Master's Theses by an authorized administrator of Digital Commons @ Andrews University. For more information, please contact repository@andrews.edu.



Seek Knowledge. Affirm Faith. Change the World.

Thank you for your interest in the

**Andrews University Digital Library
of Dissertations and Theses.**

*Please honor the copyright of this document by
not duplicating or distributing additional copies
in any form without the author's express written
permission. Thanks for your cooperation.*

Andrews University
Seventh-day Adventist Theological Seminary

THEODICY AND EXECUTION FOR EXPIATION
IN 2 SAMUEL 21:1-14

A Thesis
Presented in Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
Carrie S. Rhodes

2009

ABSTRACT

THEODICY AND EXECUTION FOR EXPIATION

IN 2 SAMUEL 21:1-14

by

Carrie S. Rhodes

Adviser: Roy E. Gane

ABSTRACT OF GRADUATE STUDENT RESEARCH

Thesis

Andrews University

Seventh-day Adventist Theological Seminary

Title: THEODICY AND EXECUTION FOR EXPIATION IN 2 SAMUEL 21:1-14

Name of researcher: Carrie S. Rhodes

Name and degree of faculty adviser: Roy E. Gane, Ph.D.

Date completed: December 2009

Problem

The execution of Saul's descendants in 2 Sam 21:1-14 has long been interpreted as resulting from David's succession motives, and may appear to be posthumous ruler punishment, expiation on Saul's behalf, or an error in judgment on David's part in whom to turn to in order to know what to do in this case. In addition, the delay in justice until David's reign for something that Saul had done is puzzling.

Method

Analysis of the Hebrew text, comparison between ANE and biblical homicide law, examination of the sociological structure of the ANE family, examination of the

characters of Saul and David, and intertextual analysis of Scripture contribute to a clearer understanding of the roles of the characters and how justice was achieved.

Conclusions

Close examination of the text and its cultural background reveals that Saul's descendants died for inheritable corporate culpability that polluted the land as a result of his mass murder that violated an oath taken in YHWH's name. The narrative begins with a famine and ends with the phrase God "was moved by prayer for the land," which appears to give approval to the actions that precede it. This narrative demonstrates that restoration of justice is necessary for healing of the land. By delaying the famine until the reign of David, who enjoyed a positive relationship with God himself, God facilitated the limitation of retributive justice to a few responsible individuals.

© Copyright by Carrie S. Rhodes 2010
All Rights Reserved

TABLE OF CONTENTS

LIST OF ABBREVIATIONS.....	v
Chapter	
I. EXEGETICAL INTRODUCTION.....	1
The Nature of Saul’s Crime.....	3
The Problem of the Remedy for Saul’s Crime.....	12
The Problem of Theodicy.....	15
History of Research.....	15
Rabbinic Interpretations.....	16
Modern Research.....	17
Statement of the Problem.....	27
Scope of the Thesis.....	27
II. <i>KIPPER</i> THROUGH RETRIBUTIVE JUSTICE FOR HOMICIDE.....	28
Retributive Justice for Homicide Administered by Humans.....	28
Retributive Justice in the Ancient Near East.....	28
Homicide.....	32
Retributive Justice for Homicide in Israel’s Monarchy.....	33
Homicide.....	34
Retributive Justice Administered by the Deity.....	36
2 Samuel 24.....	39
Non-substitutionary <i>Kipper</i>	40
Delayed Retribution or Expiation.....	42
Delayed Punishment for Joab.....	42
Delayed Punishment for Shimei.....	45
Delayed Justice for the Gibeonites.....	46
Conclusion.....	48
III. BEYOND INDIVIDUAL RESPONSIBILITY.....	49
Corporate Solidarity (Sociological Background).....	49
The Ancient Near Eastern Household.....	50
Justice within the Household.....	53
The Clan and Tribe as Extensions of the Household.....	57
Inheritance and Transfer of Guilt in the Ancient Near East.....	60
Intertextual Analysis Regarding Inherited Responsibility.....	

and Punishment.....	63
Exodus 20:5b	63
Exodus 34:7	65
Leviticus 26:39-40	69
Deuteronomy 24:16	69
Ezekiel 18.....	70
Jeremiah 32:17-19.....	71
Lamentations 5:7.....	71
Royal Administration.....	71
Inherited Responsibility at the Royal Level.....	74
Accountable to the Deity	76
Famine.....	77
Communal Responsibility and Ruler Punishment	81
Communal Responsibility, Including Household.....	81
Ruler Punishment.....	83
Conclusion	88
 IV. IMPLICATIONS OF 2 SAMUEL 21:1-14 FOR THEODICY IN LIGHT OF THE BROADER BIBLICAL CONTEXT	 90
Conceptual Synthesis	90
Theodicy and Inherited Guilt	91
Conclusion	93
 BIBLIOGRAPHY	 96

List of Abbreviations

ABC	Anchor Bible Commentary
ANE	Ancient Near East
<i>ANET</i>	Ancient Near Eastern Texts
BHS	Biblia Hebraica Stuttgartensia
<i>COS</i>	Context of Scripture
DSS	Dead Sea Scrolls
LXX	Septuagint
MT	Masoretic Text
NASB	New American Standard Bible
NIV	New International Version Application Commentary
Pseudo-Yonatan	Targum Pseudo-Jonathan
Samaritan	Samaritan Pentateuch
TY	Targum Jonathan
TN	Targum Neophyti

CHAPTER I

EXEGETICAL INTRODUCTION

Amnesty International reports that as of September 10, 2008, there are 137 countries worldwide that have abolished the death penalty or its practice. Even within the religious community in Israel, most modern Jewish religious leaders now believe that the death penalty should remain unused, although provisions for it still exist.¹ With this mindset toward capital punishment, it is almost impossible for today's moderns to conceive of a legal system that requires, not just allows for, the death penalty as punishment for murder. Yet this form of punishment was reality for the ancient Israelites.

One of the most troubling narratives in Scripture is that of the execution of "seven men from the sons" of King Saul, even though it was Saul who was responsible for committing the murder (2 Sam 21:1).² At first glance, we do not know if they participated in his activities, as the original narrative is not available to us.³ Following the Lord's

¹In Israel, it is still possible to consider the death penalty in cases of genocide, war crimes, crimes against humanity, crimes against Jewish people, and treason in wartime. The only execution to date in the modern country of Israel was the hanging of Adolf Eichmann in 1962.

²Unless otherwise noted, all English Scripture references are taken from the *New American Standard Bible Update* (Anaheim, CA: Foundation Publications, 1995). All Hebrew Scripture references are taken from *Biblia Hebraica Stuttgartensia* (Stuttgart: Deutsche Bibelstiftung, 1977).

³It is possible that this event could have occurred in connection with Saul's slaying of the priests at Nob (1 Sam 22:6-19; Rashi in *Talmud Bavli*). The list of those whom Doeg killed includes the priests, men, women, children, infants, oxen, donkeys, and sheep, but there is no mention of the Gibeonites. Even though it is impossible to accurately place 2 Sam 21:1-14 back into the narrative stream of the books of Samuel, perhaps this event took place near the beginning of David's reign, as any cleaning up from a prior administration was typically done during the early part of the new administration (cf. 1 Kgs 2).

revelation of the cause of the famine, David asked the Gibeonites what he could do in order to make atonement. Of the 102 of the verb כָּפַר, “to expiate,” in the Old Testament, only 2 Sam 21:3 appears without a preposition or a direct object, leaving open the beneficiary of the expiation.⁴ In the end, God was appeased, which appears to signify approval of their deaths (v. 14). Why did God wait until David’s reign to rectify this injustice? For whom or what was David making atonement?

There are several theoretical answers to question of why Saul’s descendants were executed: 1. David incorrectly turned to humans rather than God for direction. 2. These seven descendants were somehow accessories to commission of Saul’s crime, so their deaths constituted their punishment. 3. The executions were really revenge killings by the Gibeonites, which David allowed in order to serve his purposes to consolidate his succession to the throne. 4. The deaths of Saul’s descendants were ruler-punishment for what he did, even though they were innocent. 5. Saul’s family members were culpable because they bore corporate responsibility as part of his household.

In order to understand why Saul’s descendants were put to death, it is important to understand the societal structure of that time, biblical homicide laws against their ancient Near Eastern background, and biblical perspectives on inherited guilt and punishment. In light of these issues, this thesis will explore the theoretical answers 1. and 2. in this chapter (Chapter 1), option 3. in Chapters I and II, and possibilities 4. and 5. in Chapter III.

Although scholars have analyzed the structure and placement of 2 Sam 21-24 for quite some time.

⁴Lev 16:32 also appears without a preposition immediately following it, but the verb is resumed in v. 33 with the list of things for which the priest is to make atonement.

The Nature of Saul's Crime

The narrative of 2 Sam 21:1-14 begins after three years of famine, after which David sought the Lord, who told him that this disaster was the result of Saul's murder of the Gibeonites (v. 1). It was a common belief in the Ancient Near East that famines were a punishment from the gods in response to some offense committed by humans, and perhaps this is the reason that David sought the Lord to begin with.⁵ This genocide is not reported elsewhere in Scripture, but Israel's first encounter with the Gibeonites is recorded in Josh 9. This encounter was significant, as a covenant was made and an unalterable oath was sworn (נשבע) by the name of the God of Israel (Josh 9:16, 18).

While at first it appears that the Lord was simply informing David of a past, unrecorded event, it becomes clear that he was connecting past, un-atoned sins with the current famine. As a result of the genocide, Saul's family was a house of bloodguilt (בית הרמים) (2 Sam 21:1). Because he broke an unalterable oath made in God's name by committing an act of murder, he was guilty of sacrilege, which is a sin against God, not man.⁶ David then went to the Gibeonites to find out what they wished to be done. As a result, Saul's descendants were put to death. In order to understand why this happened, it is necessary to probe the nature of Saul's crimes: bloodguilt and sacrilege.

"Bloodguilt" translates דמים (plural of דם), which refers to culpability for committing murder (cf. Exod 22:2; Num 35:27; 2 Sam 16:7; Isa 33:15; Ezek 9:9).⁷ When

⁵"The Famine Stela," translated by Miriam Leichtheim (*COS*, vol. 1.53:130-34). Also see the discussion in the section "Famine" of this project.

⁶Jacob Milgrom, *Numbers* (Philadelphia: Jewish Publication Society, 1990), 511.

⁷Ludwig Koehler and Walter Baumgartner, *The Hebrew and Aramaic Lexicon of the Old Testament* (Leiden: Brill, 2001), s.v. "דמים." Even the noun "bloodshed" or "to shed blood" implies that the killing of another human being has occurred.

applied to the house of Saul, this means that Saul was guilty of murder for putting the Gibeonites to death (2 Sam 21:1).⁸ However, Saul warred against many people groups, so why should he be culpable for the murder of the Gibeonites? Why should this not be seen as simply one of the means by which this king ensured his succession?⁹ The answer is found in Josh 9, which is the narrative of the Gibeonites' deception of the Israelites.

After the Gibeonites requested Joshua and the leaders of Israel to make a covenant with them, the two parties made peace and Israel swore (נשבע) an oath by the name of Israel's God. This was a problem because the Gibeonites were an indigenous Canaanite people who were under the ban (הרם) instituted by the Lord, and therefore Israel was to destroy them (Deut 7:1-6; 20:16-18). Yet when the Israelites failed to carry out the Lord's command in this regard, the Lord honored the peace treaty and the oath, even though they were made without His counsel (Josh 9:18-21). As a result, Saul had no right to kill any of the Gibeonites, and so he was guilty of murdering innocent people.

In Scripture there is a reverence for life derived from the recognition that God alone has the lordship over it. Although the shedding (שפך) of animal blood came to be permitted in a circumscribed manner (Lev 17:3, 4), the shedding (שפך) of human blood was not (Gen 9:6). Of all the created life forms, only man was made in the image of his maker (Gen 1:26-27; 9:6). Along with sexual violations and idolatry, murder was an irremediable moral fault that defiled the land, and it was inexpiable (כפר) through the

⁸In translating 2 Sam 21:1, the LXX translator struggles with the meaning of "bloodguilt" as he adds: "Unrighteousness is on Saul and on his house because of the death of bloods, because he put the Gibeonites to death." Targum Jonathan translates the MT's "house of blood guiltiness" as "house of those liable for killing" indicating that Saul and his house are guilty of a crime worthy of death.

⁹For references to this theory, see the literature review section of this project.

ritual system (Lev 18; 20:10-21; Num 35:30; Deut 21:1-9; 24:1-4; cf. Num 15:30-31).

Such sins were removed from the camp on the Day of Atonement, but were never removed from the culprit, even on that day (Num 15:30-32; Lev 16:16, 21).¹⁰

Irremediable moral faults, including murder, polluted the sinner (e.g., Lev 17:4; 20:9, 11-14, 16, 27), his city (Deut 21:1-19),¹¹ the nation (Deut 19:10, 13), as well as the land (Num 35:33-34; cf. Isa 24) in the sense that if enough of these kinds of sins were committed, the inhabitants of the land would be forced off it and into exile (Lev 18:28; 20:22; 26:40-45; cf. 11QT 59:2-13).¹² The death of the guilty party could, however, expiate for the community. An example of this is found in the narrative of Num 25, where the Israelites joined themselves to the Baal of Peor. After Moses gave the command to kill the chiefs who led the Israelites into that apostasy (v. 4), Zimri, an Israelite, blatantly brought the Midianite, Cozbi, into his tent, where Phinehas pierced them through, stopping the plague.¹³ In effect, Phinehas's action made expiation for the Israelites by purging the evildoers from the Israelite community (Num 25:11, 13).

¹⁰Roy Gane, "Numbers 15:22-31 and the Spectrum of Moral Faults," in *Inicios, Paradigmas Y Fundamentos: Estudios teológicos y exegéticos en el Pentateuco* (vol. 1, ed. Gerald Klingbeil; Entre Rios, Argentina: Editorial Universidad Adventista del Plata, 2004), 153.

¹¹Cf., "Instructions to Commanders of the Border Guards," translated by Gary McMahon (*COS* 1.84:223): "Further: the margrave, the city commander (and) the elders must consistently judge cases properly, and carry out (their decisions), as the rule for serious crimes (has been) done from of old in the (particular) country: In a city in which they are accustomed to execute, let them continue to execute. In a city, however, in which they are accustomed to exile, let them continue to exile. Furthermore, afterward (the people) of the city must bathe, and further let it be announced: Let no one allow (the exile) back. Whoever does allow him back, they will keep him under observation (?)." This Hittite text seems to indicate that the presence of the guilty party defiles the people of his city.

¹²Jacob Milgrom, *Leviticus 17-22* (New York: Doubleday, 2000), 1326; Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (Oxford: University Press, 2000), 26-31; Jay Sklar, *Sin, Impurity, Sacrifice, Atonement: The Priestly Conceptions* (Sheffield: Sheffield Phoenix Press, 2005), 139-53.

¹³Aron Balorda, "The Covenant of Phinehas as a Reward for the Jealousy of Numinal Marriage" (MA thesis, Andrews University, 2002), 43-58.

Saul had clearly committed murder, but was he punished for what he did? In pentateuchal law, murder is to be dealt with in one of two ways (Deut 21:1-9; Num 35:30-34). When the murderer was not known, the elders from the town nearest to the body of the victim were to perform a ritual that involved breaking the neck of a calf, declaring their innocence, and then praying for forgiveness for the corporate community and removal of the blood guiltiness from their midst (Deut 21). This was an elimination ritual that was essentially a reenactment of the unwitnessed murder done in a location outside of the area where the murder occurred in order to move the bloodguilt from the community. The flowing stream carried it still further away.¹⁴

If an Israelite was known to be guilty of accidental murder, the manslayer had to remain in an asylum city until the death of the high priest (Num 35:22-25). However, if a person was found guilty of intentional murder on the testimony of more than one witness, he was to be put to death in order to remove bloodguilt (Num 35:20-21, 30-34). Should humans overlook the murder or neglect punishing the murderer, the Lord himself would act (Lev 20:4, 5). This indicates how seriously the Lord viewed such sin. Saul's murder could not go without expiation, so the Lord acted to bring this case to David's attention (2 Sam 21:1).

There is precedent for the Israelites standing up to Saul when he was out of control (1 Sam 14:29-30, 45). Yet, when Saul attempted to wipe out the Gibeonites, neither the members of his royal court nor the members of the priesthood effectively initiated action

¹⁴David P. Wright, "Deuteronomy 21:1-9 as a Rite of Elimination," *Catholic Biblical Quarterly* 49 (1987): 403. This stands in contrast to other ANE laws in that they required recompense in the form of compensation to the murder victim's family (cf. Code of Hammurabi 23-24, Hittite law IV, Ugarit PRU 4 17.299).

against him. Did they forget the oath and the covenant that was made? Were they too weak to stand up to Saul? We cannot know from the narrative. As a result, God had to intervene (Lev 20:4, 5) by sending a famine during the reign of someone who would eventually recognize the divine notice and take action.

We know that David himself was aware that bloodguilt was an inextinguishable moral fault, as can be seen in Pss 51:16, which contains his request to be delivered from his own bloodguilt involving Uriah. Here he does not ask God for forgiveness (סלה) or expiation through expiatory sacrifices (כפר), but for God to remove (ניצל מן) blood-guiltiness (דמיה) from him. The basic meaning of the Hif'il of ניצל with the preposition מן is “to tear from, remove, or pull out,” indicating that David knew there was no means by which he could be saved other than God’s direct deliverance from his bloodguilt, without a ritual remedy.

Incurring bloodguilt by killing those with whom a peace agreement was made was an unacceptable act in David’s own administration (2 Sam 3:28-30; cf. Deut 19:10). Joab’s murder of Abner (2 Sam 3:27) was similar to Saul’s murder of the Gibeonites in that there was peace between David and Abner (2 Sam 3:21), and for his actions Joab bore his own bloodguilt. Had Solomon not carried out justice for this, the house of David would have borne the responsibility for not administering justice, and bloodguilt would have been on him and his father’s house instead (1 Kgs 2:5-6, 31-34). Likewise, David as the king of Israel, although in a different administration, was responsible for carrying out justice for what Saul had done, as indicated by the Lord notifying David of this past event (2 Sam 21:1).

Questions remain, however, as to the object of the verb “to expiate” (כפר) in 2 Sam 21:3 and whether Saul had been punished for what he did. He had died in battle (2 Sam 31:1-6), but there is no indication that this was a direct result of his genocide of the

Gibeonites. Deuteronomy 24:16 clearly states, “Everyone shall be put to death for his own sin” (cf. Ezek 18). If David knew this principle, it is puzzling that he killed the descendants of Saul in an act of expiation because of what Saul did to the Gibeonites, given that we have no evidence that they participated in carrying out the crime. It has been suggested that David should have asked the Lord what should be done in situations like this, as Israel did in the days of Moses.¹⁵

The son of an Israelite woman blasphemed the name of God and so the Israelites took him into custody and sought the command of the Lord to know what to do (Lev 24:11-13ff.). When some of the Israelites became ritually unclean and could not participate in the observance of Passover, they went to Moses and Moses went to the Lord (Num 9:6-9ff.). In the case of the wood gatherer, it was the Lord who told Moses that he was to be stoned (Num 15:35, 36). When the daughters of Zelophehad brought their petition to Moses, Eleazer, the leaders, and the congregation, Moses took their case to the Lord (Num 27:1-11).

However, there were several incidents in which the Israelites did not inquire of the Lord before acting. After Israel heard that they would die in the wilderness for their grumbling (Num 14:36), they decided to fight the Amalekites and Canaanites, even though Moses warned them not to go because the Lord was not with them. As a result, they were defeated (v. 14:43-45). In the case of the Gibeonites, Joshua and the leaders of the congregation “did not ask for the counsel of the Lord” (Josh 9:14). Instead, they made a

¹⁵*The Seventh-day Adventist Bible Commentary* (vol. 2; Washington, D.C.: Review and Herald, 1976), 695-96.

covenant with them and swore (נשבע) an oath (v. 15). The Israelites asked for a king and refused to listen to the warning of the Lord concerning what would happen under a king (1 Sam 8:10-19). These narratives and their conclusions provide interesting comparisons to 2 Sam 21:1-14.

The Lord did not initially indicate to David how to handle the case. Perhaps this is because David already knew what to do (cf. Deut 17:18, 19; cf. 4:9, 10) in harmony with Israel's homicide laws (Exod 21:12; Lev 24:17; Num 35:30). While it has been suggested that David failed to seek the will of the Lord in this case (2 Sam 21:1-8),¹⁶ the fact remains that the deity was moved by prayer for the land at the end of the narrative (v. 14). This ending does not align 2 Sam 21:1-14 with narratives in which Israel failed to seek or listen to the Lord's counsel. If David was wrong in his actions, then it is likely that the Lord would have communicated his displeasure, particularly since David was the Lord's anointed (cf. 1 Sam 13:13; 15:11, 22, 18). The famine occurring during David's administration was clear indication that Saul's sin, which was committed while Saul was alive, was still not remedied by his death. As a result, the sphere of guilt spread from him to the land, and Saul's house bore his bloodguilt (דמיים). This divine approval at the end of the narrative indicates that the death of the seven descendants of Saul successfully brought justice to the Gibeonites and to the land (2 Sam 21:14).

Elsewhere in the Bible, the clause that describes the state of legal guilt resulting from either deliberate or unintentional un-expiated sin is נשא עון, "he will bear culpability (for punishment)" (Lev 5:1-6, 17; 7:18; 17:16). So what is the relationship between

¹⁶See n. 15.

bloodguilt (דמים) and culpability/iniquity (עון)?

In some biblical passages the words דמים and עון appear together. Isaiah 26 is a song of God's protection for his people. In comparison to the righteous, the wicked does not learn righteousness, even though he is shown favor, and he continues to deal unjustly while failing to perceive the majesty of the Lord (v. 10). Certainly this passage calls to mind moments from the life of Saul (1 Sam 14:24-45; 15:2, 9-11; 17:26-18:11). However, it is v. 21 that connects iniquity (עון) with the inescapable punishment for bloodguilt (דמים):

For behold, the Lord is about to come out from His place,
To punish the inhabitants of the earth for their iniquity (עון);
And the earth will reveal her bloodshed (דמים)
And no longer cover her slain. (Isa 26:21)

A similar connection can be found in Ezek 9, where the prophet sees the slaughter of all those without a mark on their foreheads (v. 6). The reason given for the slaughter is that the culpability (עון) of the house of Israel and Judah is very great because the land is filled with bloodguilt (דמים). In spite of the fact that the inhabitants think that the Lord does not see their actions (v. 9; cf. Ps 10:1-11),¹⁷ he will bring their ways upon their heads (v. 10; cf. 2 Chr 16:9; Ps 33:13-15; Jer 32:19).

Although not in the plural, the word "blood" (דם) appears with "culpability" (עון) in Isa 59, where the prophet speaks of the sins that separate people from God, a driving away of the divine. The first sin in the list is: "your hands are defiled with blood (ברם) and your fingers with iniquity (בעון)" (v. 3). This is a visual description of an irremediable moral fault and the resultant culpability (Gen 4:11; 1 Sam 25:26; 2 Kgs 9:7; cf. Jer 2:34). These

¹⁷Compare with "Instructions for Temple Officials" in the case of an act against the sancta: "Since he is a god, he will not say anything, and will not do anything to us." McMahon, "Instructions to Priests and Temple Officials," 218.

three passages give evidence that when there is bloodguilt (דמיים), the one responsible will bear his culpability (נשא עון).

In addition to carrying guilt for murder, Saul was guilty of breaking an oath that was made in the name of the Lord. Milgrom points out that the Lord's name is a sanctum (Lev 20:3) and that he acts for the good of Israel because he remembers his holy word (Pss 105:42).¹⁸ Most significantly, such an oath is taken by his holiness: "The Lord God has sworn by his holiness" (נשבע אדני יהוה קדשו) (Amos 4:2). To break such an oath was to seriously misrepresent the Lord and his interests (e.g., Exod 32:11-14). In the ancient Near East, the death penalty punished actions against a deity, although not always.¹⁹ This punishment is found in several biblical passages.

While Jacob was "stealing" (גנב) away from Laban, Rachel stole (גנב) Laban's household gods (Gen 31:20-21, 27, 34). When he discovered his daughters, son-in-law, and household gods were missing, Laban pursued them all. When he reached them, Laban laid out against Jacob his charge of the theft (גנב) of his daughters (v. 26) as well as his gods (v. 30). Jacob replied that he did so because he thought Laban would "rob" (גזל) him of Laban's daughters (v. 31), who also happened to be Jacob's wives. Jacob's next utterance gives us a clue as to the gravity of Rachel's action. Jacob, who was still unaware of his beloved wife's theft, told Laban that the one with whom his gods would be found

¹⁸Jacob Milgrom, *Leviticus 1-16* (New York: Doubleday, 1991), 347.

¹⁹Actions against a deity with their punishments are as follows: defiant actions against the deity punished by death, translated by ("The Curse of Agade," translated by S. N. Kramer [*ANET*, 648-51]), a deity would punish the sinner and his family who had angered a god by eating food forbidden by his god and setting his foot in prohibited places punished by suffering ("Instructions to Priests and Temple Officials," translated by Gregory McMahon [*COS* 1.83:218-21], oath transgression will "not escape unpunished," translated by ("Prayer of Kantuzilis for Relief from His Sufferings," translated by Albrecht Goetze [*ANET*, 400]), oath violation punished by death ("The First Soldier's Oath," translated by Billie Jean Collins [*COS* 1.66:165-67]).

would not live (v. 32). While this was not an oath violation, unlike Saul's case, the thief in this narrative was to receive the death penalty for an act committed against Laban's deities.

