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## The Ethics of Amos in Light of Its Ancient Near Eastern Context

Mark D. Arnold  
markarnold@missouristate.edu

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**THE ETHICS OF AMOS IN LIGHT OF ITS ANCIENT  
NEAR EASTERN CONTEXT**

A Masters Thesis

Presented to

The Graduate College of  
Missouri State University

In Partial Fulfillment

Of the Requirements for the Degree  
Master of Arts, Religious Studies

By

Mark D. Arnold

May 2012

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**THE ETHICS OF AMOS IN LIGHT OF ITS ANCIENT  
NEAR EASTERN CONTEXT**

Religious Studies

Missouri State University, May 2012

Master of Arts

Mark D. Arnold

**ABSTRACT**

The book of Amos, in a fashion almost preternaturally relevant to contemporary conditions, discusses issues of war and welfare. Amos condemns several foreign nations for various war crimes and then turns to Israel, excoriating it for its mistreatment of the poor. Specifically he indicts the wealthy for enacting policies that created new poor while preventing the old poor from regaining their rightful positions in society. Israel's elite used economic and judicial methods to enrich themselves at the expense of the vast majority of the population. As a result, Amos predicts the destruction of Israel just as he predicted the destruction of the foreign nations. The nature of Amos' prophecy as well as the crimes with which he indicted Israel may potentially create some consternation to members of modern society. Amos provides no standard by which the nations were judged. Further, the punishments he announces seem suspiciously similar to the actions for which the nations were first condemned. Nor do all of the crimes for which Israel was condemned seem to have any basis in Hebrew law. Yet Amos announces that Israel will share in the punishment of the foreign nations. It is my thesis that the book of Amos can be best understood when read in the light of its ancient Near Eastern context. Three basic Near Eastern concepts help provide clarity: an understanding of international customary law; ancient customary treatment of the poor; and the concept of retributive punishment. Finally, retributive punishment, especially as subsumed under the concept of virtuous vengeance, is applied to the book.

**KEYWORDS:** Hebrew prophesy, book of Amos, eighth century BCE, retributive justice, ancient international law, treatment of the poor, ancient Near Eastern customs, vengeance

This abstract is approved as to form and content

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Dr. Victor Matthews  
Chairperson, Advisory Committee  
Missouri State University

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Approved:

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Dr. Victor Matthews

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Dr. Leslie Baynes

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Dr. John Schmalzbauer

---

Dr. Pawan Kahol, Interim Graduate College  
Dean

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I also want to thank my grandkids; Isaiah, Eva, and Noah, for putting up with the frequent Sunday afternoon excursions away from the house while Papa studied.

Finally, I would like to acknowledge the influence of my parents, Dallas and Alice Arnold. By training and example, they taught me the importance of justice and the proper treatment of others, regardless of social or economic station. They have also allowed me the freedom to seek my own way while gently (well, most of the time) nudging me in the right direction.

I dedicate this thesis to my wife, Leslie Arnold. Our family circumstances changed dramatically over the course of this adventure and, as a result, she has borne the brunt of several years of labor which should have been shared while I chased down another reference or made “one last change” to a paragraph. Yet she has always encouraged me to continue (and threatened me a few times as well). It is perhaps cliché, but it is nevertheless true that I could not have completed this thesis without her support. This endeavor is as much hers as it is mine. Thank you, Leslie, for your love and patience. Now, how many makeup chores did you say I have to do...?

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## INTRODUCTION

The opening chapters of the book of Amos chronicle the war crimes of six non-Hebrew nations. The Hebrew nations of Judah and Israel fall under Amos' condemnation as well for various crimes in the domestic sphere. For their wrongs, Yahweh promises punishment by fire, by exile, and/or by extermination. The book continues with a series of oracles and visions which are directed primarily towards Israel (and possibly Judah) while the rest of the nations mainly fade from the scene. Amos describes Israel's sins more fully, accusing them of economic, judicial, and religious crimes. For its crimes, Amos predicts a punishment that matches in severity that reserved for the foreign nations. In the eyes of Amos, Israel's wrongs, though of a different nature, were of the same degree as the war crimes of the nations.

The nature of Amos' accusations and his condemnations potentially presents several questions to the modern reader. Amos condemns the nations, predicting military destruction while never providing an explicit standard by which these non-Hebrew nations were judged. Are we to assume that the nations were condemned because Israel was the target of their depredations? Yet Israel was not the only target of the nations' actions. And why would the nations have been condemned for their interference in Israel's affairs when, in the final analysis, Amos predicts the ultimate destruction of Israel by warfare? Or were the nations perhaps condemned for committing crimes against Yahweh? Following this line of reasoning creates questions of its own. Did Amos condemn the nations for violating some Hebrew-centric standard which they would have neither recognized nor accepted? And how do we make sense of the condemnation of the nations for war crimes when Amos then predicts that the nations, as well as Israel, will



fall victim to the ravagings of an unnamed nation or nations? Why was this nation exempt from Yahweh's punishment?

Many of the crimes for which Israel was condemned seem to have little or no basis in Hebrew law. Despite this the nation falls under the same condemnation as that reserved for the nations. It also does not require a deep reading of Amos to recognize that his attacks are aimed primarily at Israel's wealthy. Yet the entire nation will apparently be destroyed. Were there no innocents in Israel? There is a deep irony in the notion that Amos, often called the "prophet of justice", might be guilty of predicting what seems such a gross injustice on a kindred nation.

If we are to acquit Amos of unfairness, our investigation must begin by looking beyond the borders of Israel. It can be demonstrated, for example, that there existed a nascent form of international law throughout the ancient Near East. The nations violated provisions of this law. Israel's crimes may also be seen as violations of contemporary standards. Peoples of the ancient Near East widely recognized that the weakest among them were to be protected. It was especially the duty of the king to defend the rights of the poor. Yet Israel and her leaders openly flouted this law of the oppressed. While Amos could have condemned Israel's actions on the basis of her own laws, it is my thesis that he instead drew on contemporary cultural standards to indict her activities.

Yahweh's reaction to the crimes enumerated within the book of Amos can also be explained by reference to a broader cultural principle. The concept of retribution served as the basis for many of the law codes extant throughout the ancient Near East. As such, it would have been clearly understood to Amos' contemporaries that punishment should be administered in a manner comparable to the harm which had been done.

In the chapters that follow, each of these broader cultural principles will be explored and applied to the book of Amos. In chapter one, modern literature relevant to our study will be briefly surveyed. Chapter two will examine the three laws—international law, the law of the oppressed, and the law of retribution—from within the broader ancient Near Eastern context of which Israel was a part. Chapter three will explore the opening chapters of Amos, the so-called oracles against the nations, from an ancient international law perspective. A detailed examination of Israel’s crimes will be the subject of chapter four. Comparisons with relevant ancient Near Eastern literature will be utilized to gain an understanding of Amos’ accusations in the light of ancient Near Eastern standards. Reference to other eighth-century prophetic literature will help round out the unflattering picture of life in Amos’ day. Chapter five will survey the various forms of punishment that Amos incorporates into his predictions for the nation of Israel. Once again these predictions will be seen to easily fit within the broader cultural context in which Amos lived. Finally, in chapter six Amos’ use of the law of retribution will be compared to modern theories of punishment in an attempt to understand his pronouncements in the light of modern ethics.

## I. A BRIEF HISTORY OF THE INTERPRETATION OF THE BOOK OF AMOS

Standing at the head of the book of Amos are eight oracles condemning Israel, Judah, and their neighbors for various crimes.<sup>1</sup> This opening section is usually labeled the “Oracles against the Nations.” While similar oracles are found in other prophetic books in the Hebrew Bible, the placement of Amos’ oracles is unique.<sup>2</sup> These oracles set the critical and pessimistic tone of the book. They also establish the fact that Amos considered Israel’s crimes to be of a kind with that of the nations. Thus the oracles against the nations play a pivotal role in the interpretation of the book of Amos. This chapter will examine some of the lines of interpretation that modern scholars have followed in their attempt to understand Amos’ oracles against the nations.

Modern readers reared within a strong common law tradition may find the message of Amos’ oracles unsettling.<sup>3</sup> The non-Hebrew nations are condemned for specific crimes, but the standard by which they are judged is unclear. Although few today would argue that ripping fetuses from their mother’s wombs constitutes acceptable behavior, nevertheless the modern mind demands that even the perpetrators of such heinous acts be given a fair trial. Modern law understands that, for a trial to go forward, it must be clearly shown that the defendant knew or should have known the criminality of their actions. Thus their actions must of necessity have been defined as criminal before the actions were committed. This notion, for example, is enshrined in the Constitution of

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<sup>1</sup> It is generally recognized that the first major section of Amos encompasses Amos 1:3 – 2:16. Aside from Israel and Judah, the other nations condemned in this opening section include Syria, Philistia, Tyre, Edom, Moab, and Ammon.

<sup>2</sup> Similar oracles can be found in Isaiah (Isa 13-23), Jeremiah (Jer 46-51), Ezekiel (Ezek 25-32), and Zephaniah (Zeph 2:1-3:8). The books of Obadiah and Nahum might also be considered oracles against specific nations.

<sup>3</sup> The arguments in this section are admittedly made from a modern Western perspective.

the United States. The Constitution expressly forbids “bills of Attainder” and “ex post facto” laws.<sup>4</sup> While clearly the book of Amos was never intended as a legal document, nevertheless the fact that a clear and explicit standard is missing (at least from the perspective of the modern reader) might well create consternation among modern readers of the book of Amos.<sup>5</sup>

This concern was not always shared by pre-modern commentators, however. For example John Calvin, in his lectures on Amos, simply assumes that the nations deserved their announced punishments. He understood the announced judgments as benefiting Israel. Calvin contended that the oracles revealed that Israel’s coming punishment was by God’s design and not mere happenstance. The oracles demonstrated that Israel shared a common punishment with the nations because she shared a common crime. Amos, according to Calvin, hoped to prepare Israel to listen to and learn from the condemnation that was soon to follow.<sup>6</sup>

Calvin apparently never considered the transaction from the perspective of the nations. It did not occur to him that the nations might legitimately complain that they were judged without regard to a standard they would have recognized. Calvin’s view is not surprising considering his purpose. Calvin originally delivered his commentary on Amos as a series of lectures to prospective preachers. His purpose was thus homiletical

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<sup>4</sup> Bills of Attainder are acts which declare someone guilty without the benefit of a trial. Ex post facto laws declare an act illegal only after it has been committed. *U.S. Constitution*. Article 1, Section 9. [http://www.archives.gov/exhibits/charters/constitution\\_transcript.html](http://www.archives.gov/exhibits/charters/constitution_transcript.html). Accessed 8/18/2010.

<sup>5</sup> It must be noted that the book of Amos is not unique among biblical literature in failing to provide an explicit standard by which various entities were judged. It is reasonable to assume that, either the concern for a standard is a thoroughly modern construct, or the standard used was so thoroughly a part of the prophets’ culture that mention of the relevant standard was unnecessary. It is my thesis that the latter better describes the book of Amos.