Capital punishment for oath violation, an act against the deity, can also be seen in Lev 26:40 and Ezek 17:18-20. In the Lord's exhortations to Israel, he warns his people that if they act with hostility toward him by breaking the covenant that they made with him (Lev 26: 15; cf. Exod 10:5, 8; 24:7, 8; Deut 29:14; Ezek 17:15-16), they would ultimately be expelled from the land (Lev 26:32, 33, 34) and die (vv. 38, 39). In his discourse concerning Zedekiah's rebellion, Ezekiel identifies Zedekiah's breaking of the covenant as the reason for his deportation to Babylon and his death (Ezek 16:18-20; 17:15-16). Oath violation, particularly covenant oath violation, was worthy of death.

The Problem of the Remedy for Saul's Crime

The problem with remedying Saul's crimes with the death penalty, which was required for a sin such as homicide and sacrilege, was that he was already dead. Even though his death occurred in battle, his suicide did not completely expiate for what he had done (1 Sam 31:3-5; cf. Num 25:7, 11). This is clear from David's question to the Gibeonites: How could he make expiation (כִּפּוּר) in order that they would bless the inheritance of the Lord (cf. 1 Sam 26:19; 2 Sam 20:19; 21:3)?

Although Saul had committed an inexpressible sin, his usurpation of God's lordship over life was serious and still required expiation (כִּפּוּר) in order to remove bloodguilt from the land (Num 35:33; cf. Lev 16).

In response to David's question, the Gibeonites asked that seven men from the sons of Saul be handed over to them so that they could hang them before the Lord (2 Sam 21:6). Was it right to execute the descendants of a guilty one in order to expiate for his crime?

Although it was not unusual for an injured party to carry out sanctions against the guilty party, the former typically carried out punishment on the one at whose hands he or they suffered the wrong.²⁰ There is no evidence that the sons and grandsons of Saul were actually involved in his commission of crime, or even if they and the Gibeonites who had made the request were even born before the crimes occurred.

Two of the seven descendants that David selected for death were Rizpah's sons, whom she had borne to Saul, and the other five were Saul's grandsons by his daughter, Merab, and her husband Adriel (2 Sam 21:8).²¹ Because there is no clear chronological placement of Saul's killing of the Gibeonites in the preceding narratives, it is difficult to assess the time period in Saul's reign when Rizpah would have given birth to her two sons. Her name appears only four times in Scripture, three of which are in 2 Sam 21. The first occurrence is in connection with Ishbosheth's accusations against Abner (2 Sam 3:7), which was without mention of her children. As a result, the age of Rizpah's sons at the time of the narrative in ch. 21 is difficult to determine, and the same is true of the ages of Merab's sons.

If the two sons of Saul were old enough to go to battle, it could be assumed that they would have participated in Saul's attack on the Gibeonites, just as their half-brothers,

²⁰Johannes Renger, "Wrongdoing and Its Sanctions," in *The Treatment of Criminals in the Ancient Near East* (ed. Jack M. Sasson; Leiden: Brill, 1977), 75.

²¹The MT cites Michal as the mother of the five sons whom she had borne to Adriel, yet this is in direct contradiction to 2 Sam 6:23, which states that she had no children to the day of her death, and to 1 Sam 18:19, where it was Merab who was given to Adriel the Meholathite in marriage. The LXX follows the MT reading, but the Targum Onkelos and Jonathan translators offer an interesting suggestion: They supply "the five sons of Merab, whom Michal daughter of Saul had raised for Adriel, son of Barzelli who was from Meholath." This appears to solve both issues.

Jonathan and his brothers, did in other battles (1 Sam 13:15-14, 46; 31:2). In this case, they would be complicit in the crime, and their deaths would be considered punishment for this act (2 Sam 21:3). However, since there is not enough information to make a chronological determination solely from 2 Samuel, it will be necessary to consider other aspects of the narrative.

The question of the ages of Rizpah and her children at the time of the narrative in 2 Sam 21 also remains unanswered by the Chronicler, as he does not devote much space to Saul, other than listing his ancestry (1 Chr 9:35-44), his death and the death of his sons (Jonathan, Abinadab, Melchi-shua) on Mt. Gilboa (1 Chr 10:1-12). It appears that the ages of the seven men at the time of Saul's sin were not important to the author of the books of Samuel. They were carrying bloodguilt because they were descended from Saul, even though it is not clear whether they actually participated in his crimes or not, as indicated by the Lord's words to David: "Saul and his bloody house, because he put the Gibeonites to death" (2 Sam 21:1).

Punishing Saul's descendants for what Saul did went counter to the usual biblical approach (Gen 9:6; Exod 21:12; Lev 24:17; Num 35:33; Deut 24:16; Ezek 18), which did not allow punishment of descendants of a guilty one for what that person had done, even if they were dead. In order to understand David's actions better, we will consider the concept of inheritance within a family and kingdom, as well as ancient Near Eastern laws concerning homicide.²²

²²See "Corporate Solidarity" and "Inheritance and Transfer of Guilt in the Ancient Near East" in this project.

The Problem of Theodicy

Second Samuel 21 presents a problem of theodicy: It is difficult to vindicate the goodness of a deity who seems to be appeased when seemingly innocent people suffered the punishment that Saul deserved (2 Sam 21:14). Yet compare the pentateuchal narrative of the Israelite's wilderness experience: After they had grumbled against the Lord, he told them that the generation of grumblers would die in the desert and that their children, who had not participated in their sin, would wander in the wilderness for forty years and would suffer for what their parents had done (Num 14:32-33). In his commentary on the book of Numbers, Milgrom comments on the relationship between retribution and mercy:

Thus, to judge by the Decalogue, there is no way that the doctrine of retribution can be interpreted as an aspect of God's mercy. To the contrary, it legalizes the divine right not to be bound by the principle of individual retribution that prevails in human justice (Deut. 24:16)—the divine right to punish the innocent along with the guilty.²³

God seems to be concerned with guarding against the shedding of innocent blood (Exod 23:7; Deut 19:8-10). So how could he be pleased by the suffering of innocent ones along with those who are being punished? Perhaps another question should be addressed: Could the modern reader be imposing modern cultural perspectives on an ancient society, which had somewhat different norms of justice, and in doing so distort the character of God?

History of Research

In addition to the lack of the original narrative concerning Saul's genocide of the Gibeonites, there are many haplographies and doublets in the Masoretic Text (henceforth

²³Milgrom, *Numbers*, 395.

MT) of Samuel. This has caused some to view the narrative regarding the punishment inflicted on Saul's descendants, as well as David's motives, with suspicion.

Rabbinic Interpretations

Rashi suggested that there were two causes for the famine: (1) Saul's killing of the priests of Nob because they had helped David (1 Sam 21; 22) and (2) the lack of Saul's proper burial. However, even though it appears as though Saul's descendants were wrongly killed for his actions, there may be another possibility: In support of the idea that it was Saul's improper burial that brought the famine, Rashi and Joseph Kara point out that it was only after Saul and his descendants were properly buried that God accepted their prayers and then removed the famine. Note that the Gibeonites are not mentioned in this theory. Pidanki suggested that the death of the priests took away the livelihood of the Gibeonites, which indirectly caused their death, even though it was acknowledged that there was a breach of Joshua's promise to the Gibeonites.²⁴

Rashi saw the Gibeonite's rejection of money as refusal to be appeased. Rashi and Joseph Kara believed that the Gibeonites, not Saul's genocide, were the cause of widespread suffering (i.e., the famine), and that if they had forgiven the house of Saul, the famine would have ended.²⁵ David Kimchi suggested that the phrase "chosen of the Lord" (2 Sam 21:6) is an indication that Saul had been forgiven by God for his sins. However, there is no indication from the books of Samuel that Saul ever acknowledged that he had sinned by breaking the treaty oath with the Gibeonites that had been made by the Lord's

²⁴*Talmud Bavli*, tractate Sanhedrin 90a.

²⁵*Talmud Yerushalmi*.

name and his death was not an expiation (see further below). Therefore, some rabbis appear to downplay the injustice perpetrated on the vassal Gibeonites after a covenant of peace had been made.

David's handing over of Saul's descendants to be killed seems contrary to the legislation of Deut 24:16, so Abarbanel suggested that the law applied only to humanly administered justice, but the heavenly courts were taking responsibility for the outcome. However, Rabbi Alschich rejected this position and suggested that it was the great profanation of God's name that made it permissible to offer up Saul's descendants. This follows the rabbinic principle that in time of religious crisis the Torah may be temporarily set aside.²⁶

Modern Research

Modern Jewish scholars have continued the discussion of earlier rabbis. Milgrom suggested that it is hardly likely that a God-fearing king like Saul would have committed genocide unless he felt compelled by God by divine imperative.²⁷ However, he also sees Saul's murder of the Gibeonites as a violation of an oath that required ransom.²⁸ Ginsburg suggested that the Gibeonites were merciless because they sought vengeance for Saul's murder of their forefathers, whereas Rabinowitz pointed out that in spite of their enormous poverty, the Gibeonites sought vengeance instead of money to buy bread.²⁹

One of the more common modern attempts to solve some of the difficulties in the

²⁶Abarbanel, Rashi.

²⁷Jacob Milgrom, *Leviticus 23-27* (New York: Doubleday, 2001), 2419.

²⁸Milgrom, *Leviticus 1-16*, 708.

²⁹*Daat Soferim*.

books of Samuel have been to relocate chps. 21-24.³⁰ The location of chs. 21-24 of 2 Samuel has been the primary element that has long caused scholars such as Wellhausen, Whybray, Flanagan, Blenkinsopp, Rost, and Cazelles to support the view that these chapters constitute an appendix that breaks up the succession theme in 2 Sam 9-20 and 1 Kgs 1-2.³¹ At first glance, this seems plausible, and yet there are other possibilities that are examined below. Although not concerned with a succession theme, Tigay suggests that 2 Sam 21-24 is a group of miscellaneous subjects placed together at the end of the books of Samuel.³² Jahn, later followed by Driver and Rost, first suggested that these chapters were placed there after the separation of the books of Samuel.³³ This theory has left scholars with the task of not only trying to reconstruct the chronology of 2 Sam 21, but to place the narrative of 2 Sam 21:1-14 back into the chronology of 2 Sam 9-20. Attempts have yielded very few satisfactory results.

Budde first attempted a reconstruction of 2 Sam 21 in 1894, and his original proposal has gone largely unchallenged for over one hundred years. The order of chapters that Budde proposed concerning 2 Sam 21 is as follows: 8:16-15 (his reversal), 17-18;

³⁰For more overview on transmission history, see P. Kyle McCarter, *1 Samuel* (ABC 9; New York: Doubleday, 1980), 3-11; Daniel Lee McNaughton, "A Comparative Analysis of Three Versions of 2 Samuel 21:1-14" (Ph.D. diss., The University of St. Michaels College, 2000), 1-9; William Yarchin, "The Warrior and the Shepherd" (Claremont: Claremont Graduate University, 1993), 1-38.

³¹Julius Wellhausen, *Prolegomena to the History of Israel* (Atlanta: Scholars Press, 1994), 262-63; R. N. Whybray, *The Succession Narrative: A Study of II Samuel 9-20; I Kgs 1 and 2* (London: S. C. M. Press, 1968), 10-50; James W. Flanagan, "Court History or Succession Document? A Study of 2 Samuel 9-20 and 1 Kgs 1-2," *Journal of Biblical Literature* 91 (1972): 172-81; Joseph Blenkinsopp, *Treasures Old and New: Essays in the Theology of the Pentateuch* (Grand Rapids: Eerdmans, 2004), 103.

³²Jeffrey Tigay, *Deuteronomy* (Philadelphia: JPS, 1996), 456, n. 46.

³³Johann Jahn, *Einleitung in die Göttlichen Bücher des Alten Bundes* (vol. 1; Vienna: Wappler & Beck, 1802), as cited in William Yarchin, "The Warrior and the Shepherd," 3; Samuel R. Driver, *Notes on the Hebrew Text of the Books of Samuel* (Oxford: Clarendon Press, 1890), 268; Leonard Rost, *The Succession to the Throne of David* (trans. M. D. Rutter and D. M. Gunn; Sheffield: Almond Press, 1982), 80. See also McNaughton, "A Comparative Analysis," 25, n. 33.

24:1-13, 11a, 14-13c, 17-16a (his reversal), 16b; 24-18-24; 21-14; 9:1-3; 4:4b; 9:4, 6-7, 9-8 (his reversal), 11-13; 10:2-6, 8-7 (his reversal), 9-12, 14-13 (his reversal), 16-19; 2:1-27; 12, and so on.³⁴ He believed that the position of chs. 21-24 at the end of 2 Samuel was due to an editor who was trying to remove the supposedly anti-Davidic passages from the main text. In addition, he was the first to recognize the literary structure of the narratives at the end of 2 Samuel regarding famine and pestilence (2 Sam 21:1-14; 24), the recounting of heroes and their deeds (21:15-22; 23:8-39), as well as poetic compositions (22; 23:1-7).

A more moderate position taken by Carlson and McNaughton leaves out much of Budde's text arrangement, but they still place 21:1-14 before ch. 9.³⁵ However, both proposed placements ignore what appears to be a purposeful symmetry in the books of Samuel.³⁶ Klement sees these books as a carefully structured literary unit that emphasizes God's role in the radical social changes in the monarchy, which stands in contrast to the claims of the ruler on the throne.³⁷ This is true for the reigns of both Saul and David. He also sees the placement of 2 Sam 21-24 at the end of the books as a sort of summary of the rest of David's reign.

Overall, reconstruction efforts mentioned thus far have been largely unhelpful as the solutions offered reorganize the text virtually beyond recognition in terms of logical

³⁴Karl Budde, *The Books of Samuel: Critical Edition of the Hebrew Text* (Baltimore: Johns Hopkins Press, 1894), 35-38.

³⁵R. A. Carlson, *David the Chosen King: A Traditio-Historical Approach to the Second Book of Samuel* (trans. E. J. Sharpe and S. Rudman; Uppsala: Almqvist & Wiksells Boktryckeri AB, 1964), 198-200; McNaughton, "A Comparative Analysis of Three Versions of 2 Samuel 21:1-14," 25, n. 33.

³⁶For a suggested structure of the books of Samuel, see David Dorsey, *The Literary Structure of the Old Testament: A Commentary on Genesis-Malachi* (Grand Rapids: Baker Books, 1999), 133-35.

³⁷Herbert H. Klement, *II Samuel 21-24: Context, Structure, and Meaning in the Samuel Conclusion* (New York: Peter Lang, 2000), 247-49.

narrative sequence. However, Klement's proposal offers a more substantial basis on which further considerations can be developed.

Segal criticized Budde's purposed textual order in 1918.³⁸ He believed that Budde and other critics interpreted "Is there yet anyone left (נותר) of the house of Saul?" in 2 Sam 9:1 too literally when they concluded that this was David's response after he killed Saul's descendants (2 Sam 21:8-9). Instead, he proposes that David's question in 2 Sam 21:3 came even before the death of Saul and his sons in Mt. Gilboa as well as Ish-bosheth, a solution which leaves the book of 2 Samuel more intact than Budde's proposal.³⁹

Later, Fokkelman suggested four sequences in 2 Sam 21:1-14: The first three (v. 1, v. 2, vv. 3-6) are disjunctive but become conjunctive, resolving these tensions in the last sequence (vv. 7-9). In other words, the first three sequences set up an increasing tension regarding succession: David discovered that Saul was responsible for the famine and this knowledge required him to act by calling the Gibeonites so that he could ask them what he could do to make expiation. Only then can the Gibeonites make their request.

This request was the height of the tension that required resolution: What will David do? David took only some of Saul's descendants and gave them to the Gibeonites, who hung them before the Lord, and so he did not wipe out Saul's entire house (cf. 2 Kgs 10:11), which maintained his vow to Jonathan (1 Sam 20:14-16). Thus Fokkelman views the events of vv. 1-14 as David's concern for his own country, rather than seeking political

³⁸M. H. Segal, "Studies in the Book of Samuel II," *Jewish Quarterly Review* 9 (1918-19): 43-70.

³⁹*Ibid.*, "Studies," 54-55.

expediency.⁴⁰ Of course, there are many other incidents in David's life in which his political savvy is clear (e.g., 1 Sam 18:17-26; 2 Sam 3:14, 15; 3:39, with 1 Kgs 2:5; 11:1-15).

In spite of these opposing opinions, the view that has persisted in scholarship since Budde suggests that these events took place near the beginning of David's reign. This may not be correct but it is an argument that also supports the succession theory that David was trying to get rid of Saul's descendants in order to secure his position as king.⁴¹ The belief that this is simply Davidic propaganda seems plausible on the surface but may not withstand further examination.⁴²

The succession narrative theory has led other scholars, such as Malamat, Whitelam, Vanderkam, and McNaughten to interpret Shimei's accusations (1 Sam 16:7-8) and David's confession (2 Sam 9:1), as indicating David's culpability for the death of Saul's seven sons. Not only do they see this as sufficient evidence to place this narrative prior to 9:1, but they also view their interpretations as indicative of the general suspicion in Israel of David's motives in putting Saul's descendants to death, and that he allowed the Gibeonites to act in vengeance as a means of serving his own purpose.⁴³

⁴⁰J. P. Fokkelman, *Narrative Art and Poetry in the Books of Samuel* (vol. 3; Assen, Netherlands: Van Gorcum, 1990), 272-73.

⁴¹Joseph Blenkinsopp, *Gibeon and Israel: The Role of Gibeon and the Gibeonites in the Political and Religious History of Early Israel* (Cambridge: University Press, 1972), 89-90; Keith W. Whitelam, *Just King: Monarchical Judicial Authority in Ancient Israel* (Sheffield: JSOT Press, 1979), 113, n. 50.

⁴²Rost, *The Succession to the Throne of David*. This is a translation of Rost's *Die Überlieferung von der Thronnachfolge Davids* (BWANT 42, 3rd series, vol. 6; Stuttgart: Kohlhammer, 1926); Keith W. Whitelam, "The Defense of David," *Journal for the Study of the Old Testament* 29 (1984): 65-68.

⁴³A. Malamat, "Doctrines of Causality in Historiography," *Vetus Testamentum* 5 (1955): 1-12; Blenkinsopp, *Gibeon and Israel*, 136, n. 31; Whitelam, *The Just King*, 76; James C. Vanderkam, "Davidic Complicity in the Deaths of Abner and Eshbaal," *Journal of Biblical Literature* 99 (1980), 521-39;

While many scholars have attempted to reorganize the text, there are others who have dealt with the narrative as it is. In an attempt to explain the purpose of the narrative, Cazelles proposed that 2 Sam 21:1-14 is actually an example of an agricultural ritual performed by Rizpah, to which the sacrifice of Saul's descendants belongs, which ultimately ended successfully in rain.⁴⁴ However, this position clearly ignores key components of the narrative (2 Sam 21:10), looking only at Rizpah's actions without the context provided by the earlier part of the narrative (vv. 1-9).

Taking the propaganda position a bit further, Carlson follows Rost in that he views the location of this narrative as an editor's attempt to clear David from any appearance of being involved in the homicide of Saul's descendants.⁴⁵ In his further character evaluation of David, Perdue sees David's instructions to Solomon regarding Joab and Shimei (2 Kgs 2:5-6, 8-9) as evidence of his deceitful nature, a trait that he passes on to Solomon.⁴⁶ Certainly it is possible to read the narrative as a dark portrayal of David's character, yet Fokkelman has given sufficient reason to doubt this portrayal.⁴⁷

Perdue goes on to suggest that there is an intentional ambiguity regarding the character of David as presented in the books of Samuel.⁴⁸ He does not reject the

McNaughton, "A Comparative Analysis, 26; J. Pederson, *Israel: It's Life and Culture* (vol. 2; Atlanta: Scholars Press, 1991), 65.

⁴⁴H. Cazelles, "David's Monarchy and the Gibeonite Claim," *Palestine Exploration Quarterly* 87 (1955): 165-67.

⁴⁵Carlson, *David, the Chosen King*, 178; Vanderkam, "Davidic Complicity," 538, n. 50.

⁴⁶Leo Perdue, "'Is There Anyone Left of the House of Saul . . . ?' Ambiguity and the Characterization of David in the Succession Narrative," *Journal for the Study of the Old Testament* 30 (1984): 79.

⁴⁷McNaughton, "A Comparative Analysis," 26, 27.

⁴⁸Perdue, "Is There Anyone Left of the House of Saul?" 80.

interpretation of a negative succession element, but neither does he accept the view that David is portrayed as above suspicion. Perdue and Brueggemann join Malamat, Whitelam, Vanderkam, and McNaughten (see above) in seeing the existence of a certain level of suspicion regarding David's disposal of Saul's family as a result of what they believe is ambiguity with regard to David's character.⁴⁹ Yet David's consistent respect for God's anointed one in life and even in death, as will be seen below, casts doubt on this theory.

Eissfeldt, Flanagan, McCarter, and Blenkinsopp also joined the position of Perdue and others mentioned above in their attempts to explain the purpose of 2 Sam 21, while other scholars continue to follow Budde and Carlson in taking the view that the placement of chs. 21-24 as a coincidental appendix was the redactor's way of cleaning up David's image.⁵⁰ However, the belief that the author of Samuel was trying to give David a squeaky clean image seems to be imposing the Chronicler's methodology on the author of the books of Samuel. In fact, some of the worst moments of David's life are left in place in Samuel (2 Sam 11-20).

One of the few voices contra the view that the author of the books of Samuel was trying to clean up David's image is that of Childs. He points out that the author of the books of Samuel is actually at pains to demonstrate that David was not behind the end of the house of Saul, but that Saul's bloodguilt called for justice before the law.⁵¹ This

⁴⁹Ibid., "Is There Anyone Left of the House of Saul?" 67-84; Walter Brueggemann, "2 Samuel 21-24: An Appendix of Deconstruction?" *Catholic Biblical Quarterly* 50 (July, 1988): 386.

⁵⁰Carlson, *David*, 194-259; Otto Eissfeldt, *The Old Testament: An Introduction* (trans. P. R. Ackroyd; Oxford: Western Printing, 1965), 277-81; Flanagan, "Court History or Succession Document?" 176, nn. 22, 23; McCarter, *1 Samuel*, 16-19; Blenkinsopp, *Treasures Old and New*, 102-103.

⁵¹Brevard Childs, *Introduction to the Old Testament as Scripture* (Philadelphia: Fortress Press, 1979), 273-75; Herbert H. Klement, *II Samuel 21-24: Context, Structure and Meaning in the Samuel*

supported by the fact that it was the Lord who brought Saul's crimes before David (2 Sam 21:1). Childs is on target when he concludes that disregarding the canonical shaping and substituting a reconstructed philosophy from which to extrapolate the theological significance of this narrative constitutes a very flimsy foundation on which to base judgments of David's motives and character.⁵²

In his brief discussion on this passage, Sheppard also views chs. 21-24 as generalizations of the story of David's succession. Interestingly, however, he views the literary purpose of 2 Sam 21:1-14 not as a portrayal of historical details but as a retrospective view of how David dealt with inherited guilt and punishment.⁵³

Unfortunately he goes no further in this assessment, other than to note that 2 Sam 21:1-14 suggests David's innocence in the matter and that it acknowledges his ability to seek God and pursue the right course of action.

In his 1994 work, Stoebe found three divisions in 2 Samuel: 1-8, 9-20, and 21-24, each of which begins with a narrative about Saul's family.⁵⁴ This literary pattern places Saul's actions in parallel to David's actions, contrasting their respective reigns. In chs. 21-24, Saul's guilt (21:1-14) is placed in contrast to David's guilt (24) and gives clear character distinctions regarding the way each took care of, or failed to take care of, his own offenses. Klement develops this theory further.

Conclusion (Frankfurt am Main: Peter Lang, 2000). Michal's own childlessness would have also significantly contributed to the demise of Saul's house (2 Sam 6:23).

⁵²Childs, *Introduction*, 179.

⁵³Gerald Sheppard, *Wisdom as a Hermeneutical Construct* (New York: Walter de Gruyter, 1980), 147.

⁵⁴Matthias Köckert, "Das zweite Buch Samuelis" (review of H. J. Stoebe), *Zeitschrift für alttestamentliche Wissenschaft* 109 (1997): 162.

Klement's dissertation on 2 Sam 21-24 looked more closely at the structure of the books of Samuel and the message that the author was conveying. Like his predecessors, he sees the primary reason for these chapters as the comparison and contrast between the reigns of Saul and David. Within chs. 21-24, he points out that David's loss of seventy-thousand subjects (2 Sam 24:15) may have exceeded Saul's loss of seven descendants (2 Sam 21:19), which initially appears to support the idea that David was really much worse a king than the text is portraying.⁵⁵ However, to have one's descendants cut off (כרתה), as Saul's were, was considered a most serious punishment (Num 15:30, 31).

Perhaps a more striking contrast is one that Klement points out in terms of famine and food. David, who was from Bethlehem (or "house of bread"), first encounters Saul as a delivery boy bringing food for his older brothers (1 Sam 17). Later he flees from Saul and receives those who are in distress (1 Sam 22:2). He and his men are fed by Abigail when he abandons his vengeful plan (1 Sam 25). During his flight from Jerusalem, David is given plenty of provisions (2 Sam 16:1-2). Even a later prophet recorded these words concerning David: "Then I will set over them one shepherd, My servant David, and he will feed them; he will feed them himself and be their shepherd" (Ezek 34:23). However, Saul's legacy is famine and starvation of his people (1 Sam 14:24-26; 28, 31; 2 Sam 21:1). Food is a blessing from the Lord (Deut 32:13-14), but famine is a curse (Deut 32:24).

Generally speaking, an author's non-chronological presentation emphasizes the theme rather than the timeline of a narrative.⁵⁶ Because we all are outsiders to the narrative

⁵⁵Klement, *II Samuel 21-24*, 165.

⁵⁶The six smaller narratives in 2 Sam 21-24 certainly belong somewhere in the larger overall narrative, although it is beyond the scope of the present project to pursue this. An example of this can be seen in the book of Judges. Judges 1-16 is in chronological order, while chs. 17-21 contains separate narratives

of 2 Sam 21:1-14, it is easy to misunderstand the events as they are recorded, thereby missing the message that the author intended to portray. Grimes has pointed out that when we misunderstand an event, we then wrongly categorize it, with the result that we miss the point of the narrative.⁵⁷ As has been suggested by Sheppard, it appears possible that the purpose of ch. 21 is to demonstrate how David dealt with the question of inherited guilt and punishment. This idea will be more closely examined in this project. Although scholars have analyzed the structure and placement of 2 Sam 21-24 for quite some time, scholarly conclusions have varied little from early proposals, and they have failed to adequately achieve their purpose in the present context. It is true that the books of Samuel contain comparisons between the reigns of Saul and David, and the succession theme in the books of Samuel should not be denied. However, the latter should not eclipse the messages of the various narratives in their contexts.

In addition to his role in 2 Sam 21:1-14, David's behavior in another case should be taken into account. If David were acting in a manner consistent with succession motives, then it would be politically counter-productive to kill more members of Saul's house after the deaths of Saul, Abner, and Amasa.⁵⁸ Certainly Abner's own actions demonstrate this. As the house of Saul grew weaker and the house of David grew stronger, Abner was becoming stronger within the house of Saul. After Ishbosheth angered Abner (2 Sam 3:8), Abner spoke with the elders of Israel (v. 17) and in the hearing of the tribe of Benjamin

about the spread of idolatry to the tribe of Dan and the gruesome events surrounding the Levite's concubine. This section (Judg 17-21) contains two accounts concerning the lowest point of Israel's history. So the fact that 2 Sam 21-13 appears to be non-chronological raises the question: What is the theme that determines the order? Interpretations of these chapters as pro-Davidic propaganda do not provide adequate support for this as the theme because these narratives lack specific historical context.

⁵⁷Ronald Grimes, "Infelicitous Performances and Ritual Criticism," *Semeia* 41 (2006): 115.

⁵⁸Private communication with Roy Gane.

and David (v. 19) in order to bring them together, not kill them, under David's leadership (vv. 9, 10). As a result, David made a covenant of peace with Abner, which sealed the unification (vv. 12, 23). Deaths of Saul's descendants were not necessary or helpful to David's succession scheme (cf. Num 35:33).

Statement of the Problem

Ancient commentators appear to mitigate the severity of Saul's actions whereas many modern interpretations view the narrative of David's actions in 2 Sam 21-13 as succession narrative propaganda. However, it appears that the author may have had another purpose for this section. It is the goal of this thesis to evaluate why God appears to have been appeased by the death of seven of Saul's descendants for what he did. At first glance this appears to contradict norms expressed in Scripture (Gen 9:6; Exod 21:14; Num 35:33; Deut 24:16; Ezek 18).

Scope of the Thesis

Thus far the nature of Saul's crime has been opened up, along with the problem in remedying it, and how this relates to theodicy. In the remainder of this thesis, the investigation will be broadened. The concept of *kipper*, "expiation," through retributive justice through retributive justice for homicide will be assessed in Scripture and the ANE. In particular, non-substitutionary *kipper* will be addressed, as it is a key concept in assessing David's actions in 2 Sam 21:1-14. Then the sociological background of the ANE will be investigated in order to understand the issue of inherited responsibility, including at the level of the king. The concepts of communal responsibility and ruler punishment will be explored, as these played roles in the ANE, including Israel, and one may think that at least one of these could underlie the dynamics in 2 Sam 21:1-14.

CHAPTER II

KIPPER THROUGH RETRIBUTIVE JUSTICE FOR HOMICIDE

Interpreters have suggested that the death of Saul's descendants in 2 Sam 21:1-14 was simply a move to secure David's succession.¹ However, most scholars overlook the word *כִּפֶּה*, "to expiate" (2 Sam 21:3), and only see the means by which David allowed expiation to be made. This single word moves the narrative from the realm of succession to the religious domain. This section examines the matter of making expiation by means of retributive justice as well as the fourth possibility that Saul's descendants were involved in actually committing his sin and so their deaths were their punishment.

Retributive Justice for Homicide Administered by Humans

It appears that the execution of Saul's descendants for what he did was contradictory to Israel's laws (cf. Deut 24:16). In order to better understand the means by which David made expiation in 2 Sam 21:1-14, the background of homicide laws and justice in the Ancient Near East will be compared to those of Israel.

Retributive Justice in the Ancient Near East

In the Ancient Near East, it was believed that the gods were responsible for justice. Even though the appointment to do justice was divine in origin, there are few references to

¹See the section on the History of Research for discussion on this issue.

the gods themselves as judges in individual cases.² Although Shamash, Nanshe, and other Mesopotamian deities were considered responsible for carrying out justice, such a role for Ugarit deities has yet to be found.³ More frequently, the gods were mentioned in lists of witnesses to oaths and treaties and, as such, they were to carry out the punishment should the treaties be broken (cf. Lev 20:4, 5). In this regard, they acted as judges.

Injustice in the world was not blamed on the gods, but on humans or demons. What might appear to be divine injustice was explained as a failure of the gods to convey their expectations to humans. An example of this concept is seen in the *Atra-Ḫasīs* epic. Enki reproved Enlil for causing a flood in his arbitrary attempt to kill annoying humans, to whom he had failed to disclose the cause of his displeasure. Enki also told him that it was he (Enki) who had saved the humans by telling Atra-Ḫasīs to build a boat.⁴ Enki's speech conveys the idea that Enlil was an incompetent judge of humans, rather than simply an unjust judge. Royal inscriptions typically extol the many virtues of the monarch, one of which was royal justice, and the title of king as "judge" was a common epithet.⁵ It was said that the king was appointed by the gods to uphold justice in the land, a concept that

²For example MAL A 1, 25 (Martha Roth, *Law Collections from Mesopotamia and Asia Minor* (Atlanta: Scholars Press, 1997), 155, 162-63); see also Num 5:11-31.

³"To Nanshe," translated by Wolfgang Heimpel (*COS*, 1.162:528-31); M. C. A. Korpel, *A Rift in the Clouds: Ugaritic and Hebrew Descriptions of the Divine* (Münster: Ugarit-Verlag, 1990), 286-87.

⁴W. G. Lambert, *Atra-Ḫasīs: The Babylonian Story of the Flood* (Winona Lake: Eisenbrauns, 1999), 87-105.

⁵Although it is impossible to give an exhaustive list here, see the Prologue to the Code of Ḫammurabi in Robert Frances Harper, *The Code of Ḫammurabi* (Chicago: The University of Chicago Press, 1904), 3, 7; Urukagina of Lagaš, Sargon of Accad, Ur-Engur (king of Ur), and Lipit-Ištar of Isin in Driver and Miles, *Assyrian Laws*, 5; Ititi, Ashur-Uballit I and his son, Enlil-Narai, Adad-Narai I and his father, Arik-din-ili (son of Enlil-Narai), Shalmaneser I (son of Adad-Narai I), Tukulti-Ninurta I, Ninurta-Apiel-Ekur, Ninurta-Tukulti-Ashur in Albert Kirk Grayson, *Assyrian Royal Inscriptions* (vol. 1; Wiesbaden: Otto Harrassowitz, 1972), 2, 46, 52, 72-73 and 76, 98 and 100, 131-2, 140, 144, respectively; LE 48, 58, LH 129, MAL A, MAL B 3, MAL C 8, MAL E 1, MAPD 18 in Roth, *Law Collections*, 66, 68, 105, 172-73, 176, 184, 186, 203-4, respectively; Westbrook, *History*, 150, 230, 366-67, 570, 626, 659; Text III in King, *Boundary Stones*, 9-18.

reflected the belief that justice had its origins in the divine realm.⁶ Doing justice was seen as the most important task of a king's administration. If he judged fairly, he would garner the favor of the gods. According to the law codes, certain serious crimes involving capital punishment, such as adultery, sorcery, homicide, and those affecting the state, were heard only by the king.⁷ He could also judge more trivial cases.⁸ Even when he was not directly involved in the judicial system, the king was still its guardian per the divine mandate,⁹ and in return, he called for absolute loyalty from his subjects.¹⁰ Cases that were not brought before the king were taken to judges who sat in the gate.¹¹

While it was the responsibility of the king to carry out justice, the initiative for prosecution lay on the injured party. One of the ways by which justice was sought was by an oppressed individual "crying out." A prophetic discourse to Zimri-Lim contains the imperative to respond to the call of the oppressed and render them a judgment. Following are the words: "This I have asked, this I have written, that you do this, you pay attention to my word and the country."¹² While this prophetic discourse is seen as a strong parallel to

⁶Shamshi-Adad I, Adad-Narari I in Grayson, *Royal Inscriptions*, 1:24 and 27, 70; Esther Flückiger-Hawker, *Urnamma of Ur in Sumerian Literary Tradition* (Fribourg: University Press, 1999), 50.

⁷LE 48, 58, LH 129, MAL A 15, 47, MAL C & G 10, HL 111 (Roth, *Law Collections*, 66, 68, 105, 158, 172-73, 185, 230); Westbrook, *History*, 739. For an unusual case of a king sitting in on a case of sacrilege, see Westbrook, *History*, 193.

⁸MAL C & G in Roth, *Law Collections*, 184; Westbrook, *History*, 887.

⁹Although Erishum I spoke of "seven judges," of whom he does not appear to be one, the importance of their role is clear in this inscription. Roth, *Law Collections*, pp. 12-13.

¹⁰Whitelam states that, although the theory was that the king was subject to the law, it was demonstrated that the king often lived outside of the law and, because there was no temporal authority capable of bringing the king to court, the only appeal was to the divine. Whitelam, *Just King*, 25.

¹¹Grayson, *Royal Inscriptions*, 1:12-13, 63.

¹²M. Anbar (Bernstein), "Aspect Moral Dans Un Discours "Prophetique" De Mari," *Ugarit-Forschungen* 7 (1975): 517, translation mine.

Jer 22:3, the biblical prophet Isaiah also describes the rulers of his time as those who, among other things, were responsible for defending the orphan and hearing the widow's case (Isa 1:23; cf. Exod 22:22-24).¹³ Women, children, and slaves were excluded from any active part in legal trials. Because they were vulnerable and dependent, we see the repeated emphasis on not withholding justice from these members of society (Exod 22:22, 23; Deut 27:19; Jer 7:5-7; Ezek 22:7; Zech 7:8-10; Mal 3:5).

In Egypt, *ma'at*, or morality and justice, was considered to be the king's offering to the gods and, at the same time, a divine requirement.¹⁴ In a text from the Middle Kingdom, a peasant cries out after Thutnakht robbed and beat him. Thutnakht commands him to be silent, but the peasant continues his protest against Thutnakht's thievery, including stealing the complaint from his mouth.¹⁵ After appealing to Thutnakht to no avail, the peasant then appealed to Rensi (son of the Chief Steward Meru) nine times. In his first appeal he said to Rensi:

Because thou art the father of the orphan, the husband of the widow, the brother of the divorcee, and the apron of him that is motherless. Let me make thy name in this land according to every good law: a leader free from covetousness, a great man free from wrongdoing, on who destroys falsehood and brings justice into being, and who comes at the cry of him who gives voice. When I speak, mayest thou hear. Do justice, thou favored one whom the favored ones favor! Dispose of my burdens. Behold me, how burdened I am! Count me: behold, I am lacking!

Here the peasant is appealing to Rensi's justice in all facets of society (cf. Deut 10:18; Ps. 68:5; Isa 54:5a). After the peasant's ninth appeal, Rensi sent all of his appeals to Nebkaure, the king of Upper and Lower Egypt. The king was very pleased and passed the

¹³This was a standard topos in the ancient Near East in the description of a king's responsibility. See Jerrold S. Copper, *Presargonic Inscriptions* (New Haven: American Oriental Society, 1986), 73; Flückiger-Hawker, *Urnamma*, 56.

¹⁴Whitelam, *Just King*, 27.

¹⁵"The Protests of the Eloquent Peasant," translated by John A. Wilson (*ANET*, 408, lines 25-30).

duty of carrying out justice back to Rensi (cf. 2 Sam 21:3-9), who decreed that all of Thuknakht's property be given to the peasant. Seizing one's property as retributive punishment is not without parallel in Scripture. In the curses for disobedience found in Deut 28:30-33; 38-44, all that a human would count as possessions of one's house would be taken by another: wife, house, field, vineyard, livestock, children, and money. The house of Haman was given to Queen Esther after he was hung (Esth 7:10-8:1). For Mephibosheth's disloyalty, David gave his possessions to Ziba (2 Sam 16:1-4).

Homicide

The first six Hittite Laws deal with various compensations for the accidental death of slaves or freemen. The compensations included covering the burial costs as well as replacing the victim with human reparation in the form of servants.¹⁶ However, in the case of the abduction of a woman (HL 28), the one about to kill an abductor had to first yell out "You have become a wolf," indicating that his behavior was illegal and so he was no longer protected by the law.

In the Telipinu Edict, the heir of a murdered man decided what was to be done. If he decided the murderer was to die, then the penalty was execution, but if he required compensation, then the murderer was to provide this. Such a homicide case did not come before the king, but remained within the jurisdiction of the family of the victim.¹⁷

Westbrook noted that murder was rarely mentioned in any period of Egyptian rule.¹⁸ The reasons for this are unclear, as it is unlikely that Egypt was without serious

¹⁶Roth, *Law Collections*, 217-18.

¹⁷*Ibid.*, 237.

¹⁸Westbrook, *A History*, 130, 343, 810, 853.

violence. Perhaps this was because cases remained within the jurisdiction of the family, as in the Telipinu Edict, and so did not come before the king. As with Hittite jurisprudence, Middle Assyrian law and Neo-Babylonian laws state that the punishment of the murderer is left to the head of the victim's family.¹⁹ The heir of the victim could choose the death of the murderer or compensation, including property or persons or, if the murderer was an heir, his inheritance.²⁰

During the Middle and Old Babylonian periods, the king sat as judge. In the OB period, distinction was made between pre-meditated and accidental death. The same punishments carried out on murderers also applied to those who were not directly involved in the murder but who knew of it but did nothing to prevent it (cf. Exod 21:29).²¹

Retributive Justice for Homicide in Israel's Monarchy

The Lord clearly stated the limits of retribution (Num 35:6-31), the value He places on human life (Gen 9:6; Exod 21:23; Num 35:32), and that the one who committed the crime was to be punished (Gen 9:6; Exod 21:12; Num 35:33; Deut 24:16), so why did David put Saul's descendants to death? On the surface it appears that David acted in harmony with cultural norms and in opposition to biblical homicide laws, but is it possible that he acted in harmony with divine law (2 Sam 21:14; 24:25)?

As the representative of the deity, an Israelite king was responsible for doing justice.²² It is said of David that he administered justice and righteousness for all his people

¹⁹Ibid., 489, 515.

²⁰Guillaume Cardacia, *Les Lois Assyriennes* (Paris: Les Éditions Du Cerf, 1969), 264-65.

²¹Westbrook, *A History*, 414.

²²Cf. 2 Sam 15:4; 2 Kgs 6:26-30; Jer 22:3, 13, 15, 16; 23:5; 33:15.

(2 Sam 8:15), but the biblical text is notably silent regarding Saul in this matter. Whitelam pointed out that, as the head of the judiciary, David was above and outside of the law, although he was ultimately subject to divine justice.²³ Perhaps this can be seen as a plausible argument for why David appears to have disregarded Israel's laws on retribution (Deut 24:16). However, for the people of Israel, divine laws were the civil laws. So the king was also subject to them and to prophets who reiterated them (Deut 17:18-20). Even though Scripture does not speak of the Gibeonites as having "cried out" to David, it appears as though the injustice done to them compelled the Lord to act on their behalf (2 Sam 21:1). Since they could not initiate the appeal themselves, the Lord got David's attention for them. Once David became aware of the bloodguilt, he was responsible for seeing that retributive justice was carried out.

Homicide

There are several biblical laws concerning retributive justice at varying levels, but only those dealing with homicide are briefly examined here.²⁴ One of the key differences between ANE and biblical law in the area of homicide has particular relevance for the narrative of 2 Sam 21:1-14. The poetic first words concerning homicide are found in Gen 9:6, which appears to be the basis for biblical homicide law (Exod 12:12-14; Lev 24:17; Num 35:19-27, 33). Because humans are made in the image of God, murder is beyond any other form of compensation and so murder can only be remedied by the death of the

²³Whitelam, *Just King*, 129.

²⁴Although beyond this project, there are ANE similarities to biblical laws regarding homicide. For example Exod 21, Lev 24:17-20, and Deut 19:14-21 have parallels in: Hittite laws: 1-8, 10, 17, 19, 34, 168, 169; CH: 168, 195, 196, 199, 206, 207, 209; etc. One of the more notable differences even in these laws is the amount of reparation. In the Hittite laws, the death of a free person or a slave is paid back with two persons. This stands in contrast to the one-to-one ratio in the biblical laws, as one person was not more valuable than another.

murderer.²⁵ Here (Gen 9:6) it is clear that capital punishment for murder has divine sanction. Furthermore, although explicitly stated only in Num 35:31, no money or property may compensate for the shedding of blood. The indefinite phrase “by man” (Gen 9:6) places the responsibility for the administration of justice on humans.

Macholz has suggested that the monarchy of Israel did not introduce a new legal system, but simply took over the jurisdiction of the commander of the levy during the premonarchical period and the duties of the “judges.”²⁶ Similarly, Whitelam concluded that the model on which Israel’s judicial system was based was not a foreign, external model; rather, it contained elements that were in existence within Israelite society.²⁷ However, few of the laws found in the biblical text have their origin with a human king, as do the other law codes of the ancient Near East. Instead, most of them are presented as originating from the divine lawgiver, the living God of Israel, whose laws were not only beneficial for the time they were given at Sinai, but also for generations to indefinite futurity.

We cannot deny the clear connections between Israel’s body of law and the broader ANE laws. It appears that the Lord chose to work with what was familiar to his people in time and in culture but altered it to represent his justice.

One example of Israelite retributive justice can be seen in the narrative of 2 Sam 2. While serving as commander of David’s army, Joab’s men entered into a rather deadly martial game with Abner’s men, which became a severe battle (v. 17). During the battle, Joab’s brother, Asahel, pursued Abner. Even after Abner warned him that he would strike

²⁵Moshe Greenberg, “Some Postulates of Biblical Criminal Law,” in *Yehezkel Kaufmann Jubilee Volume* (ed. M. Haran; Jerusalem: Magnes Press, 1960), 15-16.

²⁶Von Georg Christian Macholz, “Die Stellung des Königs in der israelitischen Gerichtsverfassung,” *Zeitschrift Fur Die Alttestamentliche Wissenschaft* 84 (1972): 157-82.

²⁷Whitelam, *Just King*, 69.

him, Asahel continued and so Abner killed him. Although that conflict ended, Joab, Asahel's brother, carried a grudge.

After David made peace with Abner, Joab's anger toward him continued. As a blood avenger (2 Sam 3:27, 30; cf. Num 25:16-21), Joab killed Abner. However, Abner had killed Asahel in a battle between two governments, which is clear in the phrase "the men of Israel were beaten before the servants of David" (v. 17). Since the original battle was political and not personal, Joab was a representative of David's kingdom and had no right to seek Abner's death in personal vengeance (2 Sam 3:28-30).

In another narrative, David replaced Joab with Amasa as commander of David's army (2 Sam 19:13). Once again, Joab, dressed in his military attire, murdered another representative of David's kingdom, perhaps out of jealousy (2 Sam 20:8-10). Later, David commanded Solomon to kill Joab for what he had done to Abner and Amasa while there was a covenant of peace in place (cf. 1 Kgs 2:5). In these narratives, we can see the principle of retributive justice both correctly and incorrectly applied. Joab incorrectly applied it with regard to Abner, whereas David correctly applied it with regard to Joab.

Saul may have thought he was correctly applying retribution in the case of the Gibeonites, but he was committing murder, not applying justice. Although it has been suggested that David also failed in applying it correctly in the case of the Gibeonites, it should be noted that, in the end of this narrative, the Lord "was moved by prayer for the land" (2 Sam 21:14). This phrase and its reappearance in 2 Sam 24:25 may provide an important key to understanding the significance of the events in 2 Sam 21:1-14.

Retributive Justice Administered by the Deity

Retributive justice as administered by humans has been addressed, but what about

retributive justice administered by God? This is important with regard to 2 Sam 21:1-14 because if David failed to carry out justice for the Gibeonites, then the bloodguilt of Saul's house would have rested on David's house. As king of Israel, the only higher authority than David was God. If David failed, then God would have to act to restore justice (Lev 20:4, 5). Retributive justice administered by God had very serious implications, as indicated by his penalty "cut off" (כרתה; Lev 20:1-16).²⁸ The Qumranites defined this term as expulsion or excommunication from the community (1 QS 8:22-24). Medieval scholars viewed כרת as childlessness, premature death, death of descendants, and death of soul and body.²⁹ Although there has been no consensus as to the exact nature of the penalty, it is clearly carried out by the deity and involved the death of the sinner and/or cutting off one's line of descendants (Lev 20:2-3; Num 15:30-31; 19:13, 20).³⁰

If an individual committed a high-handed (i.e., defiant) sin, then he was cut off (כרתה) by God (Num 15:30-31). Not only defiant sins, but also any culpability that had not been expiated by the Day of Atonement was cause for the *kareth* (כרתה) penalty (Num 15:30-32; Lev 16:16, 21).³¹ Willful negligence of purification from corpse contamination caused defilement of the sanctuary, which was punishable by the *kareth* (כרתה) penalty (Num 19:13, 20). This penalty was a divine extirpation that involved the untimely death of the sinner and the termination of lineage (Num 19:13, 20).³² In spite of this, it is clear in

²⁸Wold, "The Meaning of the Biblical Penalty KARETH"; Schwartz, "The Bearing of Sin," 15; Roy Gane, *Cult and Character* (Winona Lake: Eisenbrauns, 2005), 293.

²⁹Milgrom, *Leviticus 1-16*, 457.

³⁰Ibid., 458-69; Schwartz, "The Bearing of Sin," 13.

³¹Milgrom, *Leviticus 1-16*, 295-96; Schwartz, "The Bearing of Sin," 13-15.

³²Wold, "The Meaning of the Biblical Penalty KARETH," 58; Schwartz, "The Bearing of Sin," 15; Gane, *Cult and Character*, 293.

Scripture that God can save all sinners apart from the rituals. He does so by remembering His covenant, by forgetting the sin (Deut 4:31; Isa 43:25), blotting out iniquities (Ps 51:9), treading all sins under foot and casting them into the depths of the sea (Mic 7:19) if there is genuine repentance. King Manassah, the most wicked of all Judahite monarchs, repented and was forgiven (2 Chr 33), but King Saul was apparently too stubborn to submit to God. So his bloodguilt remained.

If the land became polluted by the sins of the people who violated the covenant (Lev 18; 20; 26; cf. Isa 24), punishment was exile of the community (Lev 18:28:14-38; 26; cf. Gen 4:14, 16; 2 Sam 13:38).³³ Although God could directly cause their exile, there was an additional possibility for punishment connected to the land. This curse for disobedience is found in Deut 28: “The heaven which is over your head shall be bronze, and the earth which is under you iron, the Lord will make rain of your land powder and dust; from heaven it shall come down on you until you are destroyed” (Deut 28:23, 24). If this condition lasts long enough, it is possible to see how the inhabitants would become exiles, spewed from the land they polluted (Lev 18:27, 28) as living conditions would become untenable as they did for Abram, Isaac, and Egypt in the days of Joseph (Gen 12:10; 26:1; 41:54). This background sheds light on 2 Sam 21.

In 2 Sam 21:3, the Aramaic Targums Onkelos and Jonathan add, “So that you may bless the inheritance *of the people* of the Lord” to David’s words to the Gibeonites (emphasis mine). This inheritance of the people of the Lord was the land that they were to live on and eat from (Num 26:52-56; Deut 6:10-15). A famine could severely affect the

³³Milgrom, *Leviticus 1-16*, 257.

inheritance that the Israelites were promised and would force them to leave it in order to search for better food sources.

2 Samuel 24

The phrase translated “moved by prayer for the land” appears only two times in the Hebrew bible (2 Sam 21:14; 24:25). This link may provide an important interpretive key. The Lord’s notification to David that Saul’s house was a house of blood guiltiness is a clear indication that Saul had committed murder as well as oath violation (2 Sam 21:1). Breaking an oath is a *מעל*, “sacrilege,” and, as with all such wrongs, it is a sin against God, not against man (Num 5:6; cf. Ezek 17:13-19). A reference to *מעל* as a sacrilege against God is found in Deut 32:51: “Because you broke faith (*מעל*) with Me in the midst of the sons of Israel at the waters of Meribah-kadesh, in the wilderness of Zin, because you did not treat Me as holy (*קדש*) in the midst of the sons of Israel.”