<sup>6</sup> Jean Calvin, *A Commentary on the Twelve Minor Prophets*, trans. John Owen, 1st ed., 3 vols., vol. 2 (Edinburgh: Banner of Truth Trust, 1986), 154-57.

rather than scholarly. Calvin's view of God must also be presumed to play a large role in his perspective. His famous view of God's universal sovereignty allowed him to write without discomfort, "we see that God appears here as a judge against all nations."<sup>7</sup> Calvin presumed that God had both the authority and the responsibility to judge the nations.

Calvin's older contemporary, Martin Luther, wrote from a similar perspective. Commenting on the oracle against Ammon, Luther wrote, "God Almighty also avenges harm done to the heathen, so that we may learn that God is Lord of all the world and that all things are done in accordance with His will."<sup>8</sup> These early commentators focused on God's role as judge. His standard was the measure by which the nations were judged. Little attempt was made to explain how the nations were to know the standard.

By the late nineteenth century, scholars began to explore the idea that the Hebrew Bible (the Christian Old Testament) might contain elements within it that could be explained without direct invocation of the divine. One of the more famous examples comes from the hand of Julius Wellhausen.<sup>9</sup> Wellhausen's documentary hypothesis postulated that the Torah actually consisted of the contributions of multiple authors

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<sup>7</sup> Calvin, *Commentary on Amos*, 163.

<sup>8</sup> Martin Luther and Oswald C. Hilton, *Lectures on the Minor Prophets I*, American ed., vol. 18 (Saint Louis: Concordia, 1973), 238.

<sup>9</sup> Julius Wellhausen, *Prolegomena to the History of Ancient Israel* (Gloucester, Mass.: Peter Smith, 1973). Wellhausen's original thesis was proposed in 1878 and published in German in 1883. The first English edition appeared in 1885. Wellhausen claimed that extensive portions of the Hebrew Bible were written after the exile. His reading of the Torah suggested that, despite ancient claims, the Law postdated the prophets. The prophets, with Amos at their head, founded "what has been called 'ethical monotheism.'" Wellhausen, *Prolegomena*, 474. (This statement actually comes not from his *Prolegomena*, but from an article that Wellhausen wrote for *Encyclopedia Britannica*.) The Torah, rather than being the root from which Judaism sprang, represented to Wellhausen a much later part of the tree. He wrote, "We cannot, then preemptorily refuse to regard it as possible that what was the law of Judaism may also have been its product; and there are urgent reasons for taking the suggestion into very careful consideration." Wellhausen, *Prolegomena*, 3.

stretching over centuries of time.<sup>10</sup> These multiple accounts were finally drawn together into a single document by a late editor. Thus, instead of representing direct revelation from God to the prophet Moses, Wellhausen considered the first five books of the Hebrew Bible to be the product of an evolutionary process; a notion that fit well with the *zeitgeist* of his time.

William Robertson Smith followed Wellhausen's line of reasoning. He argued that certain concepts contained within the Bible were not originally revealed during a particular event, but rather became known by way of a process. Smith wrote,

Thus the analogies which the Bible itself presents as our guides in understanding the work of divine grace lead us to expect that revelation must have a history, conformed to the laws of human nature, and limited by the universal rule that every permanent spiritual and moral relation must grow up by slow degrees, and obey a principle of internal development.<sup>11</sup>

Smith thus explored the idea that at least some of what had previously passed for revelation instead constituted a product of normal human processes.

Smith applied this concept of revelation by evolutionary process to the book of Amos. Unlike Wellhausen's treatment of the Pentateuch, Smith did not engage in a source-critical analysis of the book itself. Instead he focused on Amos' use of tradition. Smith, following Wellhausen's thesis, noted that the Pentateuchal laws would not have been available in their entirety until after the exile. Thus we should not expect Amos to

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<sup>10</sup> Although Wellhausen is often credited with the documentary theory and the evolutionary development of the Torah that it presupposes, Wellhausen himself credits the basic ideas of his theory to Eduard Rues, Leopold George, Wilhelm Vatke, and ultimately to Martin Lebrecht de Wette as early as 1806. Wellhausen, *Prolegomena*, 4.

<sup>11</sup> W. Robertson Smith, *The Prophets of Israel and Their Place in History* (New York: AMS Press, 1982), 4. *The Prophets of Israel* was originally published in 1882.

draw upon the law as a source for his condemnation of either Israel or the nations.<sup>12</sup> The Pentateuch could not serve as a guide to interpreting Amos (and the rest of the prophets). Instead, he postulated that the prophets must be used to determine “what constituted the sum of the extant knowledge of Jehovah in the time to which they belong.”<sup>13</sup> Smith advanced an evolutionary view of the Bible that reshuffled the basic understanding of the prophets. In his view, the prophets did not (nor could they have) founded their preaching on the basis of the Torah. Rather, Smith would have us to understand that the prophets helped build the theological system from which the Torah eventually emerged. According to Smith, the age of the writing prophets represented the apogee of Hebrew literature.<sup>14</sup> Since the book of Amos usually claims priority as the first of the writing prophets, the golden age of Hebrew literature started with Amos.

Smith’s understanding of the Bible led him to discover within Amos anthropological rather than theological explanations for certain ideas. This is apparent in Smith’s discussion of the oracles against the nations. According to Smith, “Amos teaches that heathen nations are to be judged, not because they do not worship Israel’s God, but because they have broken the laws of universal morality.”<sup>15</sup> The nations’ guilt was predicated, then, not on their violation of any Hebrew law, but on their disregard for laws accessible to all humans. Whereas Calvin and Luther had mainly understood the oracles from a theological viewpoint, Smith interpreted them from an anthropological

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<sup>12</sup> Smith, *Prophets of Israel*, 108-20. Smith does not claim that there was no written law prior to the exile. Rather he states that the law did not play a central role in Israel’s thought until after the exile. Smith, *Prophets of Israel*, 112.

<sup>13</sup> Smith, *Prophets of Israel*, 112.

<sup>14</sup> Smith, *Prophets of Israel*, 19.

<sup>15</sup> Smith, *Prophets of Israel*, 134. Smith identifies these laws as “the universal laws of fidelity, kinship, and humanity.” Smith, *Prophets of Israel*, 135.

perspective. Smith's arguments demonstrate an early attempt to appeal to natural law as a basis of Amos' condemnation of the nations.

Writing at about the same time as Smith, S. R. Driver agreed that the nations were condemned for violating principles more universal than those found in the Torah. Driver wrote that the nations were guilty of violating "some generally recognized principle of humanity or morality."<sup>16</sup> More specifically, Driver writes, the nations "are judged not for offences committed specifically against Israel's God, but because they have broken some dictate of universal morality, have violated some precept of the natural law of humanity and mercy written on men's hearts."<sup>17</sup> Smith and Driver both recognized that a purely theological interpretation of the oracles created certain ethical dilemmas. They found a solution by arguing from an anthropological perspective. The nations' guilt came from breaking those innate laws which were intuitively understood by all humans.

This anthropological viewpoint was remixed with a theological perspective by Gerhard von Rad. Von Rad concluded that Amos learned of Israel's guilt through divine revelation. It was left to Amos, however, to provide the rationale for the condemnation.<sup>18</sup> Thus the standard by which Israel was judged did not come directly from Yahweh but was mediated through the human agency of the prophet Amos. If we may presume that what was true of Israel could be applied to the nations as well, it follows that, in one sense, the nations were guilty of violating standards held by Amos rather than those

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<sup>16</sup> S. R. Driver, *The Books of Joel and Amos, with Introduction and Notes* (Cambridge: Univ. Press, 1897), 95.

<sup>17</sup> Driver, *Joel and Amos*, 108-9.

<sup>18</sup> Von Rad wrote, "Obviously, all that was initially communicated to the prophet was the bare fact of the end and judgment... The greater part of Amos's message must, then, be ascribed to his own pondering on the situation which he saw before him. He had first to put his own stamp on everything he had learned from Jahweh, for it constantly needed interpretation *ad hominem*." Gerhard von Rad, *The Message of the Prophets* (San Francisco: HarperSanFrancisco, 1965), 103.



which came from Yahweh. According to von Rad, the nations had breached “the unwritten law of international relations.”<sup>19</sup> Von Rad thus moved beyond citing an abstract natural law and posited instead that the nations violated certain well known, but undocumented, international rules.

The idea that the Hebrew Bible underwent some form of evolutionary development suggests that influences beyond Israel’s borders might also have impacted biblical authors. Similarities between Hebrew, Egyptian, and Mesopotamian stories, concepts, and thought patterns had long been noted. The Danish scholar Aage Bentzen suggested that Amos’ oracles against the nations were patterned after the Egyptian Execration texts.<sup>20</sup> He noted, for example, that both the oracles and the Execration texts followed a fixed geographical order.<sup>21</sup> After the imprecations against foreign nations there immediately followed a “stroke against the centre of the world...denouncing single traitors and other criminals and so purging the country of all sorts of iniquity.”<sup>22</sup> Amos utilized a similar pattern, condemning first the nations before turning to those within Israel whom he regarded as criminals.

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<sup>19</sup> Gerhard von Rad, *Old Testament Theology* (New York: Harper, 1962), 2:135.

<sup>20</sup> Bentzen cautioned that postulating direct borrowing is a dangerous business. Rather than suggesting that Amos borrowed directly from the Egyptian texts, he suggests that a shared culture might lead to similar ideas originating simultaneously but independently. He wrote that “ideas may ‘hang in the air’ in different areas and originate independently.” A. Bentzen, "The Ritual Background of Amos 1:2-2:16," *Oudtestamentische Studien* 8, no. (1950): 87. The Execration texts will be covered in more detail below. The Execration Texts comprised curses which were written on pieces of pottery and then ritually broken, thus making the curses efficacious and, hopefully, rendering the enemy powerless.

<sup>21</sup> Bentzen, "Ritual Background," 89. Bentzen’s conclusions concerning the similarities between the Egyptian Execration texts and Amos’ oracles against the nations enjoyed currency for a time, but has since been widely repudiated. For example, see Andrew E. Steinmann, "The Order of Amos's Oracles against the Nations: 1:3-2:16," *Journal of Biblical Literature* 111, no. 4 (1992).

<sup>22</sup> Bentzen, "Ritual Background," 91.

Bentzen thus argues that Israel shared its cultural space with other ancient Near Eastern kingdoms. Amos, breathing the same cultural air as the Egyptian priests responsible for the Execration texts, hit upon a method of conveying his message that closely paralleled theirs.

Hans Walter Wolff's commentary has been one of the most influential books on Amos written within the past fifty years.<sup>23</sup> Relying heavily on form-critical analysis, Wolff posited that the book of Amos went through six redactional stages; the earliest coming from the hand of Amos himself and the latest dating from the postexilic period. Thus the shape of the book of Amos came into being over a period of centuries. Generally Wolff recognized the original words of Amos in chapters 3-6.<sup>24</sup> A second redaction mainly involved parts of chapter seven of the canonical book. This edition Wolff also attributed to Amos although dating it later than that of the composition of the original oracles. Wolff also accepted that certain of the oracles against the nations came from the hand of Amos.<sup>25</sup> A "School of Amos" produced a third redaction to the book. This school comprised disciples who apparently knew the prophet and carried on his editorial work not long after the completion of his ministry. These disciples were responsible for the superscription to the book as well as the first-hand account of Amos' confrontation with Amaziah (Amos 7:10-17). Further additions to the book were made during the Josianic Age. The Josianic redactor utilized his edition to criticize the Bethel cult. Wolff contends that this redaction reflected the centralizing tendency of the

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<sup>23</sup> The Hermeneia edition carries a copyright of 1977. However, the work first appeared in German in 1965. Hans Walter Wolff, *Joel and Amos: A Commentary on the Books of the Prophets Joel and Amos*, ed. Frank Moore Cross, trans. S. Dean McBride, Hermeneia (Philadelphia: Fortress Press, 1977), xii.

<sup>24</sup> The above treatment is a schematic view of Wolff's in-depth analysis.

<sup>25</sup> Specifically, Wolff dates the oracles against Ammon, Damascus, Moab and Philistia were from the hand of Amos. The oracles against Tyre, Edom, and Judah were later additions. Wolff, *Amos*, 140.

Jerusalem cult during the reign of Josiah. A Deuteronomic editor provided the penultimate edition of the book. This editor cast Amos' message in such a manner as to condemn his own exilic generation. The final redaction took place in the postexilic period by an editor who added the final, hopeful verses to an otherwise pessimistic document.<sup>26</sup> Wolff's redactional model has been both widely followed and widely debated.<sup>27</sup>

Wolff's contributions did not stop with his redactional scheme. He also discussed both the theological and anthropological elements introduced by earlier commentators. From a theological viewpoint, Wolff posited that Amos was a thoroughgoing monotheist. He argues that it would have been axiomatic for Amos to consider the nations' accountable to Yahweh; he would have recognized no other deity to whom they might have been responsible.<sup>28</sup> As there was a single deity, so there existed a single standard by which the nations, both Hebrew and non-Hebrew, were to be judged. A "transmitted list of atrocities" presumably known to all of the nations, served as the anthropological basis for this standard. This list, Wolff argued, found its home in an international wisdom

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<sup>26</sup> Wolff, *Amos*, 106-13.

<sup>27</sup> J. Alberto Soggin substantially accepts Wolff's entire argument. J. Alberto Soggin, *The Prophet Amos: A Translation and Commentary* (London: SCM, 1987), 12. Robert Coote simplifies Wolff's scheme by reducing Wolff's six stages of composition to three. Robert B. Coote, *Amos among the Prophets: Composition and Theology* (Philadelphia: Fortress Press, 1981). Francis Andersen and Donald Freedman, however, argue that the entire enterprise of searching for an author's original words is a chimera that has "exhausted itself." Francis I. Andersen and David Noel Freedman, *Amos: A New Translation with Introduction and Commentary*, 1st ed. (New York: Doubleday, 1989), 143. They, as well as Shalom Paul, argue that the bulk of the book of Amos comes from the hand of Amos and did not proceed through the complex compositional stages posited by Wolff. Shalom M. Paul, *Amos: A Commentary on the Book of Amos*, ed. Frank Moore Cross, Hermeneia (Minneapolis: Fortress Press, 1991). See the chapter on the composition of the book of Amos in Gerhard Hasel for a synopsis of recent scholarship on this issue. Gerhard F. Hasel, *Understanding the Book of Amos: Basic Issues in Current Interpretations* (Grand Rapids, Mich.: Baker Book House, 1991), 91-99.

<sup>28</sup> Wolff writes, "That Yahweh is the only God of Israel and of the world of nations is not a theme of his message but its self-evident presupposition." Wolff, *Amos*, 101.

tradition.<sup>29</sup> He argued that Amos used traditional wisdom forms to create a singular standard by which both the Hebrew and non-Hebrew nations would be judged.<sup>30</sup>

According to Wolff, Amos' wisdom tradition transcended that of Israelite wisdom. Amos was familiar with the broader ancient Near Eastern culture and this familiarity with the broader culture allowed him to "...categorically subsume all people under the same juridical order."<sup>31</sup> The basis of Amos' standard was thus found in the broad ancient Near Eastern culture as deposited in its wisdom traditions.

Both Israel and the nations were guilty of violating a single standard; they perpetrated what Wolff describes as "crimes against humanity."<sup>32</sup> He noted that the nations, "like Israel, are guilty before Yahweh because they have mistreated weaker human beings. Essentially, there is no different standard of justice for them than for Israel."<sup>33</sup> All nations were to be judged based on their mistreatment of the defenseless. This, according to Wolff, was one of Amos' original contributions to Hebrew thought. Wolff writes, "The exclusivity with which Amos determines guilt, solely on the basis of

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<sup>29</sup> Wolff recognized Amos' use of a wisdom tradition by his utilization of a consistent formal structure ("for three transgressions of x, and for four") in the oracles. Wolff noted that the formal structure of the crimes "reflects the influence of oral traditions of popular wisdom which, like other wisdom material, linked Israel to the surrounding world." Wolff, *Amos*, 148.

<sup>30</sup> Other authors have also recognized the role that wisdom traditions played in the book of Amos. Mays, for example, recognized wisdom forms in the 3-4 sequence of the opening oracles. James Luther Mays, *Amos, a Commentary* (Philadelphia: Westminster Press, 1969), 24. Terrien demonstrates several traits that he suggests Amos borrowed from wisdom literature. Samuel Terrien, "Amos and Wisdom," in *Israel's Prophetic Heritage: Essays in Honor of James Muilenburg*, ed. Bernhard W. Anderson and Walter J. Harrelson (London: SCM, 1962).

<sup>31</sup> Wolff, *Amos*, 148.

<sup>32</sup> Wolff, *Amos*, 172.

<sup>33</sup> Wolff, *Amos*, 106.

behavior manifested towards the weak and the helpless, is likewise a new feature in his prophecy.....The cause of the helpless is a priori the cause of Yahweh.”<sup>34</sup>

There has thus been a common thread that runs through the writings of the modern authors surveyed thus far. Although not always explicit, each author seems to understand that the law which was violated; whether Driver’s “natural law”, von Rad’s “unwritten law”, or Wolff’s “transmitted list of atrocities”, ultimately derived from Yahweh. The anthropological principle merely reflected the theological one. The next author to be reviewed turns this order upside down.

John Barton has written extensively about biblical ethics. In an attempt to understand the oracles against the nations, Barton posited that Amos drew the standard by which he judged the nations from what he termed “international customary law.”<sup>35</sup> As the name suggests, these laws were based on international customs rather than on explicit legislation or divinely revealed law. Being international, these laws were generally accepted by all the nations of the ancient Near East. The laws did not necessarily form a coherent code, as found, for example, in the medieval codes of chivalry or the modern Geneva Convention. They nevertheless defined the boundaries, for example, by which war could be legitimately prosecuted. It was on the basis of this customary law that Amos condemned the nations. Barton argues that, “the nations are condemned for infringing customs of war accepted or believed to be accepted by all civilised nations.”<sup>36</sup>

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<sup>34</sup> Wolff, *Amos*, 172.

<sup>35</sup> John Barton, "Amos's Oracles against the Nations," in *Understanding Old Testament Ethics: Approaches and Explorations* (Louisville, Ky.: Westminster John Knox Press, 2003), 113.

<sup>36</sup> Barton, "Understanding Old Testament Ethics," 109. Barton recognizes that these laws were somewhat nebulous. He writes, for example, that, “each nation had its own ideas of what practices it might legitimately indulge in itself and what it might regard as legitimate in an enemy.” Barton, "Understanding Old Testament Ethics," 125. John Hayes accepts Barton’s use of international customary law as the

A critical difference exists between Barton's ideas and those of his predecessors. Barton elevates the anthropological principle above the theological one. Previous authors regarded Amos' standard, however defined, as ultimately deriving from Yahweh. Barton, on the other hand, considers Yahweh's role as subservient to those principles embodied in the customary laws. Those principles demonstrate that Yahweh shared with humanity a certain moral viewpoint. Thus these laws are not divine laws filtered through human agents. Rather, they appear to be laws that had their own existence. Barton wrote that the norms or standards held by the nations "are thought of as part of the common moral sense of all right-minded people; that God shares this moral sense is taken for granted, since he is the very epitome of right-mindedness. But there is no real suggestion that the rightness of the moral norms actually derives from God."<sup>37</sup> Barton relegates Yahweh's role to a purely judicial one. As he states, "Thus the principles at stake in these oracles are essentially part of a conventional morality, which God is assumed to back up with fiery sanctions, rather than actual laws supposed to be issued by God for all the nations of the world to observe."<sup>38</sup>

In Barton's analysis, the anthropological level wins out over the theological one. Barton admits to as much when he writes that the nations were guilty of breaking God's law only if we "understand 'God's law' to mean a law which God enforces rather than

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standard by which the nations were condemned. Hayes is less abstract in his understanding of what that law entailed. Hayes writes that international customary law "would have embodied conventions hammered out in response to the pragmatics of routine life." John H. Hayes, *Amos, the Eighth-Century Prophet: His Times and His Preaching* (Nashville: Abingdon Press, 1988), 58.

<sup>37</sup> Barton, "Understanding Old Testament Ethics," 113.

<sup>38</sup> Barton, "Understanding Old Testament Ethics," 113.

one which God enacts. In that case, the ‘law’ is not theological in its root but only in its application.”<sup>39</sup>

In later writings Barton gravitates towards natural law as an explanation of Amos’ standard. Whether understood as violations of international customary law or some other standard, the nations were ultimately condemned because they committed offenses that were obviously wrong as a matter of nature. Barton writes, “Never mind how people first came to see that these offences were wrong: their wrongness now is obvious; they contravene a law of nature just as would an attempt to plough the sea. However what we may call Amos’s ‘sources’ may have viewed such sins, he himself sees them as breaches of an order which we can only call natural law.”<sup>40</sup> This natural law appears to be most clearly manifested in the various wisdom traditions of the ancient Near East.

Natural law served not only as the basis for the condemnation of the nations, but also the agency by which Yahweh punished them. Barton argued that Yahweh’s punishments derived from the sins of the nations in what he termed “poetic justice.”<sup>41</sup> This has important implications for Barton, as it demonstrates the rationality of Yahweh. Barton writes, “To say that the sinner is punished in a way that fits the sin is to say that Yahweh is consistent and rational in his dealing with us as one would expect a human judge to be; he gives people *what they deserve*, pays them back in their own coin, makes

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<sup>39</sup> Barton, "Understanding Old Testament Ethics," 113.