In pentateuchal ritual law, sacrilege (*מעל*) violations that deliberately wronged people through false oaths were to be redressed with the reparation (*אשם*) offering.³⁴ Such an expiable *מעל* violation caused loss of property to another individual, so full restoration of stolen property plus an additional 20 percent fine was essential to the process (Lev 5:23, 24; cf. 5:7) and had to precede the *אשם* sacrifice (Lev 5:25, 26). However, there was no ritual that could expiate for Saul’s crime: oath violation that wronged people by murdering them (Exod 21:12; Lev 24:17; Num 35:30; Deut 24:16; cf. Num 15:30, 31).

The death of the members of Saul’s house purged the land of their culpability as members of his household (cf. Num 35:33), but the famine did not end until David buried

³⁴Milgrom, *Leviticus 1-16*, 345.

them with Saul and his other sons (2 Sam 21:12-14), who had been strung on the wall of Beth-Shan until the residents of Jabesh-gilead recovered the bodies and buried them

(1 Sam 31:10-13). Because it was considered a posthumous dishonor for a king to be buried outside the tombs of the kings and the fathers (e.g., 2 Chr 21: 20; 24:25; 28:27), Alter calls David's actions when he buried Saul and his sons "a biblical desideratum."³⁵ God did not end the period of punishment by famine until David's response to Rizpah's vigil.³⁶ The burials of Saul and his descendants were not in themselves redemptive or expiatory.³⁷ However, by showing honor to the house of "the Lord's anointed," even when divine retributive justice fell upon it, David needed to bring closure to a tragic episode so that his nation could move on. Lastly, the land could be defiled by corpse contamination (Deut 21:23). Perhaps this is why only after this burial that "God was moved by prayer for the land" (2 Sam 21:14b).

Non-substitutionary *Kipper*

In 2 Sam 21:3, David asked the Gibeonites how he could make expiation (כִּפֶּר). While typically translated "to expiate," the meaning of כִּפֶּר in 2 Sam 21:3-6 may be better understood as "ransom" or "composition" for Saul's murder of the Gibeonites.³⁸ It was not necessary for the one carrying out the death penalty to be a priest

³⁵Robert Alter, *The David Story* (New York: W. W. Norton Co., 1999), 332, n. 14.

³⁶Fokkelman, *Throne and City*, 290.

³⁷The fact that David's sin was ransomed through sacrifice became highly significant because the place of his sacrifices was the location of Solomon's temple (2 Chr 3:1; cf. Gen 22:2). Saul's burial never became more than that in the biblical narrative, but is reminiscent of Achan's burial, which coincided with the Lord turning from his wrath (Josh 7:26).

³⁸Milgrom, *Leviticus 1-16*, 1083; Herbert Brichto, "On Slaughter and Sacrifice, Blood and Atonement," *Hebrew Union College Annual* 47 (1976): 27-28; Brichto against the verb כִּפֶּר as "to serve as rEpo;k," see *Ibid.*, 35.

as the term כִּפָּר can be used in a broader sense, as in Num 35:33 (cf. Num 25:13). The use of the phrase “he shall surely die” (מוֹת יוֹמָת) places the responsibility for carrying out the death penalty in the human realm while “cut off” (כָּרַת) remains in the divine.³⁹ The verb כִּפָּר is a denominative of כִּפָּר, “ransom,” and is used in sin contexts to express the carrying out of a ransom payment (כִּפָּר) on behalf of the sinner, thus averting further consequences. Even though the noun כִּפָּר does not appear in 2 Sam 21:1-14, this meaning can be understood in the concept of the verb “to expiate” (כִּפָּר). Milgrom has suggested the possibility that texts in which כִּפָּר, “to expiate,” functions to avert God’s wrath have “ransom” (כִּפָּר) understood: “innocent life spared by substituting for it the guilty parties or their ransom.”⁴⁰ It has also been suggested that the translation of the noun, כִּפָּר, is “composition” in a legal sense, which contains both elements of ransom and appeasement.⁴¹

Unlike other ANE homicide laws in which other means of composition, such as monetary or slave, were appropriate, none of those could be accepted on behalf of a murderer because only the blood of the murderer is sufficient ransom (כִּפָּר) (Num 35:33).⁴² Because the Lord dwelt among the Israelites (Num 35:33-34), and because injustice is the antithesis of his nature, leaving intentional murder of an innocent without expiation (כִּפָּר) is an unthinkable condition and must be addressed.

³⁹Milgrom, *Leviticus 1-16*, 295-96.

⁴⁰Ibid., 1082.

⁴¹Brichto, *On Slaughter*, 28; Sklar, *Sin, Impurity, Sacrifice, Atonement: The Priestly Conceptions*, 79.

⁴²The following list of non-blood ransoms has been suggested by Brichto in “On Slaughter and Sacrifice, Blood and Atonement,” 29: Exod 30:11-16; 32:30; Lev 10:17; 16:8, 10, 26; Deut 21:1-6; Num 8:19; 16:46, 47; 35:25-28; 31:50. See homicide laws in the ANE discussed earlier in this project.

There are several narratives in which non-substitutionary כִּפּוּר is demonstrated. Following the sin of Baal Peor in Num 25, the leaders were to be executed in broad daylight in order to turn away the Lord's anger (v. 4). However, apparently Zimri either did not take the example to heart, or did not know about their execution, and so he brought the Midianitess, Cozbi, into his tent in front of all of Israel. As a result, Phinehas killed them, an act which made expiation (כִּפּוּר) for Israel (v. 13). The death of Zimri did not benefit him; instead it was done *on* him *for* the benefit of Israel. A parallel to this is Azazel's goat, which expiates (כִּפּוּר) in the sense of carrying the sins of the people with him to banishment in the wilderness (Lev 16:10), even though the goat did not sin.

Another case is found in Josh 7. The Israelites had been told that Jericho was under the ban (חרם) and that everything in it belonged to the Lord (Josh 6:17). However, Achan disobeyed the Lord's command in this regard and his unknown sin affected the whole congregation. Only once he and his household were dead did the anger of the Lord turn away from Israel (Josh 7:24, 26).

Delayed Retribution or Expiation

It is clear that expiation is necessary in murder cases. What is not immediately apparent is why the Lord waited until David's administration in order to deal with the bloodguilt. However, there are a few occasions within the narratives of the books of Samuel in which there are delays in expiation. It is difficult to find a single reason for delay, and so each account will be evaluated individually.

Delayed Punishment for Joab

Although David denounced Joab's homicidal actions, which placed Abner's blood on Joab's head, he did not immediately avenge this bloodguilt but passed on the

responsibility for avenging it to Solomon (2 Sam 3:28; 1 Kgs 2:5, 6). It has already been established that, in the Ancient Near East, either the eldest son or the son chosen by the king to succeed him inherited the office of the king and its responsibilities. It should also be noted that the words of the woman from Tekoa give a glimpse of this in the biblical text. Her reference to the king and the king's throne being guiltless is a reference to the king's judicial responsibility and, conversely, failing to uphold justice and thereby assuming guilt, both of which were attached to the office of the king (2 Sam 14:9). What David did not do during his administration did not go away at his death but was passed on to his son, as in the cases of Shimei and Joab.⁴³

David's delay in dealing with Joab's guilt was, perhaps, because at the time the crime occurred, he said of himself that he was "weak even though anointed king" in contrast to the "hard" sons of Zeruah, including Joab (2 Sam 3:39). While it has been said that David's lack of avenging Abner's blood was a sign that he was complicit in the crime, this is doubtful and becomes an argument from silence in the context of the rest of his reign.⁴⁴ The root רַכַּךְ, "weak," also appears in 1 Chr 22:5; 29:1 and 2 Chr 13:7 in the clause describing Solomon as "young and inexperienced." Perhaps this sense should be understood for David's use of it in 2 Sam 3:39, as he was at the beginning of his reign.

It appears that David felt inadequate to punish Joab, perhaps because he needed him in his capacity as commander of his army. It is also possible that David saw the "hardness" of the sons of Zeruah both as something threatening to the throne, but also as being useful to his reign. Perhaps it was not complacency that delayed Joab's punishment,

⁴³This is in contrast to the death of the high priest as the end of the sentence for the manslayer (Num 35:25-28).

⁴⁴Whitelam, *Just King*, 119-20.

but rather, it was not politically expedient for David to carry out Joab's punishment at the time he murdered Abner. However, it is interesting to compare the events of 2 Sam 4 to those of ch. 3.

Following David's acquiescence in 2 Sam 3:39, ch. 4 continues with the events following Saul's death. Saul's son, Ishbosheth, had two commanders, Baanah and Rechab. When Ishbosheth lost his courage, Baanah and Rechab killed him in cold blood (vv. 5-8). However, as he had done with the messenger bringing news of Saul's death (2 Sam 1:14-16) and unlike his immediate response to Abner's murderer, David put to death Baanah and Rechab, who had thought to obtain favor with the stronger king of the house of Judah.

The primary difference between the deaths of Abner and Ishbosheth, on the one hand, and the death of Saul on the other, was that Saul was the Lord's anointed and the others were not. David used the phrase "the Lord's anointed" nine times out of the twelve occurrences of this phrase in the Hebrew Bible when speaking to or making reference to Saul (2 Sam 24-26; 2 Sam 1).⁴⁵ Saul, as the anointed king, was sacrosanct and should not be physically defiled, not even in mercy killing. Doing so comprised a capital offense.

By contrast, David called Abner "a prince and a great man" and Ishbosheth "a righteous man." David seems to consider them on the same level so it is possible that David delayed retribution for Abner's death out of political expediency even though he avenged Ishbosheth's murder right away (2 Sam 4:5-12). It may also be that David considered Ishbosheth's punishment more urgent because of his (Ishbosheth) "succession" attempts to the throne of Israel (2 Sam 2:8-10) whereas Joab's actions were not directly

⁴⁵1 Sam 26:9: "Do not destroy him, for who can stretch out his hand against the Lord's anointed and be without guilt?" McCarter pointed out that the root *tjv*, "to destroy," used in this verse emphasizes this. McCarter, *1 Samuel*, 384, 407-8.

threatening to David's monarchy. Throughout the duration of his interaction with Saul and Saul's house, David was careful not to interfere with what God had established in order to remain legally blameless pertaining to matters of his own succession.

Delayed Punishment for Shimei

Shimei was the other case that Solomon inherited from David (1 Kgs 2:8-9). It has been said that Shimei's curse (2 Sam 16:5-8) of David indicates that David killed Saul's descendants illegally (2 Sam 21). This explanation is considered legitimate since Shimei did not explicitly mention for whose death he is blaming David. Instead he merely states that David is responsible for "all the bloodshed of the house of Saul" (v. 8).⁴⁶ It is also possible to understand that Ishbosheth, as the son of Saul, and Abner, as a member of the tribe of Benjamin, could be the only ones implied by Shimei. No matter what the scope of Shimei's accusations may be, his cursing of King David was in violation of Exod 22:27 and could have caused him to be killed right away. Yet David's response was that, if the Lord had told Shimei to curse him, then who was he to question it (2 Sam 16:10)?

Upon his return to Jerusalem, David again encountered Shimei, who was accompanied by one thousand Benjamites. At Shimei's request, David pardoned him, swearing an oath (2 Sam 19:23). David's later instructions to Solomon mentioned telling of Shimei's curse, followed by the phrase "but I swore to him" (1 Kgs 2:8-9). David's oath prevented him from carrying out any further punishment, but when Shimei broke the oath that he swore to Solomon (1 Kgs 2:42), his subsequent actions allowed Solomon to punish Shimei because they were independent of David's oath with him (1 Kgs 2:36-46).

⁴⁶Whitelam, *Just King*, 251, n. 50.

Certainly the characters of both Joab and Shimei were such that Solomon only had to wait long enough to have reason to punish them.

Delayed Justice for the Gibeonites

It is difficult to know exactly why Saul tried to exterminate the Gibeonites. Second Samuel 21:2 refers to his “zeal,” which was apparently misguided in that he treated the Gibeonites according to their status before their covenant with Israel: They were one of the indigenous peoples of Canaan whom the Israelites were to destroy (Deut 7:1, 2; 20:16, 17). Perhaps Saul saw the presence of the Gibeonites as an indication of unfinished business, even though his forefathers respected the oath (Josh 9:19-21). Perhaps he saw genocide on the Gibeonites as an opportunity to make up for his failure to fully carry out the divine commands to exterminate the Amalekites (1 Sam 15:9), as indicated in the end of the explanatory clause of v. 2, “his zeal for the sons of Israel and Judah” His zeal for his people stands in contrast to Phinehas’s zeal for his God (Num 25:13). The deaths of Cozbi and Zimri, whom Phinehas executed, were not at all similar to the deaths of the Gibeonites, as the first made expiation for the Israelites while the second created the need for expiation.

The delay of expiation for Saul’s crime until David’s reign can be evaluated in light of the rest of Saul’s reign. Soon after his confirmation as king, Saul disobeyed the Lord (1 Sam 13:8-14) and offered sacrifices that only Samuel should have offered. From that point on, the rest of his reign was characterized by rashness, chaos, desperation, and the lack of the Spirit of the Lord (1 Sam 16:14). Although he had a victory against the Philistines (1 Sam 15), most of Israel’s remaining victories came during his reign as the result of the Lord blessing Jonathan’s bravery (1 Sam 13:3-4; 14:1-23) and David’s loyalty to Saul as

God's anointed (1 Sam 24:6-10; 26:9-11, 23; 2 Sam 1:14).

Klement demonstrates that the contrast between the reigns of King Saul and King David are brought forth not just in the narratives in the books of Samuel but also in the structure of these books.⁴⁷ In an interesting perspective, Goss also notes that the Davidic lineage became the symbol of justice in contrast to Saul's.⁴⁸ Even though David committed sins condemned by the Law, he was more acceptable than Saul, who did not value the law, although he still tried to act in a juridical manner (1 Sam 14:24-44; 19:1-6, 11-17). There is clear evidence that David understood that it was not he himself who was the ultimate leader of Israel, but that it was the Lord, a lesson Saul apparently never learned.

As a result of Saul's pride, it appears that the Lord had few opportunities early on and none during his later reign to correct this king as he later corrected David (e.g., 2 Sam 11-12; 24:10-17). If Saul's hardness to the Lord on so many occasions is any indicator, then, had the Lord sent the famine during the reign of Saul, the king would not have provided a remedy and the effect may have been much more disastrous for Israel than it was later under David (2 Sam 21).

Saul may not have been in any condition to understand or care what happened to his people, as his character was not a compassionate one (cf. 1 Sam 14:24-45). This is the same man who condemned his own son to death for eating a bit of honey under Saul's oath, which he had arbitrarily and rashly imposed on his people (1 Sam 14:43-44). Even though Jonathan was ignorant of this oath, Saul saw Jonathan's consumption of honey as a

⁴⁷Klement, *II Samuel 21-24*, 247-53.

⁴⁸Pat Bernard Goss, "Subversion de la législation du Pentateuque et symboliques respectives des lignées de David et de Saül dans les livres de Samuel et de Ruth," *Zeitschrift für die alttestamentliche Wissenschaft* 110 (1998): 40.

culpable act and sentenced him to death (v. 44; cf. 2 Chr 26:16-21). In light of Saul's character, the delayed requirement for atonement can be seen as an act of God's mercy, rather than his seeking retribution without concern as to who suffers in order to keep the balance of sin and punishment. Only one who was in a better relationship with the Lord than Saul was in the position to receive communication from him, care for his subjects, and carry out the necessary expiation.

Conclusion

Although it is possible to view David's actions in 2 Sam 21:1-14 as securing his succession, the implication of divine retribution for homicide in 2 Sam 21:1-14 and delayed retribution, as seen in several biblical narratives, are viable possibilities for the events of this narrative. Murder required expiation in order to resolve the pollution of the land (Num 35:33) and the famine appearing in 2 Sam 21 is indication that expiation still needed to be finished in order to prevent further loss of life. From the examination of these two concepts (divine retribution for homicide and delayed retribution), it is possible to conclude that justice was important to Israel's deity even after the death of the one responsible for the crime. As a result, God brought Saul's unexpiated crime to David's attention, even though the Gibeonite's murder had occurred during Saul's administration (2 Sam 21:1). This notification required action on David's part in order to restore justice to the land and prevent further harm to his subjects.

CHAPTER III

BEYOND INDIVIDUAL RESPONSIBILITY

Corporate Solidarity (Sociological Background)

Saul was already dead, so his descendants were executed. This raises a question as to the inheritability of guilt within the Bible and the ANE. In looking more carefully at Sheppard's brief and undeveloped thought regarding David's handling of inherited guilt and punishment, it is necessary to understand the concept of inherited guilt within a kingdom. We must become familiar with the way an ancient Near Eastern household functioned, since the basis of the social, political, and economic systems of society was extended family, or "father's house" (בית אב).¹

In the biblical text, the noun "house" (בית) refers not only to a building but also a group of people who share a common, especially ancestry (e.g., Lev 10:6; Isa 31:2). Thus a "house" can be Egypt as "the house of slavery," (Exod 13:3),² or it can be a family group or clan (e.g., Exod 6:14), under the leadership of a father, the *paterfamilias*.

¹Whitelam, *Just King*, 39-42. On the Patrimonial Household Model, see the work of Max Weber, *Economy and Society* (2 vols.; Berkley: University of California Press, 1968), which has been further developed by David J. Schloen (see n. 4 for bibliographical reference). For a more succinct description of this model see Weber, *Economy and Society*, 2:311-84; 1006-1069. It should also be noted that in the MT, בית אב appears 149 times, referring to both the family and administrative functions. Cornelis Houtman, *Exodus* (vol. 1; trans. S. Woudstra; Kampen: Kok Publishing House, 1996), 12; Hans Jochen Boecker, *Law and the Administration of Justice in the Old Testament and Ancient Near East* (trans. Jeremy Moiser; Minneapolis: Augsburg Publishing House, 1980), 28.

²There are 11 occurrences of this phrase used to describe Egypt: Exod 13:3, 14; 20:2; Deut 5:6; 6:12; 7:8; 8:14; 13:5, 10; Judg 6:8; Mic 6:4.

Because the primary socioeconomic unit of society was the family,³ four important parallel elements between the family and the kingdom will be examined: the role of the father in the household, the role of the king in the kingdom, the inheritance procedure for both the family and the administration of the king, and the maintenance of justice in the household, including at the national level.

The Ancient Near Eastern Household

Although there were variations in the Ancient Near East, the typical nuclear household included the father, his wife or wives, sons (including adopted sons and those of concubines), concubines, daughters, sons' wives, and grandchildren.⁴ The narrative of Jacob and Laban gives a glimpse into the extended household (Gen 29-31). After Laban met Jacob, modern translations have Laban “bringing” (Hifil of בָּרָא) Jacob “to” his house (Gen 29:13). But perhaps, in light of Jacob’s subsequent servitude to Laban and marriage to Laban’s daughters, the expression can be understood to mean “into” his household. Driver and Miles have pointed out that the Akkadian verb “has entered” (*bā’u*) appears in the Middle Assyrian Laws with the meaning of entering a house to stay in it, particularly in regard to marriage. However, the same verb is also used as a legal term for entering a creditor’s household as surety or pledge.⁵ In Alalah, the standard formula for contracts on

³Raymond Westbrook and Bruce Wells, *Everyday Law in Biblical Israel* (Louisville: Westminster John Knox Press, 2009), 54.

⁴Pedersen, *Israel: Its Life and Culture*, 1:94-96; J. David Schloen, *The House of the Father as Fact and Symbol* (Winona Lake: Eisenbrauns, 2001), 49-53; 255-313; Raymond Westbrook, *A History of Ancient Near Eastern Law*, (vol. 1; Boston: Brill, 2003), 56-63; Zafriira Ben-Barak, *Inheritance by Daughters in Israel and the Ancient Near East* (Jerusalem: Graphit Press, 2006), 1-5.

⁵G. R. Driver and John C. Miles, *Assyrian Laws* (Oxford: Clarendon Press, 1935), 18, 144, n. 1; 273.

loans and surety is “for this silver he/she/they shall dwell as guarantee (and enter) in the service of the house of A.”⁶

As the head, the father made all the major decisions affecting his household, which included outside staff such as servants or stewards in addition to the nuclear family.⁷ If, for example, the father had incurred debt, he could give or sell his wife, children, or slaves into service to pay off the debt if he could not go or chose not to go himself, and it was not unusual for the whole family, including the father, to go into debt slavery.⁸

The role of family members in paying off the father’s debt is further demonstrated by a Middle Assyrian adoption text from Emar, where it is revealed that the adoption of a son was done primarily to help pay off the adopter’s debt by having the son work towards that end. This debt service was also part of the inheritance that was to be left to the adopted son.⁹ In this text, there is no indication of offspring born to the father. It appears that the only individuals who could not inherit the assets or be liable for the debts of the father of

⁶D. J. Wiseman, *The Alalakh Tablets* (London: The British Institute of Archaeology at Ankara, 1953), 40. See also AT 18-85 for examples of this use (*ibid.*, 40-53).

⁷Boecker, *Law and the Administration of Justice*, 29.

⁸MAL A 39, 44, 48, MAL C 1-3 (Driver and Miles, *The Assyrian Laws*, 406-7, 413, 417-19, 423, 441-43, respectively). For further discussion on this, see also *ibid.*, 321-30; LH 117, 118, 119 (Martha Roth, *Law Collections from Mesopotamia and Asia Minor* [Atlanta: Scholars Press, 1997], 103); AT 18, 20, 26, 27, 30, 48 (Wiseman, *The Alalakh Tablets*, 40-46). The temporary or permanent nature of this arrangement is still a matter of dispute. On an interesting note, a married woman living in her father’s house was still responsible for her husband’s debts, transgressions, and punishment. MAL A 32 (Driver and Miles, *Assyrian Law*, p. 401). In the Code of Hammurabi 151-152, any debt incurred by either party prior to marriage was not the responsibility of the new spouse. Only debt incurred after marriage became the responsibility of the rest of the family. See C. H. W. Johns, *Babylonian and Assyrian Laws, Contracts and Letters* (Edinburgh: T & T Clark, 1904), 119-20.

⁹Westbrook, *History*, 673; MAL A 28 (Roth, *Law*, 163).

the household were children who had not been adopted by the stepfather or those who had been disinherited.¹⁰

In the Old Testament, there are several examples of households affected by the father's actions or choices. Abimelech and his household would have been destroyed if he had touched Sarah (Gen 20:7), and God closed the wombs of his women (Gen 20:17-18). Like Abraham (Gen 18:23-32), Moses and Aaron interceded for the innocent lives in the congregation that could have been lost during the rebellion of Korah, Dathan, and Abiram (Num 16:20-21). The households of Dathan and Abiram were wiped out of the congregation of Israel along with Korah and his possessions, but Korah's sons apparently separated themselves from their father's rebellion, and so they lived (Num 26:11).

Achan's household was wiped out of the congregation because they did not separate themselves from him once his theft had been discovered, even if they did not participate in it (Josh 7:24-25). Because David's sin provided an opportunity for the Lord's enemies to blaspheme, his firstborn son with Bathsheba died (2 Sam 12:10-19) and his later census brought about the death of his subjects (2 Sam 24). After Haman's death, his ten sons were hung postmortem, for his attempt to wipe out the Jews (Esth 9:13-14). Eli's complacency in his sons' discipline brought lasting consequences on his household (1 Sam 2:27-36 with fulfillment in 1 Kgs 2:26-27). As a result of Solomon's idolatry, the kingdom was divided and his descendants were afflicted (1 Kgs 11:31-39). The households of Ahab and Hezekiah suffered the consequences of their mistakes, although not in their days (1 Kgs 21:29; 2 Kgs 20:16-19).

In the broader ancient Near Eastern context, in the Hittite text "Instructions for

¹⁰MAL A 28 (Driver and Miles, *Assyrian Laws*, 399). On disinheritance see *ibid.*, 300-1.

Temple Officials,” the slave who angered his master was either to suffer personal injury or be killed along with his family.¹¹ If anyone angered a god, revenge was meted out not only on the offender but also on his household, livestock, and crops.¹²

Genesis 17 presents an example of positive effects of a father’s actions on subsequent generations. The Lord told Abram that he would establish a covenant with Abram and his descendents after him (v. 7). The stipulation for receiving this promise was that Abram and his descendents were to keep the Lord’s covenant (v. 9).

Justice within the Household

There are a few examples of the judicial authority of the *paterfamilias* in the biblical text. The two primary texts are Gen 31 and Gen 38, but Gen 16:5-6 and the narrative of Tamar and Amnon should also be considered. This passage is Sarai’s appeal to Abraham as guardian of the family’s legal interests. “May the wrong done to me be upon you” (v. 5) appears to mean: “As *paterfamilias* you are responsible for seeing that justice is done.” Then he gave her his decision (v. 6).¹³

The narrative of Laban and Jacob provides interesting insights into family justice. When Laban said to Jacob, “stay with me” (Gen 29:19), Speiser suggests that the preposition “with” (עִם) has the force of “under my authority” (Gen 29:19, 27).¹⁴ When Jacob fled from Laban, the words of Laban, “It is in my power to do you (עֲמַכָּה) harm”

¹¹“Instructions to Priests and Temple Officials,” translated by Gary McMahon (*COS*, 1.83:217-18).

¹²*Ibid.*, 218-21.

¹³Westbrook and Wells, *Everyday Law*, 37.