<sup>40</sup> John Barton, "Natural Law and Poetic Justice in the Old Testament," in *Understanding Old Testament Ethics : Approaches and Explorations* (Louisville, Ky.: Westminster John Knox Press, 2003), 38. This article was originally published in 1979. Barton elsewhere describes natural law as “a belief that the creation somehow works according to moral principles, of which God as creator is in some sense the ‘source’ and guarantor, but which are not explicit ‘commands’ uttered by him and demanding obedience just because it is he who utters them.” Barton, "Understanding Old Testament Ethics," 29. This definition seems to contradict somewhat Barton’s earlier position that moral norms could not ultimately be said to have derived from Yahweh.

<sup>41</sup> Barton, "Natural Law," 40.

the punishment fit the crime.”<sup>42</sup> Yahweh’s justice, according to Barton, “is analogous to ours and observes much the same principles – principles available to human reason, not inscrutable and unaccountable.”<sup>43</sup> The source of Yahweh’s justice is thus not self-defined—his actions are not just simply because he does them. Rather, Yahweh’s justice is based on the same kind of standard that humans use when arriving at notions of justice.<sup>44</sup> Yahweh’s justice is ultimately rational in its basis.

Barton’s musings on Amos serve a larger purpose. Barton attempted to show that the Hebrew Bible did not, as originally composed, contain only a single system of ethics. While it is often supposed that obedience to the revealed word of Yahweh constituted the main source of ethics in the Hebrew Bible, Barton argued that Amos still had the latitude to draw on sources of ethics other than divine revelation with which to condemn Israel and the nations.<sup>45</sup> Barton thus argued that Hebrew Bible contains clues suggesting an evolution of ethics.

In the late twentieth century an interpretation became popular that predicated the condemnation of the nations on an erstwhile Davidic Empire of which the nations had once been a part. This interpretation reduces the number of ethical questions which the oracles against the nations raise. If the nations were guilty of breaking the terms of a previously agreed upon treaty, than Amos’ condemnations are obviously just. This

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<sup>42</sup> Barton, "Natural Law," 42. The emphasis is in the original.

<sup>43</sup> Barton, "Natural Law," 44.

<sup>44</sup> Barton writes, “His justice is not simply a matter of definition, as in a wholly theonomous ethical system in which justice simply means ‘what God does or commands,’ but is a matter of empirical experience when judged by the standards which human beings use in assessing the conduct of other people.” Barton, "Natural Law," 42-3.

<sup>45</sup> John Barton, "The Basis of Ethics in the Hebrew Bible," in *Understanding Old Testament Ethics : Approaches and Explorations* (Louisville, Ky.: Westminster John Knox Press, 2003), 47. This article was originally published in 1995. The imitation of God provided another ethical model available in ancient Israel before divine revelation became the norm. Barton, "Understanding Old Testament Ethics," 29.



viewpoint moves the conversation from one that is primarily ethical to one that is political.

Menaham Haran was an early proponent of this line of thought. He wrote, for example, that, “In truth, the onlooker is liable to be misled by the moralistic demands on the nations uttered in this prophecy... In actual fact, these demands are national rather than moral in nature and the major portion of this prophecy is designed according to the older nationalistic pattern.”<sup>46</sup> John Mauchline also argued that memories of a Davidic Empire underlie the oracles against the nations. Although Mauchline posits that a form of natural law served as the ethical basis for Amos’ condemnation, he understands that ethics was not primarily Amos’ concern.<sup>47</sup> Mauchline writes, “The conclusion seems inevitable that Amos believed that these peoples had a bond of association which they had treated with contempt, a bond in the name of Yahweh which meant that, in spite of their political separation from Israel now, they were still a spiritual unity.”<sup>48</sup>

Duane Christensen understood Amos as part of an evolving idea of which the concept of empire played a role. Christensen developed the idea that Amos’ oracles against the nations constituted a step in the evolution of the war oracle. The war oracle was known both within the Hebrew nations and in the surrounding culture. It dated back

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<sup>46</sup> Menahem Haran, "The Rise and Decline of the Empire of Jeroboam ben Joash," *Vetus Testamentum* 17, no. 3 (1967): 274.

<sup>47</sup> "... Amos was condemning the nations in respect of their failure to honour moral obligations, not as these were set out in the Law for Israel, but in terms of moral demand as they knew it by virtue of the light which lightens every man who comes into the world." John Mauchline, "Implicit Signs of a Persistent Belief in the Davidic Empire," *Vetus Testamentum* 20, no. 3 (1970): 288.

<sup>48</sup> Mauchline, "Implicit Signs," 289. According to Mauchline, this political reading of Amos was developed by latter prophets into the theme that the Davidic Empire would ultimately be revived. Commenting on Isaiah 43, Mauchline writes, "The political bond had been shattered; the religious bond was regarded as one which ought to be honoured and would some day be fully renewed." Mauchline, "Implicit Signs," 302. Ultimately this line of thought developed into the idea that Yahweh would rule the earth from Jerusalem. Mauchline, "Implicit Signs," 303.

at least as far as the time of Balaam. The pre-monarchic Hebrew prophets used the war oracle to divine the answer to military questions, to predict defeat or victory, to call members of the Israelite league to battle, or to summon the people to flee from destruction.<sup>49</sup> The pre-literary prophets converted the war oracle into a judgment oracle in which foreign nations served as the target.<sup>50</sup> Amos used this ancient form to express his persistent belief in the spiritual unity of the Syro-Palestinian nations. In his view, then, the nations were condemned because they were in rebellion against the Davidic Empire and its deity. Amos, however, included Israel among the nations condemned and so facilitated the transformation of the war oracle into a “judgment speech against Israel.”<sup>51</sup>

Haran, Mauchline and Christensen, then, put a political slant on Amos’ oracles against the nations.<sup>52</sup> In their reading of the book, Amos’ ethics take on a subsidiary role. As noted above, there is an ethical consequence to a political reading of Amos. Yahweh is absolved of punishing unwitting nations. A previous covenant bond had existed between Israel and the nations. According to the customs of the day, this bond would have been formalized before Yahweh. Thus the nations would have been explicitly answerable to him.<sup>53</sup>

Perhaps the most comprehensive recent volume on the book of Amos was written by Francis Andersen and David Freedman for the Anchor Bible commentary series.

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<sup>49</sup> Duane L. Christensen, *Transformations of the War Oracle in Old Testament Prophecy: Studies in the Oracles against the Nations* (Missoula, Mont.: Published by Scholars Press for Harvard Theological Review, 1975), 18.

<sup>50</sup> Christensen, *Transformations of the War Oracle* 32.

<sup>51</sup> Christensen, *Transformations of the War Oracle* 71.

<sup>52</sup> Another notable author that reads Amos politically is Max Polley. Max E. Polley, *Amos and the Davidic Empire: A Socio-Historical Approach* (New York: Oxford University Press, 1989).

<sup>53</sup> Objections to a political reading of Amos will be noted later.

Andersen and Freedman, like several earlier authors, understand the crimes of the nations to be breaches of natural law. The crimes of the non-Hebrew nations, they wrote, are “...civil rather than religious and they seem to be violations of a kind of ‘natural law.’”<sup>54</sup>

Andersen and Freedman reject a political reading of Amos. They argued, “Those nations may never have been under the suzerainty of Yahweh and may not now acknowledge it, but he is their Lord—just as he is and should be acknowledged Lord of Israel (and Judah).”<sup>55</sup> They posit instead that the nations owed their allegiance to Yahweh because of an “unusual doctrine” of grace preached by Amos. Amos 9:7 claims that God brought the Philistines and the Aramaeans to the land of Palestine. This constituted an act of grace which must be requited through obedience. Andersen and Freedman wrote, “Because [Yahweh] has acted on behalf of the Philistines and Aramaeans he has the right to impose demands and to insist on compliance with rules and requirements, just as in the case of Israel.”<sup>56</sup> Although the nations may not have recognized Yahweh’s actions of grace, they were nonetheless responsible to him. Andersen and Freedman claim that, “[the nations] have their own gods and explain their history in a different fashion, no doubt; but Amos insists that the truth is as he has stated it. Whether the nations are aware of the action of divine grace in bringing them out of one place to another and establishing and providentially guiding their history, they are not less responsible because of their ignorance.”<sup>57</sup> They label Amos’ theology of grace unusual, not because it demoted Israel

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<sup>54</sup> Andersen and Freedman, *Amos*, 27.

<sup>55</sup> Andersen and Freedman, *Amos*, 91.

<sup>56</sup> Andersen and Freedman, *Amos*, 352. Andersen and Freedman do not explore the “rules and requirements” which the nations were responsible for keeping. We are left to assume that these rules had their basis in natural law.

<sup>57</sup> Andersen and Freedman, *Amos*, 352.

to “the level of common humanity,” but rather because it elevated the nations to occupy the same privileged space claimed by Israel.<sup>58</sup>

Andersen and Freedman do not provide a vigorous attempt to explore the practical basis for Amos’ condemnation of the nations. Their recognition of grace as the foundation of the nations’ responsibility to Yahweh is unique and highlights their primarily theological reading of the book of Amos.

Shalom Paul contributed a second volume on the book of Amos to the Hermeneia series. Unlike Wolff, Paul concluded that much of the book came directly from the hand of Amos. He rejects the complicated redactional structure posited by Wolff. For example, unlike many modern commentators, Paul argued that all eight oracles that constitute the oracles against the nations probably came from the hand of Amos.<sup>59</sup>

Paul argued that Amos had a “universalistic concept of the God of Israel.”<sup>60</sup> As sovereign of the world, the nations owed their allegiance to Yahweh. The nations “flout divine authority” when they committed barbarous acts against neighboring nations and as such Yahweh had no real choice but to punish them. In Paul’s view, the nations were punished because they violated Yahweh’s moral law. Amos 2:1 notes, for example, that Moab’s crime consisted of burning of the bones of the king of Edom to lime (Am 2:1). Paul remarked that this crime cannot be construed as having been committed against the nation of Israel. Rather, he wrote, “Such a crime is a direct offense against the Lord, whose moral laws operate and are binding within the international community of nations.

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<sup>58</sup> Andersen and Freedman, *Amos*, 352.

<sup>59</sup> Paul, *Amos*, 16-27. This does not mean, however, that Amos did not borrow the literary form of the oracles from previous models. On the contrary, Paul indicates that Amos may have utilized a preexisting *catalog* of oracles, adding Judah (and presumably Israel) for his purposes. Paul, *Amos*, 74-5, note 301.

<sup>60</sup> Paul, *Amos*, 45.