¹⁴He compares Jacob to Abraham, who refers to himself as a “stranger and sojourner” (Gen 23:4) during his search for a burial site for Sarah. As a sojourner and resident, he lacked the privileges of a citizen, which included the right to own land. E. A. Speiser, *Genesis* (New York: Doubleday, 1982), 170, 225; regarding lack of legal representation, see Westbrook, *History*, 78.

(Gen 31:29), could be taken to mean that he viewed Jacob as a member of his household and that he had not only the ability but also the right to punish Jacob for fleeing. Even though Laban was Jacob's uncle, Jacob's rights were not those of an independent citizen. He was under Laban's authority until he left his household for the land of his birth, establishing his own household in the process (Gen 30).¹⁵

The last passage is Gen 38. When Judah discovered that his daughter-in-law was pregnant and unmarried, he ordered her to be put to death even though she was back in her father's house (Gen 38:11), an act that Ramban views as an indicator of Judah's high social status.¹⁶ Once Tamar revealed the father of her children, he revoked the death sentence, noting that her actions were more righteous than his (Gen 38:26).

From this narrative, it appears that the *paterfamilias* had judicial authority over the entire household, including daughters-in-law. Because Tamar's first two husbands were dead, Judah had led her to believe that she would be given to his third son in marriage and so she went to live in her father's house as betrothed women did until marriage (Gen 38:11). However, later she saw that Judah had not fulfilled his promises to her (v. 14).

Judah's authority included imposing the death sentence as well as revoking it without answering to any external authority. This has led some to believe that during this period the *paterfamilias* possessed almost complete authority,¹⁷ although at a later time appeals for judgment were to be taken to Moses and the elders, the priests, or town elders (e.g., Exod 18:13-26; Num 5:11-31; Deut 21:18-21).

¹⁵Whitelam, *Just King*, 40.

¹⁶Nachmanides, *Commentary on the Torah: Genesis* (New York: Shilo Publishing, 2005), 475-76.

¹⁷J. Salmon, as cited in Whitelam, *Just King*, 40.

As will be discussed below, the word נִבְלָה in Tamar's plea (2 Sam 13:12) is used to describe offenses that would destroy relationships at any level of society, and even with God, as such, disgraceful (נִבְלָה) actions could not go unpunished.¹⁸ Because family relationships had been destroyed by Amnon's actions, it was David's responsibility in his paternal and royal roles to bring justice to the one wronged, who in this case was his daughter. The LXX translator cites David's love for Amnon and the fact that he was his firstborn as the reasons for David's failure to act (2 Sam 13:21).¹⁹ His failure to act when he should have done so motivated another to seek retribution, nearly destroying his kingdom when Absalom took it into his own hands.

After Absalom killed Amnon, he fled, staying in exile for three years (2 Sam 13:29-38). Joab, seeing that David longed for Absalom, invented a scenario in which David might pronounce a sentence and, perhaps, find his own freedom to accept Absalom back. So he summoned a woman from Tekoa to present a fictitious case before David. Her story was that one of her two sons had killed the other in a quarrel and now her family was demanding that she hand over the remaining son so that they could put him to death for killing his brother (2 Sam 14:1-20). However, by putting to death her only remaining son, this would remove her husband's name from the earth, an act similar to the penalty of being cut off (כרת).²⁰

¹⁸Deut 22:21; Josh 7:15; Judg 19:23-24, 20:6, 10; 2 Sam 13:12; Jer 29:23; P. Kyle McCarter, *2 Samuel* (New York: Doubleday, 1984), 322.

¹⁹Later on, his love for Absalom also prevented him from seeking justice (2 Sam 18).

²⁰Donald Wold, "The Meaning of the Biblical Penalty *Kareth*" (PhD diss., University of California at Berkeley, 1978), 251-55; Milgrom, *Leviticus 1-16*, 457-60; Baruch Schwartz, "The Bearing of Sin in Priestly Literature," in *Pomegranates and Golden Bells: Studies in Biblical, Jewish, and Near Eastern Ritual, Law, and Literature in Honor of Jacob Milgrom* (ed. D. Wright; Winona Lake: Eisenbrauns, 1995), 13.

David did not pass judgment right away but sent her home to wait for his decision (2 Sam 14:8). Essentially, the question before the king was one of responsibility. If he cleared her son of bloodguilt, then David, as judge, would have to take it on himself since it was an offense that did not simply go away by means of expiation by animal sacrifice, repentance, ransom, or death of the high priest. Bloodguilt polluted the land and required expiation by the blood of the one who shed it (Num 35:33). Although David did not actually kill the murdered son of the woman of Tekoa himself, he would bear the bloodguilt for interfering with justice being carried out, should he allow her son to live.²¹ In her fictional case, the woman of Tekoa recognized this and took the responsibility on herself in order to leave David free from charges of injustice (2 Sam 14:9).

By law, the family of the slain, or “the blood avenger,” had a right to seek retribution in the case of intentional murder (Num 35; Deut 19:4-13; Josh 20). With regard to the story of the woman of Tekoa, it has been noted that clan retaliation upon itself was unusual (e.g., Judg 20:13).²² However, in light of the fact that bloodguilt rested on those who would interfere with or were negligent in carrying out justice (cf. Lev 20:4-5), it seems logical that an extended family would seek to purge itself of guilt. In this regard, this fictitious story is parallel to the Amnon and Absalom narrative. By not acting to punish Amnon, David interfered with the process of remedying a grievous offense that polluted the land, and ultimately, the mercy he extended to Absalom was rejected by the prince. The guilt did indeed rest on the house of David. What began as individual responsibility that was not taken care of became an issue for the community, as the ruling

²¹Henry McKeating, “The Development of the Law on Homicide in Ancient Israel,” *Vetus Testamentum* 24 (1975): 59.

²²McCarter, *2 Samuel*, 328.

family was in shambles. Likewise, David was responsible for making sure justice was done in the case of the murdered Gibeonites in order to prevent further harm to his subjects (2 Sam 21:1-14).

The Clan and Tribe as Extensions of the Household

The “father’s house” (בֵּית אָב) was a subdivision of the “extended family” or “clan” (מִשְׁפָּחָה) in which the sense of blood relation was strongly felt.²³ The clan (מִשְׁפָּחָה) was a subdivision of the “tribe” (בֵּיתָה or שִׁבְטָה), of which several would combine in order to form the “people” (עַם).²⁴ However, Rogerson has argued that it is difficult to reconstruct Israelite history, in particular, simply on the basis of attempted definition of the terms mentioned above without an interdisciplinary approach involving biblical studies and anthropology.²⁵ More recently, such an interdisciplinary approach has been used by Younker, LaBianca, and van der Steen in their evaluations of the structure of society in the Madaba plains region of Jordan during the Late Bronze/Iron Age.²⁶ The enduring nature of tribalism lies in ancient loyalties to family. Such social structure is found throughout much

²³Johannes Pedersen, *Israel: Its Life and Culture* (vol. 1; Atlanta: Scholars Press, 1991), 46-53; Koehler and Baumgartner, *The Hebrew and Aramaic Lexicon of the Old Testament*, h1jvpm.

²⁴K. Lawson Younger, *Judges/Ruth* (NIV; Grand Rapids: Zondervan, 2002), 27.

²⁵MAL A 45 (Driver and Miles, *Assyrian Law*, 412-13); J. W. Rogerson, *Anthropology and the Old Testament* (Atlanta: John Knox Press, 1978), 86-101.

²⁶Østein S. LaBianca and Randall W. Younker, “The Kingdoms of Ammon, Moab and Edom: The Archaeology of Society in Late Bronze/Iron Age Transjordan (ca. 1400-500 BCE),” in *The Archaeology of Society in the Holy Land* (ed. Thomas E. Levy; London: Leicester University Press, 1995), 399-415; Randall W. Younker, “The Emergence of Ammon: A View of the Rise of Iron Age Polities from the Other Side of the Jordan,” in *The Near East in the Southwest: Essays in Honor of William G. Dever* (ed. Beth Alpert Nakhai; Boston: American Schools of Oriental Research, 2003), 153-76; Eveline J. van der Steen, *Tribes and Territories in Transition* (Boston: Peeters Publishers, 2004), 102-31, 273-94.

of the rest of the Middle East,²⁷ so conclusions drawn from studies pertaining to tribalism in Jordan are applicable to the region west of the river as well.

It was in the social unit of the clan (משפחה) where vertical kinship solidarity was established, and it is believed that the law of the kinsman-redeemer functioned at this level (Ruth 2:1-3, 20; 3:12-13; 4:1-12). Inheritance could also occur at this level, as the brothers of the *paterfamilias* were next in line, should their brother not have any surviving member of his immediate family. This can be seen in the passages concerning Zelophehad's daughters (Num 27, 36). The biblical text states that Zelophad had no sons, only daughters, and even gives their names (Num 26:33) and a partial genealogy (Num 27:1). The prevailing concern of his daughters was the preservation of their father's name and inheritance. Their statement regarding the nature of his death was to establish that, whatever his sin had been, it was not the open defiance of Korah and company (Num 27:3). Their father was responsible for his own sin and death and, without a male heir, his inheritance would have gone to a near relative, most likely a member of his tribe.

Later, members of Zelophehad's tribe of Manasseh appealed to Moses to keep their inheritance from becoming another tribe's inheritance through marriage of Zelophehad's daughters. So the Lord commanded that the daughters marry only members of the tribe of Manasseh (Num 36:6), thereby keeping all inheritance within the tribe itself, a matter that became law throughout Israel (Num 36:8). One of the most important characteristics of a tribal society was such solidarity: Rights, duties, and privileges were inherited in the same way that it was on the level of the father's house (בית אב).²⁸

²⁷LaBianca and Younker, "The Kingdoms of Ammon," 411.

²⁸Younger, *Judges/Ruth*, 27.

The “tribe” has been difficult to define, as it could be identified by various means, such as language, religion, residence, or genealogy. How justice was carried out within a tribe is not fully clear, but it may have differed from the process employed during the patriarchal period.²⁹ The biblical text bears witness to how tribal justice was carried out in the narrative regarding the tribe of Benjamin (Judg 19-20) and in the fictional case that the woman of Tekoa brought before David (2 Sam 14:7).

Leadership among tribes was variable, depending on the nature of outside pressures. It has been noted that the pressure to develop central leadership within a tribal society typically came from external sources, such as larger tribal groups or states. Without this pressure, individual tribes remained separate. If the tribe submitted to outside control, the outside power would maintain control over the tribe through its leaders while leaving the tribe intact.³⁰ As for ruling power, a king could function as a head of state or tribe, and there is evidence that those who had such a title possessed greater influence than local sheiks or village elders.³¹ As with households and tribes, the workings of a governmental administration were carried out through personal relationships, making no distinction between “private” and “public” actions as we do today.³² Certainly Saul would have expected his extended family and even his tribe to be loyal to him in all his endeavors (cf. 2 Sam 8:16; 1 Chr 2:13-15). So the surrounding nations would see them as heirs to all that belonged to Saul.

²⁹Westbrook and Wells, *Everyday Law*, 37.

³⁰Yunker, “The Emergence of Ammon,” 162.

³¹LaBianca and Yunker, *The Kingdoms of Ammon*, 408-9.

³²Schloen (*House*, 69) stated that the Patrimonial Household Model could be applied directly to all known ancient Near Eastern sociopolitical groups of the 3rd and 2nd millenniums B.C., without any

Inheritance and Transfer of Guilt in the Ancient Near East

In order to grasp why David put the descendants of Saul to death when it is not clear if they participated in his crime, it is important to understand how inheritance was viewed by the culture in which David lived. In the ANE, the primary method used to preserve the father's name, memory, and patrimony (estate, lands, and household gods) within his family was inheritance, which was transferred upon the death of the father.³³ Although there were minor variations, the structure of inheritance appears to have been the same for all regions and periods in the Ancient Near East. In the Old Testament, there is little data concerning details of inheritance. Typically, only sons could inherit (except in cases like that of Zelophehad's daughters), and a double portion was given to the eldest.³⁴

In ANE families that were without male heir or other female offspring, or if a son had been disinherited due to some offense, the adoption of a male heir was sought (cf. Gen

modification. For his discussion on the patrimonial society of the 3rd millennium Mesopotamia, see pp. 262-66; for the Bronze Age, see pp. 298-300, 316.

³³G. Boyer, "Étude Juridique," *Le Palais Royal D'Ugarit* (tome 6; ed. J. Nougayroul; Paris: Imprimerie Nationale, 1955), 302-305.

³⁴For a survey on inheritance in the ANE, see the following: AT 87 (Wiseman, *Alalakh*, 53); Depending on the region and time period, daughters either had full inheritance rights, as in Egypt, or were only allowed to take possession of their dowries if still single at the time of their father's death. For the variations throughout region and time, see Wiseman, *Alalakh*, 34-36, 38, 53-55; Westbrook, *History*, 57-62; Ben-Barak, *Inheritance*, 13-44; LL b, 22, 24, 25; LH 137, 150, 163; LNB 10 (Roth, *Law Collection*, 26, 30, 31, 107, 109, 112, 147 respectively); MAL B 1-5 (Driver and Miles, *Assyrian Law*, 295, 426-29). In the treaty between Hattusili III of Hatti and Ulmi-Teshshup of Tarhuntassa (Gary Beckman, *Hittite Diplomatic Texts* [Atlanta: Scholars Press, 1999], No. 18B, 109-13): "Only someone of the progeny of Ulmi-Teshshup shall take them (household and land). Someone of the male line shall take them; those of the female line shall not take them. But if there is no male line of descent, and it is extinguished, then only someone of the female line of Ulmi-Teshshup shall be sought out." A similar pattern can also be found in Num 27:8-11; Although there is no specific mention of dowries in the following narratives, see the story of Tamar (Gen 38:11), a brief mention in Levitical law (Lev 22:13), and Ruth and Naomi (Ruth 1:15-18) for practical demonstrations of various elements of inheritance; Speiser, *Genesis*, 195; Boecker, *Law and the Administration of Justice*, 115.

15:2-3).³⁵ Without an heir, the father's name, memory, and patrimony were wiped out. Adoption was a means to prevent this, as well as to assure financial security and care for the needs of elderly parents.³⁶ Should children be born to the father after the adoption, it appears that he could reverse the adoption, leaving his name and patrimony with the children born to him.³⁷ If he did this, however, he was required to leave one third of a child's share to the alienated child.³⁸ Throughout the Ancient Near East, if there was no remaining heir, born or adopted, to inherit the land and the service obligation,³⁹ then it became a matter for the king to settle. Typically, he would grant both of them to another party or make the property part of the palace holdings.⁴⁰

Along with the father's name, office, and patrimony, the son inherited liabilities (cf. 2 Kgs 4:1).⁴¹ Liabilities included debts inherited not only from his father, but also from his mother if she incurred them in her remaining years after her husband's death.⁴²

³⁵Boecker, *Law and the Administration of Justice*, 115. Boecker notes that in Babylonian law, disinheritance was very difficult. A son could not be disinherited without the court's permission and only then if the son had twice committed some serious offense.

³⁶For an example from the Neo-Assyrian period, see Westbrook, *History*, 900. Regarding care and security, see Roth, *Law Collections*, iv, 25-28, 50; C. Wilke, "Care of the Elderly in Mesopotamia in the Third Millennium B.C.," in *The Care of the Elderly in the Ancient Near East* (ed. Marten Stol and S. Vleeming; Boston: Brill, 1998), 54-55.

³⁷LH 28, 191 (Roth, *Law Collections*, 86, 119-20, respectively).

³⁸Code of Hammurabi 191 (Johns, *Babylonian and Assyrian Laws*, 61).

³⁹Wente, *Letters*, 21; Text 11, text 1 (Beckman, *Hittite*, 98, 109, respectively); AT 1, 6 (Wiseman, *Alalakh*, 25-26, 33-34, respectively).

⁴⁰Schloen, *House*, 300.

⁴¹Wiseman, *Alalakh*, 3; Old Babylonian Period see Westbrook, *History*, 395, 543, n. 89; Middle Assyrian Period see *ibid.*, 673, 678.

⁴²Klaus R Veenhof, "Old Assyrian and Ancient Anatolian Evidence for the Care of the Elderly," in *The Care of the Elderly in the Ancient Near East* (Boston: Brill, 1998), 141-44.

Likewise, if money owed to his father had not been paid upon his death, it was paid to the son.⁴³

In the Hebrew Bible, guilt is like debt in that it can be transferred. Transference of guilt/culpability could occur as part of the mediatorial functions of the high priest (Exod 28:38), by the priests eating of the purification sin offering (Lev 10:17), the high priest laying his hands on Azazel's goat (Lev 16:21-22), by offering to bear someone else's "culpability" (עוֹן) (2 Sam 14:9), or if someone acting in the capacity of judge bore culpability due to his negligence in properly carrying out justice (1 Sam 25:28; 2 Sam 14:8).⁴⁴

Intertextual Analysis Regarding Inherited Responsibility and Punishment

The biblical text appears to support both inherited responsibility (i.e., the innocent may suffer for someone else's sins) and individual responsibility (Exod 20:5; 34:7; Lev 26:39-40; Deut 24:16; Ezek 18; Jer 32:17-19; Lam 5:7). In order to better understand how interpreters viewed these texts, the differences between the MT, LXX, Targum Jonathan, Targum Neophyti, Targum Pseudo-Jonathan, Samaritan Pentateuch, and Dead Sea Scrolls will be examined only for the passages in Exodus as none of the other passages contain significant variations among the various texts.⁴⁵ A closer examination of these passages

⁴³AT 9: What was owed to Nakkušše's father's estate by Iarimlim was not paid at the time of father's death but was paid to Nakkušše. Wiseman, *Alalakh*, 37, tablet 9.

⁴⁴McKeating, "The Development of the Law on Homicide in Ancient Israel," 59.

⁴⁵My English translations from Hebrew, Greek, and Aramaic. The primary difference in the texts other than Exodus, the Targum translator added עָרַב, "to lie," in Lev 26:40: "Then, they will confess their sins and the sins of their ancestors, for their lies that they lied before me, and also that they walked before me in hardness." Otherwise, there are no appreciable differences between MT, LXX, TJ, and TN and there are no DSS manuscripts available for this section of Lev 26.

will help to clarify the biblical perspective on responsibility and punishment.

Exodus 20:5b

MT: “Visiting the iniquity of the fathers on the children, on the third and the fourth generations of those who hate me.”

LXX: “Paying back the sins of the father upon the children up to the third and fourth generation of those who hate me.”

TJ: “Visiting the sins of their fathers on the rebellious sons until the third generation and upon the fourth generation of those who hate me, when the sons sin fully after their fathers.”

TN: “Who takes vengeance with zeal on the wicked, on the rebellious sons, on the third generation and on the fourth generation of my enemies. When the sons follow after their fathers, those I call my enemies.”

Pseudo-Jonathan: “Taking vengeance with zeal, remembering the sins of the wicked fathers on the rebellious sons to the third and to the fourth generations of those hating me.”

Samaritan: “Visiting the iniquity of the fathers on the children on the third and on the fourth generations regarding those hating me.”

DSS: “Visiting the iniquity of the fathers on the children until the third and fourth generations of those who hate me.”

The typical translation of the last clause in the MT is “of those who hate me,” where the preposition לְ is taken as a genitive (cf. Deut 5:9). However, it can also be understood as “with regard to those who hate me,” which carries essentially the same meaning. While the LXX translator maintains a fairly literal translation and the DSS follows the MT, the TN and Pseudo-Jonathan translators have added the description of God’s vengeance as being done with zeal on God’s enemies, and his enemies are defined as being the “rebellious sons” who follow after their fathers. Furthermore, the Pseudo-Jonathan translator supplies “to remember” (דָּכַר) in place of the MT “to visit” (פָּקַד equivalent to Aram. סַעַר “to visit”).

Ramban has said that Scripture mentions God’s remembrance of each person’s sin not in terms of the vengeance of the parents being sought on later generations, but that

punishment belongs to anyone who hates him, whether parent or child.⁴⁶ Although the verb פקד can also have the meaning of visitation for Israel as an act of punishment toward Egypt (Exod 3:16; 4:31; 13:19), Abraham ibn Ezra said that the meaning of פקד here is similar to זכר, “to remember,” as in Gen 21:1 where God פקד or “remembered” Sarah. In light of this, ibn Ezra proposes that the meaning of Exod 20:5 is that God will delay punishment of the wicked in order that the wicked one might repent and bear righteous offspring. But, if the third and fourth generations of children follow after their wicked father, God will “remember” what the parents have done and will not postpone the parents’ punishment any further but will wipe out their memories on the earth by destroying their descendents in the fourth generation.⁴⁷

It was continued loyalty that determined whether an Israelite was eligible for expiation or not. Perhaps the delay of the famine as punishment for what Saul had done can be seen in this light (2 Sam 21:1-14). The delay should be seen as an act of mercy on the people of Israel, so that there might be opportunity for a loyal king (David) to ensure that corporate expiation would be made for the nation. Delay did not eliminate punishment (cf. 2 Kgs 20:19; 24:1-4),⁴⁸ but it made punishment less severe.

⁴⁶Nachmanides, *Exodus*, 299.

⁴⁷Ibn Ezra, *Commentary on the Torah: Exodus* (trans. Rabbi Dr. C. B. Chavel; New York: Shiloh Publishing House, 1973), 296. Cf. Gen 15:16. This understanding of פקד, “remember,” brings to mind the Day of Atonement (Lev 23:26-32). Persons who did not practice self-denial on this day (Lev 23:27-32) were to be cut off (כרתה) even if they had previously showed loyalty to God. In other words, although not explicitly stated, the “remembrance” of a previous right condition was not sufficient to make up for a later failing.

⁴⁸Cf. Roy Gane, “The End of the Israelite Monarchy,” *Journal of the Adventist Theological Society* (1999): 333-56.

Exodus 34:7

MT: “The one who keeps mercy for thousands, forgiving iniquity, rebellion, and sin, but he will absolutely not leave unpunished, visiting the iniquity of the fathers upon the sons and upon the son’s sons to the third and the fourth generations.”

LXX: “And maintaining righteousness and doing mercy for thousands, taking away lawlessness and unrighteousness and the sins, but not cleansing the guilty ones, bringing the lawlessness of the fathers upon the children and upon the children’s children up to the third and fourth generations.”

TJ: “Keeping kindness for thousands of generations, forgiving iniquities and rebellion and sins, forgiving those who return to his Torah; but those who do not return, he does not declare innocent, visiting the sins of the fathers upon the rebellious children and grandchildren to the third and fourth generations.”

TN: “Keeping mercy and goodness for thousands of generations, forgiving and leaving behind sins and passing over rebellions, and atoning for sins, but by no means purifying in the great day of judgment, remembering the sins of the wicked fathers on the rebellious sons and sons of sons until the third and fourth generations.”

Pseudo-Jonathan: “Keeping mercy and goodness for thousands of generations, forgiving and leaving behind regarding sins, but passing over rebellion and atoning for sins, forgiving the ones who return to the Torah, but those who do not return, they shall not be purified in the great day of judgment, bringing the sins of the fathers upon the rebellious sons unto the third and fourth generations.”

Samaritan: “Keeping mercy for thousands, forgiving iniquity, rebellion, and sin, but by no means declare innocent, visiting the iniquity of the fathers upon the sons and upon the sons of sons until the third and fourth generations.”

DSS: The section containing this verse is missing from the Exodus scrolls and fragments.

Again, the LXX translator maintained a strict sense with regard to the MT, whereas the TJ and Pseudo-Jonathan translators added that those who are forgiven are those who return to the Torah, but those who do not return will not be declared innocent or escape the great day of judgment. The TJ and TN translators use four verbs for forgiveness in contrast to the MT’s one verb, as well as identifying the punished ones as “rebellious.” The TJ translator follows the MT by supplying “to visit” (בָּטַח), while the TN translator supplies “to remember” (דָּכַר) as did the Pseudo-Jonathan translator in Exod 20:5b.

In an attempt to harmonize the apparent contradictions between Exod 20:5; 34:7 and Deut 24:16 and Ezek 18, Sarna stated that the command of Exodus was changed because if evil were allowed to continue, the punishment would become so severe that no one would be left.⁴⁹ He views this as the rise of individualism, following R. Yosé bar Hanina.⁵⁰

Enns suggested that Exod 20:5 addresses less intensive idolatry, as it carries no death penalty, than do Deut 24:16 and Ezek 18:4, which refer specifically to crimes punishable by death. Sarna also subscribes to this approach and further describes Exod 34:7 as being outside Israel's legal system in that God carries it out rather than humans. He sees the denial of the concept of community responsibility in Deut 24:16 whereas Enns proposes that this text speaks to degrees of obedience. In his argument, "degrees" of obedience means the number of people in Israel who obey the commandments. In other words, the degree to which the commandments were obeyed determined the extent of the punishment that came to the community. This is less of the individualism that R. Yosé bar Hanina sees. However, were there degrees of obedience only for idolatry?

Certainly the sin of Achan, who was a member of the congregation of Israel, not only affected his family. Many Israelites lost their lives in battle as a result of his secret offense (Josh 7:24-26). David, the king of Israel, was one man who ordered the taking of a census, but he lost seventy thousand in his kingdom (2 Sam 24). The use of the absolute negation in Exod 20:5 implies that the worship of any god other than the living God was

⁴⁹Nahum M. Sarna, *Exodus* (Philadelphia: Jewish Publication Society, 1991), 110.