He who flouts the will of the God of Israel will be punished directly by the Judge of all the nations.”<sup>61</sup> While Paul never explicitly addressed how the nations were to be aware of Yahweh’s moral law, he implied that the nations were guilty of violating natural law.<sup>62</sup> Like many authors beginning from a theological perspective, Paul does not seem overly concerned with exploring the details of a natural law viewpoint. He argues that, if the standard by which the nations were judged remains somewhat nebulous, the Hebrew nations violated an obvious standard. Paul stated, “...the prophet still makes a clear-cut distinction between the nature and essence of the transgressions of the nations and those of Judah and Israel. Because the latter are bound by an intimate covenant relationship, they are specifically indicted for infractions of a religious-moral-ethical nature.”<sup>63</sup> Paul understands there to be a dichotomy between Israel’s condemnation and that of the nations.

The final work to be reviewed maintains a primarily anthropological interpretation of the book of Amos.<sup>64</sup> This should come as no surprise as the author, Carly L. Crouch, was a student of John Barton. Crouch argued that Israel’s ethical ideas, while unique in their own right, nevertheless shared cultural space with those of her neighbors.<sup>65</sup> Crouch wrote that, “...Israel and Judah were first and foremost part of a broad ancient Near Eastern ‘historical stream’, and that, though they did have unique

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<sup>61</sup> Paul, *Amos*, 72.

<sup>62</sup> Paul quotes S. R. Driver’s comment that “It is the right common to humanity at large which he [Amos] vindicates and defends.” Paul, *Amos*, 61.

<sup>63</sup> Paul, *Amos*, 46.

<sup>64</sup> Carly L. Crouch, *War and Ethics in the Ancient Near East: Military Violence in Light of Cosmology and History* (Berlin: Walter de Gruyter, 2009).

<sup>65</sup> Crouch, *War and Ethics*, 1.

qualities which differentiated them from their neighbours, they also shared more characteristics than they disputed.”<sup>66</sup>

Crouch utilized Assyrian texts to demonstrate that Amos’ ethics were completely at home in the ancient Near East.<sup>67</sup> She contended that warfare in Assyria (and throughout much of the surrounding culture) had its basis in an ideology of “indigenous order over and against enemy chaos.”<sup>68</sup> The enemy was the enemy because they were “other,” and as such represented a threat to the known order. Assyria’s expansion was not (just) about greed and power, but should be understood as a fight for the nation’s very existence against the forces of chaos.<sup>69</sup> The king served as the deity’s human agent in the fight for order. Actions against the king or those that existed outside of his sphere of influence were considered unnatural and hence unethical. Ethics, then, were defined nationalistically. While each nation would have regarded its own existence as the basis of that ethic, nevertheless all of the nations in the region would have used a shared vocabulary in defining that ethic.

Crouch contended that the apparent difference between biblical and Assyrian literature resulted from a difference in the social location of the authors. The Assyrian monarch commissioned much of the extant Assyrian texts. Non-elitists contributed much of the biblical material, however.<sup>70</sup> This is especially the case in the book of Amos. The Assyrian propagandists assumed that the actions of their monarch coincided with the will

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<sup>66</sup> Crouch, *War and Ethics*, 2.

<sup>67</sup> Primarily Crouch draws on texts from the Assyrian Empire which postdated the book of Amos by only a few years. Israel’s demise in 722 BCE came at the hands of the Assyrian Empire.

<sup>68</sup> Crouch, *War and Ethics*, 21.

<sup>69</sup> Crouch, *War and Ethics*, 22.

<sup>70</sup> Crouch, *War and Ethics*, 5-6.

of their gods. Military victories represented the triumph of their gods over those of the vanquished. Amos, on the other hand, does not ascribe to Israel's king a similar relationship to Yahweh. While Amos envisioned that the nations would be punished, it is notable that he does not credit the victory to Israel's monarch. Rather an unnamed human agent carries out Yahweh's pronounced punishments. Crouch argues that this results from Amos social location outside of elite circles. Unlike Israel's elite, he was not beholden to a king he regarded as corrupt. The result of Amos' unique viewpoint was that an unnatural moral act could no longer be defined as an action against the king. Rather, Crouch writes that unnatural acts become a "...violation of some sort of right to existence...accorded all nations."<sup>71</sup> The severing of the interests of the national god with that of the nation's king led to the innovative idea that Yahweh could use foreign kings for the purpose of punishing nations; Israel included. It also led Amos to understand his ethical concerns in non-nationalistic terms. Thus some of his ethical ideas were at variance with those of the ancient Near East and of Israel. Crouch argued, for example, that Amos expected restraint in the prosecution of war, an idea not otherwise found in the Hebrew Bible.<sup>72</sup> Likewise Amos objected to the enslavement of prisoners of war.<sup>73</sup>

Crouch noted the irony that has Amos condemning the nations for inflicting total destruction on an enemy while simultaneously ascribing to Yahweh the utilization of similar methods in punishing the nations.<sup>74</sup> Crouch writes, "this creates something of a

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<sup>71</sup> Crouch, *War and Ethics*, 115.

<sup>72</sup> Crouch, *War and Ethics*, 105.

<sup>73</sup> Crouch, *War and Ethics*, 109-10. Crouch also mentioned that Amos objected to the killing of women and children, a view probably shared by other ancient Near Eastern peoples. Further, Amos rejected the desecration of the remains of an enemy king as a valid means of prosecuting war.

<sup>74</sup> Crouch, *War and Ethics*, 115.

moral paradox: nations employed as Yahweh's agent are apparently permitted to do what the nations they punish are not."<sup>75</sup> The way out of the morass, according to Crouch, is to postulate that Amos employed a "loose form of *lex talionis*" when he condemned the nations.<sup>76</sup> She wrote that, "Like the *lex talionis*, the punishment inflicted, though like the crime, is not itself subject to punishment."<sup>77</sup> The principle of *lex talionis*, according to Crouch, dictated that punishment "is commensurate with and contained within the offence itself."<sup>78</sup> The human agent that carried out the will of Yahweh was thus not subject to punishment for their actions. Rather the actions of the agent were sanctioned, even required, by Yahweh.<sup>79</sup> Crouch understands Yahweh to be the upholder of a moral system that guarantees that each action is balanced by its appropriate consequence.<sup>80</sup>

The positions of the scholars surveyed above can be roughly broken into two groups; those beginning from a theological viewpoint and those holding an anthropological one. One could also understand these two positions as, respectively, one which gave primacy to Israel's perspective of the world, and one which privileged the perspective of the nations. Scholars holding to a theological perspective for the opening chapters of the book of Amos often argue that Yahweh's authority to judge the nations stems from his sovereignty over them. This position has the advantage of creating a unifying link between the opening chapters of the book, focusing on the nations, with the

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<sup>75</sup> Crouch, *War and Ethics*, 111.

<sup>76</sup> Crouch, *War and Ethics*, 114.

<sup>77</sup> Crouch, *War and Ethics*, 114.

<sup>78</sup> Crouch, *War and Ethics*, 114.

<sup>79</sup> Crouch, *War and Ethics*, 115.

<sup>80</sup> Crouch, *War and Ethics*, 114. This idea of retribution is often found in ancient Near Eastern wisdom literature and will be further explored in a later chapter. Crouch notes that the book of Amos is well known for its wisdom connections and suggests that the connection might not be accidental.



following chapters which concern Israel. Both the nations and Israel are answerable to Yahweh by virtue of his universal sovereignty. The disadvantage of this position, however, is that its proponents rarely explain the basis of Yahweh's judgment of the nation's other than by a (usually) vague reference to natural law. Yahweh's authority is also assumed, not established. The crimes of the nations are presumed to be crimes, but it is rarely demonstrated that the nations would have (or could have) recognized that their punishments were just.

Scholars arguing from the anthropological perspective explicitly provide a basis for the condemnation of the nations; typically by reference to some form of customary law. This has the advantage of rooting the book of Amos in its ancient Near Eastern context. The nations become culpable for actions which they knew to be wrong. It can be further demonstrated that Amos indicted Israel on a similar basis. Her actions violated ethical norms known throughout the ancient Near East, thus making Israel's punishment deserved and inevitable. This viewpoint, however, carries the danger that Yahweh's role can become minimized. If Amos derives his ethics only from the surrounding culture, then Yahweh simply serves as the judge and executioner for laws of an unknown provenance. This would seem to violate Amos' conception of Yahweh.

It is my contention that Amos intentionally used the customs of his surrounding culture to indict both Israel and the foreign nations. He would have been able to do so without surrendering his view of the sovereignty of Yahweh. Thus an examination of Amos' culture, and especially of three relevant ancient Near Eastern laws, is in order and will be the subject of the next chapter.

## II. ANCIENT NEAR EASTERN LAWS PERTAINING TO AMOS

The book of Amos contains references and allusions to cultural norms that were well understood by its original readers but which today seem somewhat opaque.<sup>1</sup> An examination of the ancient Near Eastern context in which Amos lived will help the etic observer better understand the book of Amos. Specifically, three Near Eastern “laws” will help us place Amos’ ethical ideas within his cultural milieu.<sup>2</sup> An examination of ancient Near Eastern and biblical ideas concerning justice will also aid in our understanding of the book. This chapter will explore international customary law as it was practiced in the ancient Near East. The “law of the oppressed” will also be discussed along with its twin theme of social justice. Finally the law of retribution or *lex talionis* will be briefly surveyed.

### **International Customary Law**

International law is invested with a particularly difficult task. By definition, it involves the relationship between two or more nations, each of which views itself as sovereign. Often the nations have customs and traditions which differ, sometimes radically so, from that of their neighbors. The foreignness of the “other” often creates a sense of mistrust, making interactions between nations fraught with difficulties.<sup>3</sup> Yet

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<sup>1</sup> The original recipients of the Amos’ message almost certainly heard rather than read his sermons. This is, for example, presumed by Matthews when he writes that the rhetorical strategy of the Oracles against the Nations was designed to attract a crowd. Victor Harold Matthews, *Social World of the Hebrew Prophets* (Peabody, Mass.: Hendrickson, 2001), 69. Most scholars presume that Amos’ words were written down soon after they were delivered, however.

<sup>2</sup> I here use law in the sense of generally accepted behavior and not as a set of codified rules. This form of law refers to the deep structures of life that differentiates for the parent culture those actions which are considered acceptable and those which are taboo. While the basic idea of these laws may eventually be codified in various statutes, no single statute can capture their essence. They reflect an idea and an ideal that members of the parent culture understand, seemingly instinctively.

<sup>3</sup> As we discussed in the previous chapter, it is the dichotomy between “us” and “them” that Crouch found at the heart of ancient Near Eastern ethics.

nations must interact. Only rarely (and then only for a limited time) are nations accorded the luxury of isolation. At a practical level, either a nation will desire (or require) resources from a neighboring state or it will have resources sought after by surrounding nations. Or a nation might simply occupy territory important to another state for any number of reasons. Thus, despite the perceived otherness between nations and the distrust this often engenders, nations must develop methods of social intercourse to prevent a constant state of war. As Olga Butkevych writes, “Due to primarily negative treatment of foreigners on the one hand, and sheer necessity of establishing international contacts with them on the other, international law comes to the forefront in order to make such contacts possible and prevent international conflicts.”<sup>4</sup> The task of international diplomacy, as onerous as it may have been, would have become more manageable if the participating countries shared a common culture. This was the situation in the ancient Near East. The nations shared a common diplomatic language (Akkadian) and worshipped many of the same gods. As Amanda Podany writes, “With so much in common, it is hardly surprising that they were able to find common ground and to agree on principles of diplomatic engagement.”<sup>5</sup>

In antiquity the methods of intercourse which developed were often obscured behind various rituals.<sup>6</sup> Yet the rituals and the international dialogues they made possible

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<sup>4</sup> Olga V. Butkevych, "History of Ancient International Law: Challenges and Prospects," *Journal of the History of International Law* 5, no. 2 (2003): 196.

<sup>5</sup> Amanda H. Podany, *Brotherhood of Kings: How International Relations Shaped the Ancient Near East* (Oxford: Oxford University Press, 2010), 89.

<sup>6</sup> For example gifts (presumably of equal value) were exchanged. So were royal children; daughters became the wives of the current or future kings of the treaty partner. Treaties were also invested with religious ritual because the gods served as the guarantors of the treaty terms. Podany describes the physical delivery of a nation's gods (embodied in an idol or statue, of course) to witness the oaths taken at the culmination of a treaty. Podany, *Brotherhood of Kings*, 83.

constituted a form of ancient international law.<sup>7</sup> While this law was not necessarily well developed, it nevertheless existed.<sup>8</sup> Ancient nations interacted and thus needed a consistent framework upon which to base those interactions. Without some form of law, international relations would have been entirely chaotic.<sup>9</sup>

Law, at any level, has as its purpose the preservation of order. It can be characterized by its three distinct functions: legislation, adjudication, and execution.<sup>10</sup> Law works on the national level because the state promulgates statutes that its citizens must follow, interprets statutes by applying them to real life circumstances, and enforces its ordinances against those who would break them. Law works because some entity sits above the quarreling parties and adjudicates between them. Either by the agreement of the citizens or the compulsion of the state, the legal institutions of a nation are understood to have authority over its citizens. The three functions of law can be invested in a single individual (at least theoretically, in the case of an absolute monarchy or a dictatorship); in

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<sup>7</sup> David Bederman explores the function of some of these rituals in his book, *International Law in Antiquity*. David J. Bederman, *International Law in Antiquity*, Cambridge Studies in International and Comparative Law (Cambridge, U.K.: Cambridge University Press, 2001). Bederman contends that, although modern commentators often disparage ancient law's exclusively religious basis, law in antiquity was well grounded in reason and custom as well as in religion. Religion provided the form of the rituals utilized in international dialog, but the international laws underlying the rituals were often based on reason. Bederman, *International Law*, 4.

<sup>8</sup> Butkevych alluded to a school of thought that seriously questioned the existence of international law in antiquity when she wrote, "The idea was generated that international law was absent in antiquity as the conditions necessary for its birth were absent at that time, among other things, due to the fact that ancient international relations were not studied adequately." Butkevych, "History of Ancient International Law," 196. Butkevych concludes, however, that international law flourished because the need for trans-ethnic discourse existed from the earliest tribal times.

<sup>9</sup> Bederman writes, "International law is impossible without a system of multiple states, each conscious of its own sovereignty and the choice between relations being premised on order or on anarchy." David J. Bederman, "Religion and the Sources of International Law in Antiquity," in *The Influence of Religion on the Development of International Law*, ed. Mark W. Janis (Dordrecht, Netherlands: Nijhoff, 1991), 5.

<sup>10</sup> This enumeration of functions obviously mirrors the structure of the US government and that of many of the states and thus reflects a modern perspective. While there may be other ways to subdivide the functions of law, nevertheless this division serves as a useful analytical tool.

a small group of individuals (in, for example, an oligarchic form of government); or, in the case of modern democracies, in separate branches of the government. Wherever the functions of law are vested, however, law at the national level operates because there is an overarching power that insures that the functions of law are carried out.

International law, like law at the domestic level, seeks to provide order. Formulating and enforcing international law is problematic, however, because it exists between nations which, by definition, consider themselves sovereign. The sovereignty of a nation precludes the idea that another power sits above it and regulates its relationships with other nations. The ancient Near East, unlike the modern world, had no international bodies to serve the functions of law.<sup>11</sup> With no international congresses to develop statutes, no institutions given the power to adjudicate between quarreling states, and no international constabulary to police breaches in statute or etiquette, only two options were available. Either the nations had to agree among themselves to abide by negotiated laws; or one nation, by virtue of its power or influence, dictated the rules of international law to others within its sphere of influence. Both these forms of international law manifested themselves in antiquity.<sup>12</sup> Lacking formal institutions, ancient international law became governed by treaty and custom.<sup>13</sup>

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<sup>11</sup> The modern world has attempted to create by agreement international institutions to carry out the functions of law. The United Nations carries out some international legislative functions. The International Court of Justice serves as the judicial branch of the UN. Absent a clearly defined executive authority, however, the International Court of Justice must rely on nations to accede to its judgments. Needless to say, not all nations do so. For example, the United States refused to accept the ruling of the Court concerning its affairs in Nicaragua in the 1980s and no longer views the Court's decisions as compulsory. The execution of modern international law remains highly problematic.

<sup>12</sup> Stipulations of these agreements are most readily contained in the various extant treaties known from the period. There were two types of treaties which match the two conditions given. Nations of similar power and influence negotiated terms and agreed to abide by them. Treaties governing this type of relationship have been labeled parity treaties. (Treaties between Egypt and Hittites during the Amarna Age serve as a ready example.) At times in the ancient Near East, a single country asserted hegemony over a large area. While this state may not have directly ruled neighboring countries, they were able to dictate the terms of

The use of treaties in the ancient Near East has a long history. The desire for international order was even older. Dennis McCarthy, for example, notes that the Vulture Stela of Eannatum of Lagash contained elements found later in most ancient Near Eastern treaties.<sup>14</sup> He concludes that “the practice and the concept of the later treaties are already at work because the societal structures which produced them are already present.”<sup>15</sup> Treaties were not only very old, but were found throughout the ancient Near East. John Walton notes that portions of almost sixty treaties are still extant and come from Asia Minor, Syria, and Assyria.<sup>16</sup> Treaties served to regularize the customs that governed the relationships between nations. These treaties spelled out specific actions expected from each party.<sup>17</sup> Although these treaties were bilateral rather than truly international, they

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intercourse between the nations. Treaties which were imposed by a more powerful overlord usually involved stipulations that bound the weaker nation to the stronger. These have been labeled vassal treaties. (The Hittites held sway over most of Asia Minor during the New Kingdom period. Many of the treaties dating to this time period are of the vassal type.) Dennis J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the Old Testament*, New ed. (Rome: Biblical Institute, 1978), 44.

<sup>13</sup> Even with the modern legislative experiments in international law, custom still plays a major role in defining acceptable behavior. Goldsmith and Posner note that customary international law is typically defined as “the collection of international behavioral regularities that nations over time come to view as binding as a matter of law.” Jack L. Goldsmith and Eric A. Posner, “A Theory of Customary International Law,” *The American Journal of International Law* 66, no. 4 (1999): 1116.

<sup>14</sup> McCarthy, *Treaty and Covenant*, 30-1. Amélie Kuhrt dates Eannatum to circa 2450 BCE. Amélie Kuhrt, *The Ancient Near East: c. 3000-330 BC*, 2 vols., Routledge History of the Ancient World (London ; New York: Routledge, 1994), 1:27. I will attempt to provide the provenance and dates for as many texts as possible in this chapter in order to demonstrate that the ideals expressed were both widespread and persistent.

<sup>15</sup> McCarthy, *Treaty and Covenant*, 31.

<sup>16</sup> John H. Walton, *Ancient Near Eastern Thought and the Old Testament: Introducing the Conceptual World of the Hebrew Bible* (Grand Rapids, Mich.: Baker Academic, 2006), 69. McCarthy mentions treaties that involved the Hurrians, the Egyptians, and the Babylonians. McCarthy, *Treaty and Covenant*, 46.

<sup>17</sup> For example, the treaty between the Egyptian pharaoh Ramses II and the Hittite monarch Hattusilis III specified that each king would come to the aid of the other in case of invasion by a foreign army. The treaty also specified that each party would recognize and support the eventual successor of the reigning monarch. A mutual extradition clause was a part of the treaty, stipulating that each party would refuse to grant asylum to fugitives. Victor Harold Matthews and Don C. Benjamin, *Old Testament Parallels: Laws and Stories from the Ancient Near East*, Fully rev. and expanded ed. (New York: Paulist Press, 1997), 88-89. John Walton notes that, “Typical stipulations include loyalty, payment of tribute, reception of ambassadors,

demonstrate that the nations recognized the need for a system of maintaining order between sovereign nations. Treaties, along with custom, provided the framework necessary to govern international relations in the ancient Near East.

Unlike modern laws and treaties, international agreements in the ancient Near East were between monarchs, not between their respective nations. Raymond Westbrook writes,

International law was not separate from internal law, as it is today. The paradigmatic form of the state was monarchy. Its theoretical basis was the domestic household, that is, the territory and population of the state constituted a household, and the king was head of household. Like any head of household, he could enter into obligations that bound his subjects and was responsible for crimes committed by and upon them. International law was therefore based on principles in law common to all the civilizations of the region.<sup>18</sup>

Westbrook argues that society was hierarchically constructed and the king was understood to stand at the top of the hierarchy. Just as the householder could make agreements binding upon his family as a whole or upon individual members, so too could the king enter into treaties which affected his nation without receiving the consent of his citizens.<sup>19</sup> These agreements were considered binding on the people of the state. The people could also be held responsible for crimes committed by the king. Punishing the community was tantamount to punishing the king.

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provision for garrison troops, participation in military campaigns when requested, information concerning conspiracies, and extradition of enemies.” Walton, *Ancient Near Eastern Thought*, 69.

<sup>18</sup> Raymond Westbrook, "The Character of Ancient Near Eastern Law," in *A History of Ancient Near Eastern Law*, ed. Raymond Westbrook and Gary M. Beckman, Handbook of Oriental studies Section one, The Near and Middle East, (Leiden: Brill, 2003), 83. Note Westbrook's contention that international law in the ancient Near East was essentially local customary law writ large.

<sup>19</sup> So, for example, the head of a household could sell a family member into slavery to satisfy a debt entered into by the householder.