⁵⁰Ramban, *Exodus*, 299-300, n. 359; *The Talmud of Babylonia* (Vol. 24: Bavli Makkot; trans. J. Neusner; Atlanta: Scholars Press, 1991), 116; Sarna, *Exodus*, 110-11; Ronald J. Williams, "Theodicy in the Ancient Near East," in *Theodicy in the Old Testament* (ed. J. Crenshaw; Philadelphia: Fortress Press, 1983), 48-49.

not allowed then or at any time in the future. There is no question of degree, or of the number of idolaters. However, in consideration of the repeated occurrences of idolatry in Israel, it did not seem to take long for idolatry to spread from one house to the level of a tribe (Judg 17-18) or even to the level of the congregation of Israel (Num 25:1-6). Enns's suggestion of degree appears more closely tied to the discussion that Abraham had with the Lord about the destruction of Sodom (Gen 18). Ultimately, Abraham appears to be arguing that the death of the righteous was a greater injustice than the pardon of the wicked. Daube sees Abraham's request as coming from a man still under the influence of the communal principle, substituting communal merit for communal responsibility.⁵¹

In addition, Enns also suggested that Exod 20:5 means that the punishment fell on the community, not the literal descendants of the sinner.⁵² However, although the biblical text contains narratives in which the community as a whole was punished for the sin of one, this commandment, within the context of the other commandments, can be understood as referring to the sin of idolatry within the family unit, just as one's household observes Sabbath, and one honors one's parents, does not kill, commit adultery, steal, speak wrongly of one's friend, or covet another's household. Certainly, an individual's sin could ultimately affect the community (Judg 7; cf. the results of sin in Gen 3:14-16, 19), but it was each individual's responsibility to do what was commanded (Judg 7; Num 26:11). Corporate responsibility plays a role by extension of the individual's responsibility to keep the commandments, but it is not the primary intention of the commandments. Compare Moses and Aaron's question to God: "When one man sins, will You be angry with the

⁵¹David Daube, *Studies in Biblical Law* (Clark, NJ: The Lawbook Exchange, 2000), 157.

⁵²Peter Enns, *Exodus* (Grand Rapids: Zondervan, 2000), 416-17.

entire congregation?” a request that God punish only the guilty (Num 16:22; cf. Gen 18:25).

Was there a required extension of the penalty to the fourth generation by God as suggested above by Enns? Sometimes a transgression was punished soon after the event (Num 16; Num 25:6-7; Josh 7; 2 Sam 6:6-7), but on other occasions it was delayed (2 Kgs 21:10-18 with fulfillment in 2 Kgs 25:8-11; 2 Sam 21:2), which leaves the time of any given punishment unspecified. Perhaps punishment to the third and fourth generations, by contrast to his mercy to the thousandth generation (Deut 7:9), is better understood as the measure of God’s goodness being greater than the measure of punishment (contra 1QS 4:11-13). God, in His mercy, does not find pleasure in the death of those who turn away from him (Ezek 18:23; 33:11), but extends His mercy to all who accept it (e.g., Jonah 3:5-10). Recalling Ramban’s commentary, he waits in case the wicked might turn from their ways and do righteousness.

The meaning of Exod 20:5 does not contradict Deut 24:16 and Ezek 18. The preposition ל in Ex 20:5 specifies that it is the third and fourth generations “of those” or “concerning those who hate me” that will bear their culpability (עוֹן) in Exod 20:5. Although Exod 34:7 does not have the preposition ל, which indicates those who will bear their iniquity, it appears as though the Lord has largely quoted Exod 20:5 with the missing clause assumed to be known by the hearer or reader. The clause that can be understood to connect 20:5 and 34:7 is “visit the iniquity” (פִּקֵּד עוֹן). Whose iniquity could be visited upon them, except those who are guilty of some wrongdoing? Although the passages in Exodus have been understood by some to imply community punishment, it is those who hate God who will have their iniquity visited upon them, whether father or children or nation.

Exodus and Deut 24:16 state this explicitly, while the later prophet Ezekiel describes in greater detail the actions of the one who hates God.

Leviticus 26:39-40

In Lev 26:39-40 it is possible to find yet another apparent indication of accumulated or inherited guilt: “So those of you who may be left will rot away because of their iniquity in the lands of your enemies; and also because of the iniquities of their forefathers they will rot away with them.” The translation of the last clause of this verse “and also because of the iniquities of their forefathers they will rot away with them” (וְאֵף בְּעֲוֹנוֹת אֲבוֹתָם אִתָּם יִמְאָר) implies that the descendants will rot away because of the sins of their fathers. However, it should be more clearly read, “they will also waste away in the sins of their fathers, which are with them.” With this reading, it is possible to understand that the sins of their fathers are still with them because the descendants adhered to them. However, if they confess all of these iniquities and humble their hearts so that they make amends for them, then the Lord will remember his covenants with Abraham, Isaac, and Jacob and he will remember the land (vv. 41-42).

Deuteronomy 24:16

Even though not dealing with a specific crime, the procedural law in Deut 24:16 speaks directly to the issue of inheriting guilt from the previous generation and in this way it is relevant to 2 Sam 21:1-14: “Fathers shall not be put to death for their sons, nor shall sons be put to death for their fathers, everyone shall be put to death for his own sin.” This statement places the punishment for sin on the one who committed it and leaves no room for the punishment of descendants for something the father had done. This concept is further developed in Ezek18.

Ezekiel 18

Ezekiel 18 begins with a proverb that also appears in Jer 21:29: “The fathers have eaten sour grapes, and the children’s teeth are set on edge.” The proverb essentially says that every sin is punished, but it is not necessarily the one who committed the sin who receives the punishment. In clear opposition to this proverb, the Lord declares that it is only the person who sins who will be punished (Ezek 18:20). Ezekiel goes on to further define the actions and punishment of those who are righteous and those who are wicked. Those who shed blood, eat at the mountain shrines, defile a neighbor’s wife, steal, do not restore a pledge, worship idols, do anything that comes under the heading of “abomination” (הרעבה), lend money with interest, or practice extortion are those whose bloodguilt is on their own heads.

While some of these things may not be the same issues in society today, there are overriding principles to be taken from this list. Essentially all of these actions bring loss and oppression to one’s fellow man and are disloyal to God (see the discussion on נבלה below). As on the Day of the Atonement (Lev 23:26-32), all the righteous deeds that were previously done are not enough to cancel out the guilt of later events (Lev 23:29-30) and the guilty one who does not repent will die for his own sins (Ezek 18:24, 26). On the other hand, the one who turns from wickedness will live (18:21, 27-28). It is clear from this chapter that the state of righteousness today is not a guarantee against a future change of state, nor does wickedness in the life today result in eternal condemnation. The chapter ends with the imperatives to cast away sin and receive a new heart and spirit (cf. 1QS 3:6-11), which are the practical aspects of repentance, because the Lord has no pleasure in the death of anyone (Ezek 18:23, 32).

Jeremiah 32:17-19

The meaning we have found in Exod 20:5 and 34:7 is supported by Jeremiah's prayer (Jer 32:17-19; cf., 17:10; 21:14; Pss 11:4-7; 62:12):

Nothing is too difficult for you who shows loving kindness to thousands, but repays the iniquity of the fathers into the bosom of their children after them ... giving to everyone according to his ways and according to the fruit of his deeds (vv. 17b, 18, 19b)

In his prayer, Jeremiah makes reference to Exod 20:5, mentioning that the Lord will repay the iniquity of the fathers into the bosom of their children (Jer 32:18). By referring to Exod 20:5, the qualifying phrase "of those who hate me" is assumed by the reader, as discussed above and he further elucidates this passage with the phrase "giving to everyone according to his ways."

Lamentations 5:7

In Lam 5:7 Jeremiah wrote: "Our fathers sinned, and are no more, it is we who have borne their iniquities." Certainly this calls to mind the words of Isaiah to Hezekiah (2 Kgs 20:18-19).⁵³ It is v. 16 that brings the culpability for sinning to the people of Jeremiah's day: "The crown has fallen from our head; Woe to us, for we have sinned!" This supports the conclusion that it is the sinner who is punished for his own sins.

Royal Administration

The structure within a kingdom was similar to that of a family unit, but was there inheritance of responsibility from one administration to another as there appears to be in 2 Sam 21:1? Like the father of a household, the king was at the top of the kingdom's

⁵³However, the phrase in Lam 5:7 "we have borne their iniquities" should not be confused with the technical term for culpability, which the Lord punished, נָשָׂא עוֹן, as the phrase in Lam 5:7 עוֹנֵיהֶם סָבְלוּ.

socioeconomic system, which included all lands and peoples in his domain, and he was only answerable to the gods.⁵⁴ From the king down, everyone in his lands were members of his “household” and the decisions he made, including the treaties and oaths he entered into, were binding on them as well. Just as there were adoptions at the level of the family level, so there were adoptions at the level of the king.⁵⁵

In several texts from Alalah, there is evidence that the king’s villages were treated as his personal possessions in that he could give, sell, or exchange them with other kings or with whomever he chose.⁵⁶ This system of granting royal favors is demonstrated in Ugaritic texts from the reigns of Arḥalbu and Niqmepa, in which land grants were given in order to raise Arbu and his sons to a position of power.⁵⁷ In the biblical text, Saul’s charge of conspiracy against the Benjaminites and Jonathan included the questions “Will the son of Jesse also give all of you fields and vineyards? Will he make you all commanders of thousands and commanders of hundreds?” (1 Sam 22:7), which implies that his kingdom was also based on royal favors and land grants, most likely in return for royal patronage.

There is evidence of this during David’s reign as well. During David’s flight and subsequent return to Jerusalem, Mephibosheth’s servant, Ziba, accused his master of

⁵⁴Raymond Westbrook, “International Law in the Amarna Age,” in *Amarna Diplomacy: The Beginnings of International Relations* (ed. Raymond Cohen and Raymond Westbrook; Baltimore: Johns Hopkins University Press, 2000), 28-32; John H. Walton, *Ancient Near Eastern Thought and the Old Testament* (Grand Rapids: Baker Academic, 2006), 284.

⁵⁵“Bilingual Edict of HóattušŪili I,” translated by Gary Beckman (*COS*, 2.15:79).

⁵⁶“The Protests of the Eloquent Peasant” (trans. by John A. Wilson; *ANET*, 410, B2, 134ff.); MAL A 45 in Driver and Miles, *Assyrian Laws*, pp. 299, 413-15; AT 6, 52-58 in Wiseman, *Alalakh*, pp. 33, 47-49, respectively. In Gen 31:18, the MT’s use of רכוש “possession, goods, personal property, lands” to describe Jacobs’s belongings gives indication of possessions other than livestock, a description of what he had רכש “gathered” (as per Laban’s son’s complaints in Gen 31:1) vs. inherited, much like a king might do of properties and lands in order to expand his kingdom.

⁵⁷Texts 16.254D; 16.239; 16.143; 16.157; 16.250 (Jean Nougayrol, *Le Palais Royal D’Ugarit* [Paris: Imprimerie Nationale, 1955], 78-86).

treason by that Mephibosheth had thought that David's flight meant that he, Mephibosheth, was in line for the throne of his father, Jonathan, who had been the chosen prince (2 Sam 16:3). For his report, David gave him all that belonged to Mephibosheth (16:4).

Confiscation of property and capital punishment were standard responses to acts of treason in the ancient Near East.⁵⁸ Later, it appears that David does not fully believe either Ziba or Mephibosheth, as he does not revoke his grant of Mephibosheth's property to Ziba, but partially restores it to Mephibosheth (19:29).

The household model as a basis of Ancient Near Eastern governments is well demonstrated in the vocabulary used in treaties and business documentation and it should not be assumed that metaphorical labels such as "lord" or "brother" qualitatively lacked a similar representative function as they had in families.⁵⁹ While it is not unusual to read of a son calling his father "father," it is the use of such language between those who are not related by either blood, marriage, or adoption that gives a better understanding of ancient Near Eastern society. Such uses are demonstrated in both extra-biblical and biblical texts. Although it is not possible to list all the documented uses here, some examples from non-biblical sources include "my lord . . . your servant,"⁶⁰ "your brother,"⁶¹ "my

⁵⁸Texts 16:269; 16.353 lines 19-26 (Nougayrol, *Le Palais D'Ugarit*, 68-69, 114); AT 17 (Wiseman, *Alalakh*, 40).

⁵⁹Kevin Avruch, "Reciprocity, Equality, and Status-Anxiety in the Amarna Letters," in *Amarna Diplomacy: The Beginnings of International Relations* (ed. Raymond Cohen and Raymond Westbrook; Baltimore: Johns Hopkins University Press, 2000), 158-60.

⁶⁰Driver and Miles, *Assyrian Laws*, 20; Tablet 156 (Stephanie Dalley, C.B.F Walker, J.D. Hawkins, *The Old Babylonian Tablets from Tell Al Rimah* [Hertford: Stephen Austin and Sons, 1976], 128-29); tablet 158 (129-30); tablet 159 (130-31), tablet 160 (131-32); tablet 165 (135); EA 12, 30 (William L. Moran, *The Amarna Letters* [ed. and trans. W. L. Moran; Baltimore: Johns Hopkins University Press, 1992], 24, 100, respectively).

⁶¹Tablet 161 (Dalley, Walker, and Hawkins, *Al Rimah*, 132); EA 6, 7, 8, 9, 11 (Moran, *The Amarna Letters*, 12, 16, 21, respectively).

brother,⁶² “my sister,”⁶³ “my son,”⁶⁴ and “mistress.”⁶⁵ The designations appearing in the biblical text include “lord,”⁶⁶ “servant,”⁶⁷ “son,”⁶⁸ “father,”⁶⁹ and “brother.”⁷⁰ An interesting connection between the household and kingdom can be seen in the use of “my father and lord” by a king’s son.⁷¹

Inherited Responsibility at the Royal Level

Just as there was inheritance of property as well as debt in the household, so there appears to have been inherited guilt and punishment at the level of the king. The concept of

⁶²Treaty between Hattusili III of Hatti and Ramses II of Egypt as translated in Beckman, *Hittite Diplomatic Texts*, 96-981; Queen Puduhepa of Hatti’s letter to Ramses II of Egypt (ibid., 132-35, 136-37); Hattusili III of Hatti to Kadashman-Enlil II of Babylon (ibid., 139-43); EA 14, 17, 33, 35 (Moran, *Amarna Letters*, 27, 41, 104, 107, respectively). In correspondence between Urhi-Teshshup of Hatti to Adad-nirari I of Assyria, the refusal of the Hittite ruler to refer to the King of Assyria as “brother,” citing the fact that they were not born of the same mother as reason not to refer to him as such, also gives evidence of this practice (ibid., 147).

⁶³Beckman, *Hittite Diplomatic Texts*, 132, 136; EA17, Moran, *Amarna Letters*, 42.

⁶⁴Beckman, *Hittite*, 144-46.

⁶⁵EA 26 in Moran, *Amarna Letters*, 84.

⁶⁶Heth of Abraham (Gen 23:6, 11, 15); Jacob and his servants of Esau (Gen 32:4, 18; 33:8, 13-15); Joseph’s brothers (before they knew his real identity) and the people of Egypt of Joseph, making his equality with that of Pharaoh (Gen 42-44 and 47:25); Sarah of Abraham (Gen 18:12); Rebekah of Abraham’s servant (Gen 24:18); Ruth of Boaz (Ruth 2:13); Abigail of David (1 Sam 25:24-31); Aaron of Moses (Exod 32:22); the tribes of Gad and Reuben (Num 32:25); David of Achish (1 Sam 29:8); David of Saul (1 Sam 24:6, 8, 10; 26:17-19); Hiram, king of Tyre, posthumously of king David and now of king Solomon (2 Chr 2:14).

⁶⁷Joseph’s brothers of themselves before they knew the real identity of this vizier (Gen 42-44); the king of Aram of Namaan (2 Kgs 5:6); Achish of David (1 Sam 27:12).

⁶⁸The Lord of Israel that they may “serve” Him (Exod 4:22-23); Joshua of Achan (Josh 7:19); Eli of Samuel (1 Sam 3:6); king Saul of David (1 Sam 24:16; 26:17, 21, 25); Joab of Ahimaaz, the son of Zadok (2 Sam 18:22).

⁶⁹David of King Saul (1 Sam 24:11); Namaan’s servants of him (2 Kgs 5:13); Elisha of Elijah (2 Kgs 2:12); king of Israel of Elisha (2 Kgs 6:21); Joash, king of Israel, of Elisha (2 Kgs 13:14).

⁷⁰Hiram, king of Tyre, of Solomon (1 Kings 9:13).

⁷¹Tablet 160 “my father and lord,” in Dalley, Walker, and Hawkins, *Al Rimah*, 131-32. Cf. biblical sources including Sarah of her husband, Abraham (Gen 18:12) on the family level; Rachel of her father, Laban (Gen 31:35).

inherited ruler punishment is illustrated in the greater ANE context in the treaty between Muršili II of Hatti and Kupanta-Kurunta of Mira-Kuwaliya. Kupanta-Kurunta was born to Mashuiluwa's brother, but when Mashuiluwa found himself without an heir, he asked Muršili for Kupanta-Kurunta to become his adopted son. Subsequent to this adoption, Mashuiluwa stirred up a rebellion against Muršili, after which he fled and was pursued to the land of Masa. In order to capture him, Muršili threatened to destroy the men of Masa if they refused to turn Mashuiluwa over to him.

Now in this treaty, Muršili restores to Kupanta-Kurunta the house of his father as well as the lands and the office of his father. In the historical prologue of the treaty, Muršili reminds Kupanta-Kurunta that he could have been punished for what Mashuiluwa, his adoptive father, had done:

Because Mashuiluwa formerly had no son, and took you, Kupanta-Kurunta the son of his brother, as his son -Are you, Kupanta-Kurunta, not aware that if in Hatti someone commits the offense of revolt, the son of whatever father commits the offense is an offender too? And that they take the house of his father away from him, and either give it to someone else or take it for the palace? Now, because your father, Mashuiluwa, committed an offense, and because you, Kupanta-Kurunta, were Mashuiluwa's son, even if you were in no way an offender, could they not have taken the house of your father and your land away from you and given it to someone else? I could have made someone else lord in the land.⁷²

This section is repeated later in the treaty, serving as the introduction to the loyalty clause. If Kupanta-Kurunta fails to be loyal to Muršili, Muršili reminds him that he will have committed an offense before the oath gods by transgressing the oath, the result of which would be unrelenting pursuit by them. Preceding the list of divine witnesses, Muršili

⁷²Lines C i 12-22 and 35-27 (Beckman, *Hittite*, 75-76).

commands this tablet to be read before Kupanta-Kurunta three times a year to keep before him his responsibility (cf. Deut 16:16).⁷³

In an adoption text from Alalah, there is evidence that adoption was also used to secure royal patronage, as in the case where Ilimilimma takes Tulpuri as his “father.”⁷⁴ Just as an heir was responsible for his father’s offense, the king was responsible for crimes committed by and on his subjects. Although his power to maintain his authority was necessarily delegated, it was the mind-set of living in a household that kept the majority of the king’s power centralized and legitimized.⁷⁵

By this point, it is clear that an ancient Near Eastern household surviving after the death of a paterfamilias or the king could inherit guilt. It is possible that when the Lord notified David of Saul’s remaining bloodguilt (2 Sam 21:1), he was using a cultural norm that would not have been foreign to David and, as a result, David could readily accept responsibility for seeing that justice was carried out.

Accountable to the Deity

In the ANE, the primary source of a king’s right to rule came from the gods, just as it did for Israel’s monarchy (cf. 1 Sam 10:1; 15:17; 16:1, 13-14; 2 Sam 12:17; 1 Chr 22:9-13). Because of the divine source of his reign, the king was accountable to the deity. Thus, in Jonathan’s speech to Saul, he tried to convince his father of the sin he would commit by

⁷³Cf. the Hittite treaty with the king of Mitanni (my translation of lines 36-37): “Also in the land of Mittanni (a duplicate) is deposited for Tešup, the lord or *kur[i]nnu* of Kaḫat. Let it be read repeatedly before the king of the land of Mitanni and before the people of the land of Ḫarri.” Ernst Friedrich Weidner, *Politische Dokumente aus Kleinasien* (Hildesheim: Georg Olms Verlag, 1970), 29.

⁷⁴AT 16 (Wiseman, *Alalah*, 39-40). Wiseman notes that it is unclear who is the “father” and who is the “son,” but the reason for the adoption remains clear.

⁷⁵Schloen, *House*, 65-69. For this concept in a later time period and the predecessor to Schloen’s model, see Weber, *Economy and Society*, 2:1020-22.

putting David to death without cause (1 Sam 19:5). If Saul were truly outside of the legal system, this appeal would not have been made to Saul nor considered by him. Like Jonathan, Abigail appealed to David to make for himself an enduring house by not killing her husband, Nabal, and took her husband's עון "iniquity" on her and her father's house (2 Sam 14:9). To kill her husband without cause would incur bloodguilt, which would then become a stumbling block to David's reign (1 Sam 25:26-31; cf. 2 Sam 13; 15-18).

Theoretically, at least, the king was not an absolute ruler, but was under the authority of the deity. As such, he was to rule in the interest of the deity who had bestowed on him his office. Failure to meet divine requirements could lead to divine punishment, which could affect not only the king, but also his people (e.g., Exod 12:29, 30; 2 Sam 21; 24). This dynamic helps to explain why the Lord would punish the whole nation, by means of a famine, for the sin of Saul (2 Sam 21).

Famine

While collective punishment was associated with offenses against gods and kings in the ancient Near East, famine in particular was never connected to offenses against the king but only to those against the gods. The warning of and occurrence of famine as a form of punishment for oath violation appears regularly in ancient Near Eastern⁷⁶ and in biblical texts. It appears to be one of the more common curses, along with lack of descendants and plague (e.g., 1 Sam 5).

⁷⁶"The Code of Hammurabi," translated by Theophile J. Meek (*ANET*, 179, Lines 70-80 of reverse of xxvii); "The Soldier's Oath," translated by Albrecht Goetze (*ANET*, 353, lines 35-42, 36-45); Lines 9-10 in col. IV on a *kudurru* from the time of Meli-Shipak (Leonard William King, *Babylonian Boundary-Stones and Memorial Tablets in the British Museum* (vol. 2; London: Oxford University, 1912), 23); Lines 11-13 in col. II on a boundary stone (*kudurru*) from the time of Nabû-Mukî-Apli (*ibid.*, 62).

In the Hittite text, “Plague Prayers of Muršili II,” the twenty-year plague that was killing the men of Hatti was a result of the broken treaty between the king of Egypt and Suppiluliuma, Muršili’s father.⁷⁷ Although Suppiluliuma instigated the breach of the oath, Muršili, who was without guilt in this matter, bore the punishment for what his father had done:

It is only too true, however, that the father’s sin falls upon the son. So, my father’s sin has fallen upon me. Now, I have confessed before the Hattian Storm-god, my lord, and before the gods, my lords (admitting): “It is true, we have done it. . . . I have now confessed my father’s sin. It is only too true, I have done it.”⁷⁸

Muršili speaks of his father’s sin as his own because the king’s office, responsibilities, and lands were inherited by his successor, whether born to him or adopted, following the doctrine of family inheritance.⁷⁹ Along with lands and peoples, the new king also inherited the treaties/oaths and obligations of his predecessor,⁸⁰ which could include punishment for wrong done by the previous king (2 Kgs 24). Because top-tier ancient Near Eastern kings answered only to the gods, the punishment that Muršili inherited from his father was the death of his subjects brought about by the anger of the gods for injustice done.

Similarly, the narrative of 2 Sam 21:1-14 opens against the background of a three-year famine in the land, which the Lord tells David is a result of Saul’s house of bloodguilt

⁷⁷AT 122 is believed to contain reference to the earlier oath between Suppiluliuma and the king of Egypt (Wiseman, *Alalakh*, 62).

⁷⁸“Plague Prayers of Muršili,” translated by Gary Beckman (*COS*, 1.60:156-60).

⁷⁹Beckman, *Hittite*, 109-13; AT 1, 6 (Wiseman, *Alalakh*, 25 and 33, respectively); # 7 Wentz, *Letters from Ancient Egypt*, 21; Old Kingdom and 1st Intermediate Period, Westbrook, *History*, 124-25; Middle Kingdom and 2nd Intermediate Period (ibid., 277); 3rd Intermediate Period (ibid., 803-804); Ur III (ibid., 186); at Emar (ibid., 678); Ugarit (ibid., 729); Beckman, *Hittite Texts*, 139-40; Westbrook, *History*, 637; Kathryn E. Slanski, *The Babylonian Entitlement naṯ (kudurrus): A Study in Their Form and Function* (Boston: ASOR, 2003), 115-16.

⁸⁰“Treaty between Hattusilis and Ramses II,” translated by Albrecht Goetze (*ANET*, 201-3); Itamar Singer, “Treaty between Muršili and Duppi-Tessub of Amurru,” translated by Itamar Singer (*COS* 2:96-8).

(בית דמים). Saul's reign is no longer simply referred to as "the house of Saul" but is described by the Lord as a "house of blood guiltiness" as a result of the serious infraction of breaking an unchangeable oath and committing murder. The primary difference between Muršili's and David's situations is that David did not come to the throne by natural inheritance succession. His was a new dynasty given to him by God. Yet he inherited the responsibility for making atonement for actions that originated with Saul's administration.⁸¹

Although famine appears in narratives throughout the Old Testament, the warning of famine as a form of punishment first appears in Deut 32:24 and is a strong theme throughout Jeremiah and Ezekiel in particular (e.g., Jer 21:7, 9, 10; 27:8; 32:36; 42:44; 52:6; Ezek 5:12, 16, 17; 14:21). Other occurrences of this in narratives as punishment for transgression can be seen in Ruth 1:1; 2 Sam 21:1; 2 Sam 24:13; 2 Kgs 8:1; and Jer 52:6. Isaiah connects a desolate state of the earth with the transgression of laws, violation of statutes, and breaking of the covenant (Isa 24:3-6). Conversely, Israel's enjoyment of the land through eating of its yield was a result of their loyalty to God.⁸² As mentioned earlier, this contrast was seen in the reigns of Saul and David, famine versus bread, respectively.