While custom and treaty played a major role in defining the laws governing the intercourse between nations, there still remained the problem of enforcement of the treaties. The nations of the ancient Near East developed a solution to that problem, a problem that still plagues the modern world.<sup>20</sup> They recognized an authority that transcended the monarchs of individual nations while still allowing the nations to maintain their sovereignty. The nations of the ancient Near East turned to their gods to guarantee order in international relations. Donald Magnetti writes,

In the absence of any international legal authority and frequently despite genuine cultural and religious discrepancies, e.g. Mesopotamia-Egypt-Anatolia, a common structure nevertheless appears by means of which promises made between different states were realized. The promises made had to be sanctioned by, and thus derive their validity from, a power above the parties involved. Since the supernatural or theological dimension thoroughly permeated life and activity in all of the ancient Near Eastern civilizations, that power was the gods.<sup>21</sup>

The nations entered into treaties that technically bound them, not to another nation, but to the gods.<sup>22</sup> The gods held the ultimate authority to maintain international order. Dennis McCarthy asserts that,

In fact, the special character of the treaty as opposed to the contract or edict was that it bound by oath and not by witnesses who could ensure its enforcement in court—with the help of police internally or an army externally in a ‘police action.’ The treaty thus invoked the ultimate guardians of world order, the gods who blessed and punished, to give added insurance that they would intervene against a particular instance of

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<sup>20</sup> Lacking any real executive power, Richard Posner argues that international order in the modern world is essentially maintained by retributive justice. He writes that it is the “possibility of retaliation by victim against aggressor” which keeps nations in check. He continues, “...not perfectly to be sure but on the whole effectively.” Richard A. Posner, “Retribution and Related Concepts of Punishment,” *The Journal of Legal Studies* 9, no. 1 (1980): 76.

<sup>21</sup> Donald L. Magnetti, “The Function of the Oath in the Ancient Near Eastern International Treaty,” *The American Journal of International Law* 72, no. 4 (1978): 823.

<sup>22</sup> Raymond Westbrook, “International Law in the Amarna Age,” in *Law from the Tigris to the Tiber: The Writings of Raymond Westbrook*, ed. Raymond Westbrook, Bruce Wells, and F. Rachel Magdalene (Winona Lake, Ind.: Eisenbrauns, 2009), 281.



disorder, the violation of a relation which they had been pledged to protect.<sup>23</sup>

Thus the nations of the ancient Near East developed a working form of international law in which custom and treaties played the legislative role while the gods provided the executive function.

The gods also constituted a form of international court, fulfilling the judicial role of law as well. The gods were called on to witness the various agreements made between sovereign nations. Treaties were sealed with oaths made before the gods.<sup>24</sup> These treaties were considered binding and the divine sanctions that backed them up were taken seriously. Westbrook writes,

The divine legal system governed human behavior no less than human courts, and its sanctions, if less certain in their application (but not by much), were equally feared. Notwithstanding the occasional breach and the rationalization of misconduct, the behavior of states was conditioned by what they saw as an effective legal system. Natural calamities such as plague, drought, flood, and defeat in war were attributed to divine justice, and steps were taken to make legal reparation in light of them.<sup>25</sup>

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<sup>23</sup> McCarthy, *Treaty and Covenant*, 41.

<sup>24</sup> Magnetti views the oath as the centerpiece of ancient treaties. It was the element which allowed peace to be substituted for war. Magnetti writes, "An instance of nonobservance of a binding contract under civil law can result in an appeal to a court of law or to the ruler, and such was the case in the ancient Near East. But in an agreement between states, the agreed points can only be enforced peacefully by an appeal to an international legal structure. In the absence of such an established structure, as was the case in the ancient Near East, only an appeal to the gods could be an effective means to guarantee observance of the treaty – other than a resort to military force. The solemn appeal to the gods to bear witness to the promises made and to punish nonrealization of those promises was subscribed under oath. As such, the oath by the gods was the constitutive element—that which provided the sanction—in the ancient Near Eastern international treaty." Magnetti, "Function of the Oath," 815. Jan Assmann notes that Hammurabi's Code was 'protected' by one hundred lines of curses (against three lines of blessings). Jan Assmann, "When Justice Fails: Jurisdiction and Imprecation in Ancient Egypt and the Near East," *The Journal of Egyptian Archaeology* 78, no. (1992): 158.

<sup>25</sup> Westbrook, "International Law," 269.

An example of the use of oaths to guarantee treaties can be found in the treaty between the Hittite Mursili and Duppi-Tessub of Amurru.<sup>26</sup> The treaty concludes with the following oath/curse: “All the words of the treaty and the oath which are written on this tablet – if Duppi-Teshub [does not keep these] words of the treaty and of the oath, then let these oath gods destroy Duppi-Teshub together with his head, his wife, his son, his grandson, his house, his city, his land and together with his possessions.”<sup>27</sup> These curses were considered to be efficacious and reached into the realm of life where law often could not reach. Assmann comments, “Oaths and curses extend the range of efficiency of ‘connective justice’ beyond the sphere of legal institutions into the sphere of divine maintenance of cosmic order. They presuppose and confirm a world-view where both cosmic and social order follows the same principle of retribution.”<sup>28</sup>

War often resulted as a result of the violation of a treaty’s terms. These wars involved not just the armies of the nations involved; the national gods also played a role.<sup>29</sup> It was understood that the earthly outcome of battles mirrored the outcome of cosmic battles and it must be presumed that the nation on the losing side of the battle

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<sup>26</sup> Mursili is known in modern literature as Mursili II. Kuhrt dates his reign from 1330-1295 BCE. Kuhrt, *Ancient Near East*, 1:254.

<sup>27</sup> William W. Hallo and K. Lawson Younger, *The Context of Scripture*, 3 vols. (Leiden ; New York: Brill, 1997), 2:98.

<sup>28</sup> Assmann, "When Justice Fails," 151. ‘Connective justice’ is Assmann’s term for the processes and institutions tasked with insuring that actions are balanced with appropriate consequences. He enumerates two occasions in which connective justice fails: when the criminal is unknown, and when later society or the state ignores laws promulgated by their ancestors. From the standpoint of international law, a third instance of the failure of connective justice might be added; when a state is unable to maintain its own laws against a stronger nation.

<sup>29</sup> Amnon Altman, "Tracing the Earliest Recorded Concepts of International Law: The Near East 12000-330 B.C.E.," *Journal of the History of International Law* 12, no. (2010): 106. Mario Liverani states, “Needless to say, battles are won by divine aid. On this point the Egyptian, Assyrian and Hittite views are almost identical: at the same time alongside and above the king, his gods protect him and fight for him.” Mario Liverani, *International Relations in the Ancient Near East, 1600-1100 B.C.*, Studies in Diplomacy (Houndmills, Basingstoke, Hampshire: Palgrave, 2001), 103.

occupied that position because their gods were punishing them for breaches of right conduct.<sup>30</sup>

Ancient international law consisted of only a small subset of elements covered in modern international law. Among the limited sphere of ancient Near Eastern customs relating to international law were the customs relating to the prosecution of war.

Bederman notes that the scope of ancient international law was limited mainly to customs related to embassies, treaties, and war.<sup>31</sup> Specifically, he writes, “While further nuances on the rules of diplomatic contact, treaty-making, and war-making were developed as time went on, the essential contours of the norms did not change: envoys were not to be killed, treaties were to be kept in good faith, aggression was not to be rewarded, and basic restraints in warfare were to be observed.”<sup>32</sup>

While it may appear counterintuitive that war should have limits, there are good reasons to believe that certain practices were generally proscribed even in antiquity. War is normally a voluntary and rational activity.<sup>33</sup> It is also an expensive proposition. It

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<sup>30</sup> Walton writes, “Though the gods in a community clearly vie with one another for power, the conflicts of the gods emerge at yet another level when they are seen representing various polities (whether on the domestic or international level). In this context the strengths and weaknesses of deities emerge as their clients succeed or fail.” Walton, *Ancient Near Eastern Thought*, 102. Breaches of right conduct could include, for example, a monarch failing to provide justice for his realm. Victor Harold Matthews, “The King’s Call to Justice,” *Biblische Zeitschrift* 35, no. 2 (1991): 214.

<sup>31</sup> Bederman, *International Law*, 7.

<sup>32</sup> Bederman, *International Law*, 278.

<sup>33</sup> Wars, although ubiquitous throughout human history, should not be thought of as being inevitable. Victor Matthews notes that war is only one method (among many) of restoring order. He writes, “Social conflict at any level is not simply a way to manifest and ease pent-up anger or to express superior status. It is more likely to be seen as one means of resolving disputes so that there can be a restoration of social cohesion.” Victor Harold Matthews, “Introduction,” in *Writing and Reading War: Rhetoric, Gender, and Ethics in Biblical and Modern Contexts*, ed. Brad E. Kelle and Frank Ritchell Ames (Atlanta: Society of Biblical Literature, 2008), 5. Stephen Neff has also written that wars were not simply emotional events. Rationality played an important role in the declaration of war. Neff notes that there were many religious rituals that preceded war in the ancient Near East. These rituals should not be written off as meaningless. He writes, “These practices may be scorned as mere superstition, but that would be too hasty a judgment. The deeper point about them is the way in which they indicated that war-making was a methodical and painstaking

consumes the resources of the victor even as it destroys those of the vanquished.<sup>34</sup>

Warfare was a seasonal activity in the ancient Near East, so efficiency was important. As such, it only made sense for nations to attempt to win a victory via diplomacy if at all possible. Since warfare was often conducted to gain wealth and territory, it was in the interest of the attacking nation to minimize the damage to the land, infrastructure, and citizenry of the opposing nation as much as possible. Although perhaps not motivated by altruistic ideals, ancient monarchs nevertheless were often not as cruel as supposed. Sima Parpola, for example, makes the argument that the Assyrians were not as cruel as they are often portrayed by modern authors. He writes,

The alleged cruelty of Assyrians is a modern myth exaggerated beyond all proportion. It is true that Assyrians, like their contemporaries and successors, did commit terrible atrocities in war and that they did cause civilian populations considerable sufferings both during and after war. However, such atrocities were not inflicted summarily but as just punishments for perjury prescribed in the curse sections of broken treaties. There is good evidence that the Assyrian government was concerned to reduce civilian suffering even in military actions against rebels and that the Assyrian army carefully refrained from atrocities in military operations rendered as aid to friendly regimes.<sup>35</sup>

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affair, a far cry from a mere blind lashing out at enemies.” Stephen C. Neff, *War and the Law of Nations: A General History* (Cambridge, UK: Cambridge University Press, 2005), 22.

<sup>34</sup> Bederman writes, “Ancient wars were fought for territory – and for glory. Most ancient States were socially organized on a footing that facilitated the marshaling of resources for armed conflict. These resources were finite. Blood and treasure came in limited supplies. The Israelites, the Greeks, and the Romans all came to understand that war depleted social and economic capital so quickly that the very integrity of the State was jeopardized. All ancient belligerents had an incentive, therefore, to make war quick and cheap.” Bederman, *International Law*, 264.