Even though human breach of the covenant between God and his people (or perhaps better, their leaders) precedes the five occurrences of famine in these passages (2 Sam 21:1; 2 Kgs 4:38; 6:25; 8:1; 2 Kgs 25:3), the famine of 2 Sam 21:1, in particular, is the result of an oath directly broken by Saul, which had been sworn by God's name by

⁸¹This is not an uncommon phenomenon in modern times. Perhaps the most recent example of this is the Iraq War. Even though George H. W. Bush initiated this war, three presidents since then have inherited the responsibility for either continuing it or ending it (Bill Clinton, George W. Bush, and Barack Obama).

⁸²J. G. McConville, *Law and Theology in Deuteronomy* (Sheffield: JSOT Press, 1984), 78-84.

Joshua and the leaders of Israel with the Gibeonites (Josh 9). In the Old Testament, the *niph'al* of שבע “to swear” is understood to be an irrevocable divine oath,⁸³ which cannot be changed, only kept or broken, and the four occurrences of it in Josh 9:15, 18-20 underscore the enduring nature of the oath made with the Gibeonites. In spite of the fact that Joshua and the leaders of Israel did not seek God’s approval, God honored that oath and thus Saul’s sin was against God in that he profaned the holy name by which this oath was taken.⁸⁴ The punishment for the breaking of the oath occurred during the reign of David because, as the next one to sit on the throne given to him by God (1 Sam 15:28), David inherited all the rights and unfulfilled obligations of the preceding king.

This type of inherited responsibility can be seen within David’s own house and administration. In 2 Sam 3:39, after Joab killed Abner in revenge for his brother Asahel’s death, David declared that Joab’s bloodguilt was not on David’s kingdom, but on Joab’s father’s house. Just as Absalom’s intentional slaying of his brother (2 Sam 13:28-30) made him ineligible for residence in a city of refuge (Num 35), so Joab’s intentional slaying of Abner made him ineligible for refuge at the altar (Exod 21:14). Yet it was not until Solomon’s reign that Joab was put to death for what he did in order to remove from Solomon and the house of David the judicial responsibility for the blood that Joab shed (1 Kgs 2:5-6, 28-34). Joab’s death was necessary so that an unexpiated crime would not affect others, as Saul’s crime did.

⁸³Koehler and Baumgartner, *Lexicon*, “שבע”; I. Kottsieper, “שבע,” *The Theological Dictionary of the Old Testament* (ed. G.J. Botterweck, H. Ringgren, and H.J. Fabry, trans. D.W. Scott; Grand Rapids: Eerdmans, 2004), 326.

⁸⁴Milgrom, *Leviticus*, 1:347.

Communal Responsibility and Ruler Punishment

What would have happened if David had not followed through on his responsibility for maintaining justice in 2 Sam 21? Perhaps the result would have been similar to conditions in 2 Sam 21 before he carried out justice on Saul's household. In this section, two related concepts will be addressed, as they may be relevant to 2 Sam 21:1-14: communal responsibility and ruler punishment.

Communal Responsibility, Including Household

Communal responsibility resulted in punishment to the community as a result of a community member's transgression. Perhaps one of the best examples of this is seen in the ritual for an unsolved murder (Deut 21). If a corpse was found outside a city and the murderer was unknown, the elders of the city that was closest to the corpse were to perform a ritual that involved running water and a heifer that was killed by breaking its neck, in order to remove blood-guiltiness from the community (v. 8). The elders stated their innocence and then asked the Lord that the guilt of innocent blood would not be put on the people of Israel. Even though they did not know who the murderer was, the community would be responsible for the act if it were left unaddressed. With this ritual and these words, they absolved themselves of culpability for the murder.

Perhaps the word that best demonstrates the effect of sin on the fabric of the community is the term נבלה, "disgraceful thing."⁸⁵ It first appears in the story of Shechem's rape of Dinah (Gen 34:1-5). Jacob's sons were very angry because Shechem had done a

⁸⁵Anthony Phillips, "Nebalah: A Term for Serious Disorderly and Unruly Conduct," *VT* 25 (1975): 237-42; J. Marböck, "נבלה," *Theological Dictionary of the Old Testament* (ed. G. J. Botterweck et al; trans. D. Green; Grand Rapids: Eerdmans, 1998), 157-71; Hilary Lipka, *Sexual Transgression in the Hebrew Bible* (Sheffield: Sheffield Phoenix Press, 2006), 184-223.

disgraceful thing (נבלה) thing in Israel (v. 7). The laws of Deuteronomy prohibit a young woman who is not a virgin from keeping this secret before marriage because it is an act of folly in Israel (22:20-21). Achan committed a disgraceful thing (נבלה; Josh 7:15). What was done to the Levite's concubine was considered to be a disgraceful thing (נבלה; Judg 19-20). Amnon's rape of Tamar was also something not to be done in Israel (2 Sam 13:12). In each of these uses, the context for the term נבלה is the community, and from these narratives, it is possible to see that "disgraceful thing" (נבלה) refers to an evil act that breaks down the bonds of communal relationship.

Community punishment occurred when a wrong committed by a community member brought punishment upon the entire community, as in the story of Achan (Joshua 7; cf. Deut 21:1-9). The matter of a community carrying out its responsibility to ensure justice is also demonstrated in the narrative concerning the Levite's concubine in Judges 19-21. The man hosting the Levite and his concubine in Gibeah appealed to the men of the city to not commit an act of folly (נבלה) (v. 24), which would harm the intertribal relationships within Israel, a result that surely ensued (Judg 20:35).⁸⁶

After the gang-rape and murder of the Levite's concubine, he took her body home and then used it to notify the twelve tribes of Israel of what had been done (v. 29). In response, the assembly (עדה) gathered (20:1) and acted in a judicial capacity (19:1).⁸⁷ They asked the tribe of Benjamin to hand over the perpetrators of the crime in order

⁸⁶The men of Gibeah are further described as "men of the sons of B^eliyya'al," which is composed of two parts: the negation בל and the verbal root יעל "to profit" or "benefit" with the understanding that a person is the object. In the context of this narrative (Judg 19-21), it appears that these were men from a family that had a history of not benefiting their tribe or their nation. For the community they were worthless.

⁸⁷In 1 Sam 11:7 we find a similar sequence of events but with a king in place. In response to an event that threatens a tribe and, by extension, the nation, Saul sends pieces of oxen throughout Israel with a message. In response, the people "came out as one" (ויצאו כאיש אחד).

to put them to death so that the wickedness would be removed from Israel (v. 13). From this request it is clear that the tribe of Benjamin had not taken care of this matter themselves, and so the assembly (עדה) had to act in order to remove the evil from the entire nation.⁸⁸ Like the Levite, the Gibeonites, who had joined the community of Israel, appealed to David for justice at the national level because Saul's household had not provided it (2 Sam 21:9).

Like the Levite, the Gibeonites, who had joined the community of Israel, appealed to David for justice at the national level because Saul's household had not provided it (2 Sam 21:9). In 2 Sam 21, a famine affected the entire nation, which apparently bore community responsibility as a result of what Saul had done. More narrowly, the community of his household was especially culpable, and, as we found earlier, such family liabilities were inherited. So even if Saul's descendants did not actually participate in commission of his genocide against the Gibeonites, they bore culpability.

Ruler Punishment

When a king's actions brought punishment on his subjects (e.g., Exod 7-11; 2 Sam 24), the effect was similar to communal responsibility. Therefore, anything that affected a king's subjects as a result of his actions was punishment of the king. However, it is important to remember that the members of a ruler's domain were, in a sense, regarded as his property.

In the Ancient Near East, ruler punishment could also occur at a lower societal level, where an individual such as a *paterfamilias* could be punished by losing persons

⁸⁸The legal precedent for the עדה carrying out a death sentence is found in the Pentateuch (Lev 24:10-16; Num 15:32-36).

under his control. In LH 230, it is stated that if a builder builds a poorly constructed house and it falls, killing the owner's son, then the builder's son will be put to death, even though the son was not the builder.⁸⁹ This is not an action that affects the community as a whole, but only the one who did wrong and his immediate family. In the Ancient Near East, some of the ways in which harm could be brought to a god's interests were the breaking of an oath sworn in a god's name, homicide, blasphemy of the god's name, or adultery, among other things.⁹⁰ If the offender was someone who had representative status, such as a king, the act was considered to pollute his domain. For a common person, the result of such a transgression was punishment of the offender, typically by either banishment or death of the offender himself, but in the case of an offending king, the divine punishment was collective in the form of famine, pestilence, drought, defeat in war, or death of his subjects.⁹¹

In the biblical text, there are several examples of ruler punishment that involve the loss of his subjects. The earliest example concerns Pharaoh and his house. Fearing that the Pharaoh would acquire his wife, Abram told Sarai to say that she was his sister instead of his wife (Gen 12:13). Because of this lie, Pharaoh took Sarai and the Lord struck Pharaoh as well as his house with plagues (v. 17). It was Pharaoh who took Sarai but his house was also as a result of his actions. In this way, this narrative provides an interesting parallel to 2 Sam 21:1-14. The ruler acts but his house suffers his punishment.

⁸⁹Driver and Miles, *Assyrian Laws*, 230.

⁹⁰George Mendenhall, "Ancient Oriental and Biblical Law," *The Biblical Archaeologist* 117 (1954): 26-46; F. Charles Fensham, "The Treaty Between Israel and the Gibeonites," *The Biblical Archaeologist* 27 (1964): 96-100; Westbrook, *History*, 76; Daube, *Studies in Biblical Law*, 154.

⁹¹Westbrook, *History*, 75-76.

Several years later, Abraham repeated this mistake, but with a different king, Abimelech, king of Gerar. After Abraham told Abimelech that Sarah was his sister, the king took her into his harem (Gen 20:2). In the exchange between God and Abimelech, we see the concept of ruler punishment demonstrated. Abimelech asked God if he would destroy an innocent nation. God told him that if he did not return Sarah to Abraham, the punishment would not only be his death, but also the death of all who belonged to him (Gen 20:4, 7).

A later Pharaoh also experienced ruler punishment. The Pharaoh of the Exodus was plagued by water turning into blood, frogs, gnats, and insects, but this was not enough to bring about change. As throughout the ancient Near East, all of Pharaoh's subjects were his "property." Whatever caused his subjects (Exod 9:25) to be harmed or killed (Exod 8:4; 9:6; 10:15; 12:29) was a loss to Pharaoh. He lost not only his subjects, but also his firstborn was killed (Exod 12:29).

There are two occasions of ruler punishment during David's reign. The first happened after he had committed adultery and murder (2 Sam 11:3-5; 15-17). The prophet Nathan came before David and told a story of injustice, after which David pronounced a sentence, saying that the culprit was deserving of death and should have to pay restitution in fourfold (cf. Exod 22:1). However, unlike theft, there was neither sacrifice nor restitution for what David had done (Num 15:30-31). Even though the Lord forgave David's sin (2 Sam 12:13), he did not go unpunished. The child that was conceived during the David and Bathsheba affair died (2 Sam 12:15-18). David's own family unraveled in the years to come, causing instability in the kingdom, and three of his other sons (Amnon, Absalom, Adonijah) died (2 Sam 13:28, 29; 18:15; 1 Kgs 2:24, 25).

Long after Pharaoh, David ordered a census to be taken and, in spite of Joab's attempt to stop him, the command was carried out. Unfortunately, it was only after the census was taken that David's conscience troubled him (2 Sam 24:10). The Lord gave him three options for punishment, and David chose to fall into the hands of the Lord (24:14). At the end of the plague, seventy thousand were dead, which was a serious punishment for the ruler.⁹² This narrative of ruler punishment contains important parallels and keys to understanding the significance of the events of 2 Sam 21:1-14 and will be examined more closely below.

Baasha's sins of idolatry were like Jeroboam's and so Baasha was to be punished in the same way Jeroboam was (1 Ki 16:3, 4, 7; cf. 1 Ki 4:10, 11). Ultimately, Jeroboam's house was cut off (כרת; 1 Ki 14:10).

Because Jehoram murdered his own family and corrupted Judah he was punished (2 Chr 21:12-13). Among the punishments listed was the calamity that would befall his people, his sons, his wives, and all of his possessions (v. 14).

When Saul murdered the Gibeonites, he deserved punishment for what he had done but, because he was no longer king of Israel, his punishment could not include his subjects. They were now David's subjects and, although they suffered from the famine that came as a result of Saul's sin, primary punishment would now rest on his household, as happened to the households of Pharaoh's (Gen 12:13), Jehoram's (2 Chr 21:14), and Baasha (1 Kgs

⁹²A census itself was not illegal and, contra to J. R. Porter, the punishment for census taking was not a rumor (J. R. Porter, "The Legal Aspects of Corporate Personality in the Old Testament," *Vetus Testamentum* 15 [1965]: 373-74). In between the directions for building the altar of incense, on which incense was to be sent up day and night, and the directions for the ritual bath for the priests are the instructions for taking a census (Exod 30:11-16). When a census was done, ransom (כֶּפֶר) was to be taken for the individual's life (נַפְשׁ), indicating a liability for death if this was not followed (Exod 30:12). The כֶּפֶר money was to prevent destruction at the hands of God. When David apparently failed to collect כֶּפֶר money, he did not die, but was punished by loss of a significant portion of his kingdom.

16:3, 7). Now, it was David who had responsibility to rid the land of the bloodguilt in order to free his subjects from its consequences. The third theoretical reason for the deaths of Saul's descendents is that they were posthumous ruler punishment on Saul and his house. It certainly is possible that they were innocent with regard to Saul's offense but they could still be killed as part of his punishment as has been demonstrated in other biblical narratives (Gen 12:13; 1 Ki 16:3, 7; 2 Sam 12:14, 19; 24:12-15).

The concept of the innocent suffering from the punishment of the wicked is not a foreign one in the Old Testament, as demonstrated in the words of the Lord in the prophecy against Edom:

For thus says the LORD, "Behold, those who were not sentenced to drink the cup will certainly drink *it*, and are you the one who will be completely acquitted? You will not be acquitted, but you will certainly drink *it*." (Jer 49:12)

There are other narratives that demonstrate that the innocent may be caught up in the punishment of the offender. Those who grumbled against the Lord after hearing the report of the spies would die in the wilderness while their children would inherit the land only after wandering in the wilderness because of the previous generation's unfaithfulness (Num 14:26-35). Does this mean that God punished one's descendants in order to keep the scales of justice balanced, as was asked earlier? In Ezek 18:23, the Lord asks "Do I have any pleasure in the death of the wicked . . . rather than that he should turn from his ways and live?" The emphasis is demonstrated in the use of the infinitive absolute with the inflected verb רָצַח , "to desire, take pleasure in." Later, in Ezek 33:11, the Lord answers his rhetorical question by affirming "I take no pleasure in the death of the wicked." Here, the preposition אִם , "if," is used with the imperfect to introduce an unrealizable condition: "I cannot take pleasure in the death of the wicked, but I do take pleasure in the wicked

turning from his way and living.”⁹³ If he does not take pleasure in the death of the wicked, then how can he take pleasure in the death of the innocent?

To a sinner with a sensitive conscience, the suffering of innocent ones would punish him/her in a way that direct punishment of the wrongdoer would not. With this in mind, it should be noted that 2 Sam 21-24 concludes with two narratives demonstrating very different responses to guilt that concern Saul and David respectively. The Lord stopped communicating with Saul by any method long before his death (1 Sam 14:37; 28:6). If Saul could not recognize his guilt in regard to the Gibeonites, then he probably could not recognize if the Lord was trying to get his attention as he did with David (2 Sam 21:1). It is Saul’s absence from 2 Sam 21:1-14 in bringing justice to the Gibeonites himself that perhaps should be understood as a distinct comment on this aspect of his character. By contrast, David recognized that it was his sin that was affecting his innocent subjects, and their suffering moved him (2 Sam 24:17). As a result, he interceded for them to be released from his punishment, asking instead that it fall only on him and his father’s house (2 Sam 24:17). The discussion on the remaining possibilities in the conclusion of this project further demonstrate that the deaths of Saul’s descendants were not simply posthumous ruler punishment for what Saul did.

Conclusion

We do not know which of Saul’s descendants actually participated in or at least approved of his crime, or were even born when it was committed. So posthumous ruler punishment is an attractive explanation for the death of Saul’s descendants in 2 Sam 21. Undoubtedly Saul would have been regarded as suffering loss in this way, even after his

⁹³Koehler and Baumgartner, *Lexicon*, “זא.”

death. However there are two indications in the narrative of 2 Sam 21:1-14 supporting the idea that Saul's descendants were regarded as culpable with him because they belonged to his household.

First, the Lord says to David: "It is for Saul and for his house of bloodguilt, because he put the Gibeonites to death" (v. 1).⁹⁴ The preposition ל, "for," precedes both "Saul" and "house of bloodguilt," a pattern that is repeated with the preposition ע, "with," in v. 4. Saul carried his own bloodguilt and his descendants carried their own bloodguilt.⁹⁵ So they bore corporate/communal responsibility as members of his household.

A second indicator of culpability is exposure of the executed person's corpse. While it is possible that corpse exposure could be part of ruler-punishment and not simply isolated to punishment of the offenders themselves, Fensham has pointed out that the exposure of the corpse of an offender was part of the punishment for treaty violation in the Ancient Near East.⁹⁶ The exposure of corpses served as a deterrent and, furthermore, the visibility of the mutilated corpse was very persuasive.⁹⁷ Display of the corpses of those who were guilty as part of their punishment also appears in the biblical text in the account of the hanging (impaling) of Haman's ten sons (Esth 9:10, 13-14; cf. Num 25:4).

⁹⁴The phrase בית דמים has been translated "his house." However there is no possessive pronominal suffix on בית but is supplied, largely on the basis of a similar pattern in v. 4: עם-שׂאול ועם-ביתו.

⁹⁵Fokkelman, *Narrative Art and Poetry in the Books of Samuel: Throne and City*, 3:274. This stands in contrast to the views of some of the rabbis concerning Saul. For example: Rashi and Rabbi Joseph Kara believed that the Gibeonites, not Saul, were the cause of the widespread suffering in 2 Sam 21:1 (*Talmud Yerushalmi*). Rabbi David Kimchi suggested that the phrase "chosen of the Lord" (v. 6) is indication that Saul had been forgiven by God for his sins. While Milgrom states that the illicit shedding of human blood pollutes the land (*Leviticus 17-22*, 1482), he sees Saul's murder of the Gibeonites as resulting from a divine imperative to kill the Gibeonites (*Leviticus 23-27*, 2419).

⁹⁶Fensham, "The Treaty Between," 100. See also King, *Boundary Stones*, 62, 127.

⁹⁷CH 221, 227.

There were three stages to death: death itself, being gathered to kin (Gen 25:8, 17; 35:29; 49:33), and burial.⁹⁸ Lack of burial and exposure of the corpse of the guilty party was considered not only to be a serious curse (1 Sam 17:44; 2 Kgs 14:11; 21:23-24; 2 Kgs 9:10; cf. Deut 28:26) but also as a defilement of the land (cf. Deut 21:12). For this reason, it was considered a posthumous dishonor for a king to be buried outside the tombs of the kings (e.g., 2 Chr 21: 20; 24:25; 28:27). So Alter calls David's actions when he buried Saul and his seven descendants "a biblical desideratum."⁹⁹ Even though their deaths were just, their corpses were defiling the land (cf. Deut 21:12). Perhaps this is why it is only after this burial that "God was moved by prayer for the land" (2 Sam 21:14b).

⁹⁸Milgrom, *Leviticus 1-17*, 460.

⁹⁹Alter, *The David Story*, 332, n. 14.

CHAPTER IV

IMPLICATIONS OF 2 SAMUEL 21:1-14 FOR THEODICY IN LIGHT OF THE BROADER BIBLICAL CONTEXT

Conceptual Synthesis

At first glance, the narrative of 2 Sam 21:1-14 appears to give the picture of a God who is appeased when capital punishment is meted out on humans in order to maintain the cosmic balance between sin and justice. Yet when the Israelite homicide laws are compared with those of the broader ANE homicide laws, one of the differences that emerges is the degree to which human life is valued.¹ It cannot be replaced or ransomed with money (Num 35:31, 32) or inheritance, nor can another living human replace it, dead or alive.² The only means of expiation is the blood of the murderer (Gen 9:6; Exod 21:12; Lev 24:17; Deut 24:16; Num 35:33). If human life is so valuable to God, then how can any death appease him? In order to answer this question, it is necessary to understand how God views justice.

The concept of God as judge is not foreign to Scripture. He takes an active role in judgment of all peoples (Gen 18:25; Deut 1:17; Pss 58:11; 94:2) and he was the lawgiver for ancient Israel (Lev 22:31; Deut 4:2; Isa 33:22). Before the Israelites demanded a king

¹Greenburg, "Some Postulates," 15-16.

²Roth, *Law Collections*, 217-18.

(1 Sam 8:5), the Lord told them that he would choose their king and that this ruler was to read his law for the rest of his life (Deut 17:14-20). By this the king would know how to do justice for his people. Conversely, lawless rulers were the objects of the prophet's hard speeches and of divine punishment (Isa 1:23; Jer 2:8; Ezek 22:6; Mic 3:1). Only a ruler who knew God's law could carry out the justice that God required of him.

When Saul unilaterally broke a covenant of peace by murdering people who were under the protection of Israel's God, God's law required his life for expiation (Num 35:33). However, he died before the bloodguilt was dealt with, and so it remained on the land affecting his people (Num 35:33).

Theodicy and Inherited Guilt

While there is evidence from the Ancient Near East that children could legally inherit their father's guilt and punishment, does such a concept exist in Scripture? Exodus 20:5; 34:7 seems to indicate that the father's sins are indeed punished in their children, when they continue in rebellion against God, while Deut 24:16 and Ezek 18 clearly state that no man shall die for his father's sins, nor shall any father die for his son's sins. In his discussion on Exod 20:5, Sarna wrote that while in Israel there was collective responsibility for actions, the individual also bore responsibility for actions that could impact the community as well as future generations, but he argues that there was a later change to individuals bearing their own sins.³

Against Sirach's doctrine of retribution (Sir. 16), Koch attempted to demonstrate that there is no such doctrine. Instead, he suggested that actions have built-in

³Sarna, *Exodus*, 109-10.

consequences.⁴ However, while certain passages can be understood in terms of punishment resulting from built-in consequences, several of his examples support the case for retribution. In one example, Hos 12:15, he states: “a person is so handled by Yahweh that he is given over to experience the consequences of his particular actions.”⁵ Unfortunately for Koch’s theory, the term “bloodguilt” (דמיים) appears in this verse. The clause “the Lord will leave his bloodguilt (דמיים) on him” implies that he still carries his culpability (נשא עון). As previously discussed, bloodguilt (דמיים) must be atoned by the death of the murderer, or, in the case of accidental homicide, the death of the high priest (Num 35:25). If Koch were correct that sinners simply experience the natural consequences of their actions, then why did God wait until David’s reign to make sure justice was carried out (2 Sam 21:1)? Was he really just waiting for Saul to experience the consequences for his sin? This seems hardly possible in light of the fact that Saul was already dead.⁶

In another example, in Ps 94:23, Koch sees the role of God as simply allowing humans to see the power of their own actions:

He has brought back their wickedness upon them
And will destroy them in their evil;
The Lord our God will destroy them.

Koch states that the clearest evidence for the absolute validity of the idea that biblical Hebrew uses the concept of built-in consequences is that it does not have a single word for “punishment.”⁷ Curiously, in light of his theory, he does not discuss the term כרת, “cut off,”

⁴James Crenshaw, “The Problem of Theodicy in Sirach: On Human Bondage,” *Journal of Biblical Literature* 94 (March 1975): 47-64; Klaus Koch, “Is There a Doctrine of Retribution in the Old Testament?” in *Theodicy in the Old Testament* (ed. J. Crenshaw; Philadelphia: Fortress Press, 1983), 55-88.

⁵Koch, “Retribution,” 65.

⁶Koch’s theory works only if 2 Sam 21 is about ruler punishment.

⁷Koch, “Retribution,” 77.

which is the highest form of punishment meted out by God (cf. Lev 20:4, 5).

Koch sees the role of God in punishment as merely returning to the individual the built-in consequences of an action, but even this is a concept that he considers to be challenged later in Job and Ecclesiastes, although not replaced.⁸ While Koch does not explain why he believes this to be challenged in these two books, both books overturn the idea that good actions will only bring about good consequences and evil actions only bring evil consequences (cf. Ps. 73:1-17).

Job's tremendous suffering is viewed by his friends as evidence of some evil lurking in his life. Yet it is Job who is called "my servant" six times by God (Job 1:8; 2:3; 42:7, 8), a number that is second only to the nine times that God referred to David as his servant (2 Sam 3:18; 7:5, 8; 1 Kgs 11:13, 32, 34, 36, 38). In the reflections of Koheleth, he notes that the wise and the fool share the same fate (Eccl 2:15, 16), that excessive labor (Eccl 4:8) and excessive pleasure are equally vain (Eccl 2:1, 2), and that the righteous suffer the fate of the wicked while the wicked receive what is due the righteous (Exod 8:14). Although Koch does not further discuss the issue of why innocent individuals suffer, he does acknowledge the ties between generations and collective liability in that one generation may adhere to the sins of the previous generation, thereby bringing consequences on themselves.⁹

Conclusion

So how should the deaths of the seven descendants of Saul's be understood? We considered five theoretical possibilities, of which 5. is the best:

⁸Ibid., 82.

1. David incorrectly turned to humans rather than God for direction. However, divine approval at the end of 2 Sam 21 does not align this narrative with the cases in which humans wrongly failed to inquire of the deity.

2. These seven descendants were somehow accessories to commission of Saul's crime, so their deaths constituted their punishment. This option is not supported by the available evidence. While it is highly likely that family loyalty would have prompted members of Saul's family and tribe to join him in his actions, the original narrative of Saul's murder of the Gibeonites is missing from the biblical record of Saul's administration. So we do not know which of his descendants actually participated in or at least approved of his crime, or were even born when it was committed.

3. The executions were really revenge killings by the Gibeonites, which David allowed in order to serve his own purposes to consolidate his succession to the throne. But David's actions with regard to Abner's offer to join Israel under David suggest that he was not inclined to kill when he had the opportunity to make peace in political situations (2 Sam 3).

4. The deaths of Saul's descendants were ruler-punishment for what he did, even though they were innocent. Yet the culpability of blood-guilt rested not only on Saul, but also on his household.

5. Saul's family members were culpable because they bore corporate responsibility as part of his household. We have found two indications in the narrative of 2 Sam 21:1-14 that support this idea. First, 2 Sam 21:1 explicitly refers to Saul's "house of bloodguilt," which implicates his descendants as bearing inheritable liability. Second, exposure of their

⁹Klaus Koch, *The Prophets: The Babylonian and Persian Periods* (trans. M. Kohl; Philadelphia: Fortress Press, 1982), 108.

corpses would most likely be due to their shared culpability. So even though their deaths were regarded as just, their corpses would have been defiling the land (cf. Deut 21:12), which would explain why it was only after David buried them that “God was moved by prayer for the land” (2 Sam 21:14b).

God required both justice for the Gibeonites and honor for his anointed, something that David demonstrated even though Saul had unjustly persecuted him. God himself is a just judge, and because Saul and David were anointed by God, they were to reign with the attributes that God has: justice, mercy, and loyalty (1 Sam 10:1; 16:13). Saul was more concerned about his own honor, and he rejected the word of the Lord to the point where the Lord would no longer communicate with him (1 Sam 15:30; 13:14; 15:26) and perhaps this is why others had to carry out the work that he should have done (1 Sam 15:32-33; 2 Sam 21:1-14). Although David had moments of serious wrongdoing (cf. 2 Sam 11), the trend of his life was to follow the Lord’s ways (Pss 35:4; 51:13; 119:15). Only of David did a later prophet write: “Behold, the days are coming,’ declares the Lord, ‘when I will raise up for David a righteous Branch; And He will reign as king and act wisely and do justice and righteousness in the land’” (Jer 23:5).

BIBLIOGRAPHY

- Anbar, M. "Aspect Moral Dans Un Discours 'Prophetique' De Mari." *Ugarit-Forschungen* 7 (1975): 517-18.
- Alter, Robert. *The David Story*. New York: W. W. Norton and Company, 1999.
- Avruch, Kevin. "Reciprocity, Equality, and Status-Anxiety in the Amarna Letters." Pp. 154-63 in *Amarna Diplomacy: The Beginnings of International Relations*. Edited by Raymond Cohen and Raymond Westbrook. Baltimore: Johns Hopkins University Press, 2000.
- Balorda, Aron. "The Covenant of Phinehas as a Reward for the Jealousy of Numinal Marriage." MA thesis, Andrews University, 2002.
- Baltzer, Klaus. *Das Bundesformular*. Neukirchen: Neukirchener Verlag, 1964.
- Beckman, Gary. *Hittite Diplomatic Texts*. Atlanta: Scholars Press, 1999.
- _____. "Bilingual Edict of Ḫattušilli." Pp. 79-82 in *Monumental Inscriptions from the Biblical World*. Vol. 2 of *The Context of Scripture*. Edited by William Hallo. Leiden: Brill, 2003.
- _____. "Plague Prayers." Pp. 156-60 in *Canonical Compositions*. Vol. 1 of *The Context of Scripture*. Edited by William Hallo. Leiden: Brill, 2003.
- Ben-Barak, Zafrira. *Inheritance by Daughters in Israel and the Ancient Near East*. Jerusalem: Graphit Press, 2006.
- Blenkinsopp, Joseph. *Gibeon and Israel: The Role of Gibeon and the Gibeonites in the Political and Religious History of Early Israel*. Cambridge: University Press, 1972.
- _____. *Treasures Old and New: Essays in the Theology of the Pentateuch*. Grand Rapids: Eerdmans, 2004.
- Brichto, Herbert. "On Slaughter and Sacrifice, Blood and Atonement." *Hebrew Union College Annual* 47 (1976): 19-55.
- Brueggemann, Walter. "2 Samuel 21-24: An Appendix of Deconstruction?" *Catholica Biblical Quarterly* 50 (1988): 383-97.

- Boecker, Hans J. *Law and the Administration of Justice in the Old Testament and the Ancient East*. Translated by Jeremy Moiser. Minneapolis: Augsburg, 1980.
- Boyer, G. "Etude Juridique." Pp. 302-305 in vol. 6 of *La Palais Royal D'Ugarit*. Edited by Jean Nougayroul. Paris: Imprimerie National, 1955.
- Budde, Karl. *The Books of Samuel: Critical Edition of the Hebrew Text*. Vol. 8. Translated by B. W. Bacon. Baltimore: Johns Hopkins Press, 1894.
- Cardacia, Guillaume. *Les Lois Assyriennes*. Paris: Les Éditions Du Cerf, 1969.
- Carlson, R. A. *David, the Chosen King*. Translated by E. J. Sharpe and S. Rudman. Stockholm: Almqvist & Wiksell, 1964.
- Cazelles, Henri. "David's Monarchy and the Gibeonite Claim." *Palestine Exploration Quarterly* 87 (1955): 165-75.
- Childs, Brevard. *Introduction to the Old Testament as Scripture*. Philadelphia: Fortress Press, 1979.
- Cooper, Jerrold S. *Presargonic Inscriptions*. New Haven, Conn.: American Oriental Society, 1986.
- Crenshaw, James. "The Problem of Theodicy in Sirach: On Human Bondage." *Journal of Biblical Literature* 94 (1975): 47-64.
- Dalley, Stephanie, C.B.F. Walker, and J. D. Hawkins. *The Old Babylonian Tablets from Tell al Rimah*. Hertford, Great Britain: Stephen Austin and Sons, 1976.
- Daube, David. *Studies in Biblical Law*. Clark, NJ: Lawbook Exchange, 2000.
- Dorsey, David. *The Literary Structure of the Old Testament: A Commentary on Genesis-Malachai*. Grand Rapids: Baker Books, 1999.
- Driver, G. R. *The Babylonian Laws*. Vol. 2. Oxford: Clarendon Press, 1955.
- Driver, G. R., and John C. Miles. *The Assyrian Laws*. Oxford: Clarendon Press, 1935.
- _____. *The Babylonian Laws*. Vol. 1. Oxford: Clarendon Press, 1952.
- Driver, Samuel R. *Notes on the Hebrew Text of the Books of Samuel*. Oxford: Clarendon Press, 1890.
- Eissfeldt, Otto. *The Old Testament: An Introduction*. Translated by P. R. Ackroyd. Oxford: Western Publishing, 1965.
- Enns, Peter. *Exodus*. Edited by Terry Muck. Grand Rapids: Zondervan, 2000.

- Fensham, F. Charles. "Clauses of Protection in Hittite Vassal-Treaties and the Old Testament." *Vetus Testamentum* 13 (1963): 133-143.
- _____. "Treaty Between Israel and the Gibeonites." *Biblical Archaeologist* 27 (September 1964): 91-10.
- Flanagan, James W. "Court History or Succession Document? A Study of 2 Samuel 9-20 and 1 Kings 1-2." *Journal of Biblical Literature* 91 (1972): 172-81.
- Flückiger-Hawker, Esther. *Urnamma of Ur in Sumerian Literary Tradition*. Fribourg: University Press, 1999.
- Fokkelman, J. P. *Narrative Art and Poetry in the Books of Samuel: Throne and City*. Assen, Netherlands: Van Gorcum and Comp., 1990.
- Gane, Roy. *Cult and Character*. Winona Lake: Eisenbrauns, 2005.
- _____. "The End of the Israelite Monarchy." *Journal of the Adventist Theological Society* 10 (1999): 333-56.
- _____. "Numbers 15:22-31 and the Spectrum of Moral Faults." Pp. 149-156 in *Inicios, Paradigmas Y Fundamentos: Estudios teológicos y exegeticos en el Pentateuco*. Edited by Gerald Klingbeil. Entre Rios, Argentina: Editorial Universidad Adventista del Plata, 2004.
- Gard, Donald H. *The Exegetical Method of the Greek Translator of the Book of Job*. Journal of Biblical Literature Monograph Series 8. Philadelphia, PA: Society of Biblical Literature, 1967.
- Geyer, John B. "Ezekiel 18 and a Hittite Treaty of Mursilis II." *Journal for the Study of the Old Testament* 12 (1979): 31-46.
- Goodman, L. E. *The Book of Theodicy: Translation and Commentary on the Book of Job by Saadiah Ben Joseph Al-Fayyumi*. New Haven: Yale University Press, 1988.
- Goss, Pat Bernard. "Subversion De La Législation Du Pentateuque Et Symboliques Respectives Des Lignées De David Et De Saül Dans Les Livres De Samuel Et De Ruth." *Zeitschrift für die alttestamentliche Wissenschaft* 110 (1998): 34-49.
- Grayson, Albert Kirk. *Assyrian Royal Inscriptions*. Wiesbaden: Harrassowitz, 1972.
- Grimes, Ronald. "Infelicitous Performances and Ritual Criticism." *Semeia* 41 (2006): 104-22.
- Greenburg, Moshe. "Some Postulates of Biblical Criminal Law." Pp. 5-28 in *Yehezkel Kaufman Volume*. Edited by M. Haran. Jerusalem: Mages Press, 1960.

- Hallo, William W., ed. *Canonical Compositions from the Biblical World*. Vol. 1 of *The Context of Scripture*. Leiden: Brill, 2003.
- _____. *Monumental Inscriptions from the Biblical World*. Vol. 2 of *The Context of Scripture*. Leiden: Brill, 2003.
- Harper, Robert Frances. *The Code of Hammurabi*. Chicago: The University of Chicago Press, 1904.
- Heater, Homer. *A Septuagint Translation Technique in the Book of Job*. Catholic Biblical Quarterly Monograph Series 11. Washington, D.C.: Catholic Biblical Association of America, 1982.
- Houtman, Cornelius. *Exodus*. Vol. 1. Translated by Sierd Woudstra. Kampen: Kok Publishing, 1996.
- Ezra, Ibn. *Commentary on the Torah: Exodus*. Translated by Rabbi C. B. Chavel. New York: Shiloh Publishing House, 1973.
- Jahn, Johann. *Einleitung in die Göttlichen Bücher des Alten Bundes*. Vol. 1. Vienna: Wappler & Beck, 1802.
- Japhet, Sara. "The Historical Reliability of Chronicles: The History of the Problem and Its Place in Biblical Research." *Journal for the Study of the Old Testament* 33 (1985): 83-107.
- Johns, C.H.W. *Babylonian and Assyrian Laws, Contracts and Letters*. Edinburgh: T & T Clark, 1904.
- Kedar-Kopfstein, B. "כָּתָב." *The Theological Dictionary of the Old Testament*. Edited by G. J. Botterweck and J. Ringgren. Translated by J. T. Willis and G. W. Bromiley. Grand Rapids: Eerdmans, 1978.
- King, Leonard William. *Babylonian Boundary-Stones and Memorial Tablets in the British Museum*. 2 vols. London: Oxford University Press, 1912.
- Klawans, Jonathan. *Impurity and Sin in Ancient Judaism*. New York: Oxford University Press, 2000.
- Klement, Herbert H. *II Samuel 21-24: Context, Structure and Meaning in the Samuel Conclusion*. European University Studies. Frankfurt am Main: Peter Lang, 2000.
- Koch, Klaus. *The Prophets: The Babylonian and the Persian Periods*. Translated by Margaret Kohl. Philadelphia: Fortress Press, 1982.

- _____. "Is There a Doctrine of Retribution in the Old Testament?" Pp. 55-88 in *Theodicy in the Old Testament*. Edited by James Crenshaw. Philadelphia: Fortress Press, 1983.
- Köckert, Matthais. "Das zweite Buch Samuelis" (review of H. J. Stoebe). *Zeitschrift für alttestamentliche Wissenschaft* 109 (1996): 162.
- Koehler, Ludwig, and Walter Baumgartner. *The Hebrew and Aramaic Lexicon of the Old Testament*. 2 vols. Leiden: Brill, 2001.
- Korpel, M. C. A. *A Rift in the Clouds: Ugaritic and Hebrew Descriptions of the Divine*. Munster: Ugarit-Verlag, 1990.
- Kottsieper, I. "שבט." *The Theological Dictionary of the Old Testament*. Edited by H. Ringgren, G. J. Botterweck, and H. J. Fabry. Translated by D.W. Scott. Grand Rapids: Eerdmans, 2004.
- Kramer, S. N. "The Curse of Agade." Pp. 646-51 in *Ancient Near Eastern Texts*. Edited by James Pritchard. Princeton, N.J.: Princeton University Press, 1969.
- LaBianca, Øystein S., and Randall W. Younker. "The Kingdoms of Ammon, Moab and Edom: The Archaeology of Society in Late Bronze/Iron Age Transjordan (Ca. 1400-500 BCE)." Pp. 399-415 in *The Archaeology of Society in the Holy Land*. Edited by Thomas E. Levy. London: Leicester University Press, 1995.
- Lambert, W. G. "Nebuchadnezzar King of Justice." *Iraq* 27 (1965): 1-11.
- _____. *Atra-Ḫasis: The Babylonian Story of the Flood*. Oxford: Clarendon, 1969.
- Leichtheim, Miriam. "The Famine Stella." Pp. 131-34 in vol. 1 of *Context of Scripture*. Edited by William Hallo. Leiden: Brill, 2003.
- Lemche, Niels Peter. "David's Rise." *Journal For the Study of the Old Testament* 10 (1978): 2-25.
- Lipka, Hilary. *Sexual Transgressions in the Hebrew Bible*. Sheffield: Sheffield Phoenix, 2006.
- Macholz, Von George Chritian. "Die Stellung Des Königs in Der Israelitischen Gerichtsverfassung." *Zeitschrift Fur Die Alttestamentliche Wissenschaft* 84 (1972): 157-82.
- Malamat, A. "Doctrines of Causality in Hittite and Biblical Historiography: A Parallel." *Vetus Testamentum* 5 (1955): 1-12.
- Marböck, J. "נבל." *Theological Dictionary of the Old Testament*. Edited by G. J. Botterweck. Translated by D. Green. Sheffield: Sheffield Pheonix, 2006.

McCarter, P. Kyle. *I Samuel*. Edited by William Foxwell Albright and David Noel Freedman. New York: Double Day, 1980.

_____. *2 Samuel*. Edited by William Foxwell Albright and David Noel Freedman. New York: Doubleday, 1984.

McCarthy, Carmel. *The Tiqqune Sopherim and Other Theological Corrections in the Masoretic Text of the Old Testament*. Fribourg: Biblical Institute of the University of Fribourg, 1981.

McConville, J. G. *Law and Theology in Deuteronomy*. Edited by David J. A. Clines and Philip R. Davies. Sheffield: JSOT Press, 1984.

McKeating, Henry. "The Development of the Law on Homicide in Ancient Israel." *Vetus Testamentum* 24 (1975): 46-68.

McMahon, Gary. "Instructions to Commanders of the Border Guards." Pp. 222-25 in vol. 1 of *Context of Scripture*. Edited by William Hallo. Leiden: Brill 2003.

_____. "Instructions to Priests and Temple Officials." Pp. 271-21 in vol. 1 of *Canonical Compositions from the Biblical World*, 2003.

McNaughton, Daniel Lee. "A Comparative Analysis of Three Versions of 2 Samuel 21:1-14." PhD diss., The University of St. Michael's College, 2000.

Mendenhall, George. "Ancient Oriental and Biblical Law." *The Biblical Archaeologist* 117 (1954): 26-46.

Milgrom, Jacob. *Leviticus 1-16*. Edited by David Noel Freedman. New York: Doubleday, 1991.

_____. *Leviticus 17-22*. Edited by David Noel Freedman. New York: Doubleday, 2000.

_____. *Leviticus 23-27*. Edited by David Noel Freedman. New York: Doubleday, 2001.

_____. *Numbers*. Philadelphia: Jewish Publication Society, 1990.

Moran, William L. *The Amarna Letters*. Edited and Translated by W. L. Moran. Baltimore: Johns Hopkins University Press, 1992.

Nachmanides. *Commentary on the Torah: Genesis*. New York: Shilo Publishing, 2005.

Nachmanides. *Commentary on the Torah: Exodus*. New York: Shiloh Publishing, 1973.

Nougayrol, Jean. *Le Palais Royal D'Ugarit*. Vol. 6. Paris: Imprimerie Nationale, 1955.

- Parbola, Simo, and Kazuko Watanbe. *The State Archives of Assyria II*. Helsinki, Finland: Helsinki University Press, 1988.
- Pedersen, Johannes. *Israel: Its Life and Culture*. Vol. 1. Atlanta: Scholars Press, 1991.
- Penchansky, David, and Paul L. Redditt. *Shall Not the Judge of All the Earth Do What Is Right?* Winona Lake: Eisenbrauns, 2000.
- Perdue, Leo G. "‘Is There Anyone Left of the House of Saul?’ Ambiguity and the Characterization of David in the Succession Narrative." *Journal for the Study of the Old Testament* 30 (1984): 67-84.
- Phillips, Anthony. "Nebalah: A Term for Serious Disorderly and Unruly Conduct." *Vetus Testamentum* 25 (1975): 237-42.
- Polzin, Robert. "‘Hwqy’ and Conventional Institutions in Early Israel." *Harvard Theological Review* 62 (1969): 227-40.
- Popp, William H. "Kinship in 2 Samuel 13." *Catholic Biblical Quarterly* 55 (1993): 39-53.
- Porter, J. R. "The Legal Aspects of the Concept of Corporate Personality in the Old Testament." *Vetus Testamentum* 15 (1965): 361-80.
- Pritchard, James B., ed. *Ancient Near Eastern Texts Relating to the Old Testament*. Princeton: Princeton University Press, 1969.
- Rendsburg, Gary A. "Consistency and Reliability of Biblical Genealogies." *Vetus Testamentum* 40 (1990): 185-206.
- Renger, Johannes. "Wrongdoing and Its Sanctions." Pp. 65-77 in *The Treatment of Criminals in the Ancient Near East*. Edited by Jack M. Sasson. Leiden: Brill, 1977.
- Rogerson, J. W. *Anthropology and the Old Testament*. Atlanta: John Knox Press, 1978.
- Rost, Leonard. *The Succession to the Throne of David*. Sheffield: Almond Press, 1982.
- Roth, Martha. *Law Collections from Mesopotamia and Asia Minor*. Atlanta: Scholars Press, 1997.
- Sarna, Nahum. *Exodus*. New York: Jewish Publication Society, 1991.
- Schloen, J. David. *The House of the Father as Fact and Symbol: Patrimonialism in Ugarit and the Ancient Near East*. Winona Lake: Eisenbrauns, 2001.
- Schwartz, Baruch. "The Bearing of Sin in Priestly Literature." Pp. 3-21 in *Pomegranates and Golden Bells: Studies in Biblical, Jewish, and Near Eastern Ritual Law and Literature in Honor of Jacob Milgrom*. Winona Lakes: Eisenbrauns, 1995.

- Segal, M. H. "Studies in the Book of Samuel II." *Jewish Quarterly Review* 9 (1918-19): 43-70.
- Seventh-day Adventist Bible Commentary*. Vol. 2. Edited by Francis Nichol, et al. Hagerstown, MD: Review and Herald, 1954.
- Sheppard, Gerald. *Wisdom as a Hermeneutical Construct*. New York: Walter de Gruyter, 1980.
- Sklar, Jay. *Sin, Impurity, Sacrifice, Atonement: The Priestly Conceptions*. Sheffield: Sheffield Phoenix Press, 2005.
- Slanski, Kathryn E. *The Babylonian Entitlement naûs (kudurrus): A Study in Their Form and Function*. Boston: ASOR, 2003.
- Smith, Henry Preserved. *A Critical and Exegetical Commentary on the Books of Samuel*. New York: Charles Scribner's Sons, 1902.
- Sommer, Ferdinand. *Hethitische Texte in Umschrift, mit Übersetzung und Erläuterungen*. Leipzig: J. C. Hinrichs'sche Buchhandlung, 1926.
- Speiser, E. A. *Genesis*. New York: Doubleday, 1982.
- Telcs, George. "Jeremiah and Nebuchadnezzar, King of Justice." *Canadian Journal of Theology* 14 (1969): 122-30.
- The Talmud of Babylonia. Vol. xxiv: Bavli Makkot*. Translated by Jacob Neusner. Atlanta: Scholars Press, 1991.
- Tigay, Jeffrey. *Deuteronomy*. Philadelphia: JPS, 1996.
- Tov, Emanuel. "Three Dimensions of LXX Words." *Revue Biblique* 83 (1976): 529-44.
- _____. *Textual Criticism of the Hebrew Bible*. 2nd ed. Minneapolis: Fortress Press, 2001.
- Vanderkam, James C. "Davidic Complicity in the Deaths of Abner and Eshbaal." *Journal of Biblical Literature* 99 (1980): 521-39.
- van der Steen, Eveline. *Tribes and Territories in Transition*. Boston: Peeters Publishers, 2004.
- Veenhof, Klaus R. "Old Assyrian and Ancient Anatolian Evidence for the Care of the Elderly." Pp. 119-60 in *The Care of the Elderly in the Ancient Near East*. Edited by Marten Stol and Sven P. Vleeming. Boston: Brill, 1998.
- von Rad, Gerhard. *Old Testament Theology*. New York: Harper & Brothers, 1962.

- Walton, John H. *Ancient Near Eastern Thought and the Old Testament*. Grand Rapids: Baker Academic, 2006.
- Weber, Max. *Economy and Society: An Outline of Interpretive Sociology*. 2 vols. Edited by Guenther Roth and Claus Wittich. Berkeley: University of California Press, 1968.
- Weidner, Ernst Friedrich. *Politische Dokumente aus Kleinasien*. Hildesheim: Georg Olms Verlag, 1970.
- Weinfeld, Moshe. "The Loyalty Oath in the Ancient Near East." *Ugarit-Forschungen* 8 (1976): 379-414.
- _____. *Social Justice in Ancient Israel*. Minneapolis: Fortress Press, 1995.
- Wellhausen, Julius. *Prolegomena to the History of Israel*. Atlanta: Scholars Press, 1994.
- Wente, Edmund. *Letters from Ancient Egypt*. Edited by E. Meltzer. Atlanta: Scholars Press, 1990.
- Westbrook, Raymond. "International Law in the Amarna Age." Pp. 28-41 in *Amarna Diplomacy: The Beginnings of International Relations*. Edited by R. Cohen and R. Westbrook. Baltimore: Johns Hopkins University Press, 2000.
- _____. *A History of Ancient Near Eastern Law*. Boston: Brill, 2003.
- Westbrook, Raymond and Bruce Wells. *Everyday Law in Biblical Israel: An Introduction*. Louisville: Westminster John Knox Press, 2009.
- Whitelam, Keith W. *The Just King: Monarchial Judicial Authority in Ancient Israel*. Sheffield: JSOT Press, 1979.
- _____. "The Defense of David." *Journal for the Study of the Old Testament* 29 (1984): 61-87.
- Whybray, R. N. *The Succession Narrative: A Study of II Samuel 9-20 and I Kings 1 and 2*. London: S.C.M. Press, 1968.
- Wilke, C. "Care of the Elderly in Mesopotamia in the Third Millennium." Pp. 23-58 in *The Care of the Elderly in the Ancient Near East*. Edited by Marten Sol and S. Vleeming. Leiden: Brill, 1998.
- Williams, Ronald J. "Theodicy in the Ancient Near East." Pp. 42-56 in *Theodicy in the Old Testament*. Edited by James Crenshaw. Philadelphia: Fortress Press, 1983.
- Wiseman, D. J. *The Alalakh Tablets*. London: British Institute of Archaeology at Ankara, 1953.

Wold, Donald J. "The Meaning of the Biblical Penalty KARETH." PhD diss., University of California at Berkeley, 1978.

Wright, David. "Deuteronomy 21:1-9 as a Rite of Elimination." *Catholic Biblical Quarterly* 49 (1987): 387-403.

Yarchin, William. "The Warrior and the Shepherd: A Composition Analysis of 2 Samuel 21-24." Ph.D. diss., Claremont Graduate School, 1993.

Younger, K. Lawson. *Judges/Ruth*. Grand Rapids: Zondervan, 2002.

Yunker, Randall W. "The Emergence of Ammon: A View of the Rise of Iron Age Polities from the Other Side of the Jordan." Pp. 158-76 in *The Near East in the Southwest: Essays in Honor of William G. Dever*. Boston: American Schools of Oriental Research, 2003.