<sup>35</sup> Sima Parpola, "International Law in the First Millennium," in *A History of Ancient Near Eastern Law*, ed. Raymond Westbrook and Gary M. Beckman, Handbook of Oriental Studies Section 1, The Near and Middle East (Leiden: Brill, 2003), 1060-1. Parpola cites an unpublished letter (BM 132980) from Assurbanipal to the elders of Elam as demonstration that Assyria could exercise restraint. In that letter, Assurbanipal wrote, “When Ummanigash came to grasp my feet and I sent my army with him, and (when) they went and defeated Teumman, did we lay our hands on the temples, cities or anything? Did we take spoils of war? Did we not pour oil on blood and become (your) benefactors.” Parpola, "International Law," 1061 n. 73. Of course Parpola seems to take Assurbanipal’s letter at face value. Parpola assumes that Assurbanipal’s motives were altruistic. It might be argued that Assurbanipal was constrained by other

The “atrocities” of the Assyrians were considered, by the Assyrians, as nothing more than just retribution for the sin of breaking a treaty. In this view, the Assyrians merely acted as a police force, enforcing treaties entered into by an opposing nation. They were thus acting at the behest of the gods. Douglas Johnston agrees that unnecessary bloodshed was often avoided. He writes, “Despite the absence of accords governing the conduct of war in those early times, some efforts were apparently made to reduce unnecessary slaughter.”<sup>36</sup> Bederman concurs, noting that total war was virtually unheard of in antiquity.<sup>37</sup> It has also been argued that respect for opposing warriors created an atmosphere of restraint.<sup>38</sup> None of this is to suggest that hard and fast rules for prosecuting war existed. As Raymond Westbrook notes, “Humane treatment seems to have depended on political expediency and internal inhibitions rather than on recognized legal rules.”<sup>39</sup> There did, however, seem to be the expectation in antiquity that certain behaviors during times of war were acceptable while others were not.<sup>40</sup>

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motives or forces. It should be noted that Parpola’s position seems to be a minority one. Many modern authors presume that the Assyrians were overly cruel.

<sup>36</sup> Douglas M. Johnston, *The Historical Foundations of World Order: The Tower and the Arena* (Leiden: Martinus Nijhoff Publishers, 2008), 163. Johnston cites various alternatives to general warfare; activities such as individual combat, surrender followed by forced labor, and the offer to allow a besieged city to capitulate rather than being destroyed. As mentioned above, this last may have been as much for the benefit of the besieging nation as for that of the besieged.

<sup>37</sup> “Civilians were usually left alone, if for no other reason that that if armies killed peasants and burned fields, soldiers would probably starve before the inhabitants of the district did. Total war was virtually unheard of.” Bederman, *International Law*, 263.

<sup>38</sup> Douglas Johnston writes, “... legend has passed down stories of magnanimity and decency among famous warriors, suggesting that the earliest warrior tribes and peoples may have developed a grudging respect for one another in times of peace. In certain early civilizations, a rough, unwritten code of military honor might have emerged from distant battlefields, at least among the chiefs and captains with most reason to hope for the benefits of reciprocity.” Johnston, *Historical Foundations*, 163.

<sup>39</sup> Westbrook, “Character of Ancient Near Eastern Law,” 86.

<sup>40</sup> Bederman sums up his chapter on restraint in warfare thusly, “Whether there was a law of war in antiquity is the ultimate test of whether there was a cohesive idea of a law of nations at all in ancient times. I have argued here that there indeed was a common core of ideas leading to the exercise of restraint by ancient States in armed conflict.” Bederman, *International Law*, 265.

To summarize, the purpose of law is to maintain order, and the nations of the ancient Near East desired order just as nations today do. International law in the ancient Near Eastern was based on custom and formalized through the use of treaties between nations. The gods served as witnesses to these treaties and they were expected to adjudicate between nations. Breached customs and treaties often lead to war, the outcome of which was assumed to be determined by the gods. War was governed by a fluid set of rules in the ancient Near East. Although those rules were customary rather than statutory, they were nevertheless generally expected to be observed.

Before proceeding to ancient Near Eastern attitudes concerning the poor, a brief excursus on the religious establishment's role in war is in order.<sup>41</sup> During periods of war, the religious leaders (perhaps at the behest of the king) could call upon their gods to assist their nation in a time of crisis. War oracles might be uttered against an enemy. An example from the book of Numbers illustrates the use of the war oracle. There Balaam was invited to curse Israel, thus assuring a Moabite victory.<sup>42</sup> Balak, the Moabite king, hired Balaam to deliver the war oracle. The text relates that Balak,

... sent messengers to Balaam son of Beor at Pethor, which is on the Euphrates, in the land of Amaw, to summon him, saying, 'A people has come out of Egypt; they have spread over the face of the earth, and they have settled next to me. Come now, curse this people for me, since they are stronger than I; perhaps I shall be able to defeat them and drive them from the land; for I know that whomever you bless is blessed, and whomever you curse is cursed.' (Numbers 22:5-6)

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<sup>41</sup> I use the word religious advisedly. Walton notes that the distinction between religious and secular is a modern one. He writes, "There is no such word as 'religion' in the languages of the ancient Near East. Likewise, there is no dichotomy between sacred and secular, or even between natural and supernatural. The only suitable dichotomy is between spiritual and physical, though even that would be a less meaningful distinction to them than it is to us. In the end, there is a distinction between the heavenly realm and the earthly one, but events in the two were often intertwined or parallel." Walton, *Ancient Near Eastern Thought*, 87.

<sup>42</sup> The story is found in Numbers 22-24.

Duane Christensen notes that in this text Balaam seems to bear the characteristics of a Mesopotamian *bārû* priest.<sup>43</sup>

War oracles might also predict the success of a military venture. For example, an Assyrian oracle concerning Ashurbanipal reads in part, “Fear not, O Ashurbanipal! Now, as I have spoken, it will come to pass: I shall grant (it) to you. Over the people of the four languages (and) over the armament of the princes you will exercise sovereignty.”<sup>44</sup>

Middle Kingdom Egyptian priests developed the Execration Texts as a means of thwarting the enemy’s intentions.<sup>45</sup> Several sets of these texts have been recovered.<sup>46</sup> The priests recorded the names of the enemies of Egypt on pottery or clay figurines. These items were then ritually broken, activating the attendant curse. Although similar Mesopotamian texts appear to be lacking, we have already noted that treaties and even law codes from the region were backed by oaths and curses which called upon the gods to adjudicate between the signatory nations.

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<sup>43</sup> Christensen, *Transformations of the War Oracle* 25. *Bārû* priests offered recommendations, based on the reading of signs and portents, on the advisability of going to war. Isaac Mendelsohn, "Divination," in *The Interpreter's Dictionary of the Bible*, ed. Keith R. Crim (Nashville: Abingdon, 1976), 1:857.

<sup>44</sup> James B. Pritchard, *Ancient Near Eastern Texts Relating to the Old Testament*, 3d ed. (Princeton, N.J.: Princeton University Press, 1969), 451.

<sup>45</sup> Kuhrt provides two possible dates for the Middle Kingdom, 2040-1730 BCE or 2023-1720 BCE. Kuhrt, *Ancient Near East*, 1:161.

<sup>46</sup> John Gee mentions several collections of Execration Texts. The earliest set, written on vases, was found at Mirgissa and perhaps dates to the reign of Amenemhet I. Another set was found at Lisht and are dated slightly later. A set of execration bowls is known from the reign of Sesostri I. A set of figurines also dates to the reign of Sesostri III. John Gee, "Overlooked Evidence for Sesostri III's Foreign Policy," *Journal of the American Research Center in Egypt* 41, no. (2004): 24-27. David Frankfurter notes that various forms of execration continued in Egypt well into the Common Era. David Frankfurter, "Curses, Blessings, and Ritual Authority: Egyptian Magic in Comparative Perspective," *Journal of Ancient Near Eastern Religions* 5, no. 1 (2005).

International law and warfare was thus not solely the domain of political figures in the ancient Near East. Religious personages played their part in assuring the victory of their nation.

### **The Law of the Oppressed**

Amos concludes the oracles against the nations by condemning Israel for various domestic crimes. Specifically, Amos accuses Israel of oppressing the poor and perverting justice. He would return to these themes in several more oracles scattered throughout the book of Amos. The dual themes of oppression and justice are well known throughout the ancient Near East. In the following paragraphs we will examine the ancient Near Eastern concept of justice. This will be followed by a brief examination of some texts which conveyed ancient attitudes towards poverty.

Justice in the ancient Near East encompassed more than just the dispensing of punishment to law-breakers. It also included the modern notion of social justice. At its base, justice concerned the proper ordering of society and the world. Each individual was responsible for maintaining his or her part in that order. As such, their notion of justice served as an ideal vehicle for the maintenance of an hierarchical society. At the top of the hierarchy sat the king, who carried a special responsibility in the administration of justice.

Justice is defined, according to K. D. Irani, as “an abstraction emerging from an intuition embedded in human nature, that in any interaction among humans a person should get what he or she deserves.”<sup>47</sup> The shape of justice, however, depends to a large degree on the society that demands it. For example, the modern world views justice from

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<sup>47</sup> K. D. Irani, "The Idea of Social Justice in the Ancient World," in *Social Justice in the Ancient World*, ed. K. D. Irani and Morris Silver (Westport, Conn.: Greenwood Press, 1995), 3.



the standpoint of rights. The duty of justice, in this view, is to guarantee that one's various rights are not infringed upon. Ancient Near Eastern society, however, articulated its sense of justice differently. To do justice in the ancient world was to "restore the person who suffered deprivation, or harm to the state that he or she deserved to be in."<sup>48</sup> Justice demanded that an individual be allowed to carry out his/her assigned role in society without undue restriction. By virtue of their lack of power and influence, the poor were vulnerable to exploitation. Thus the goal of justice throughout the ancient Near East was often the protection of the poor.<sup>49</sup> Perhaps because of the prevalence of poverty, Norman Lohfink maintains that the ancient world was actually more cognizant of the status of the poor than are many modern societies. He writes, "Reality may often have been cruel; nevertheless, in Egypt, in Mesopotamia, among the Hittites and the Canaanites, the care for the poor probably had a higher profile in ethical consciousness than in our modern societies."<sup>50</sup>

This care for the poor should not be confused with the modern concept of equal rights, however. Justice in the ancient Near East was viewed from within the context of an hierarchical society. As Harriet Havice notes, humane treatment of the poor was "imbedded in the hierarchical world-view and ethos common in the ancient Near East."<sup>51</sup>

Each person had a definite place in society. It was equally wrong for a person to attempt

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<sup>48</sup> Irani, "Idea of Social Justice," 3.

<sup>49</sup> Charles Fensham writes that "the protection of widow, orphan, and the poor was the common policy of the ancient Near East." F. Charles Fensham, "Widow, Orphan, and the Poor in Ancient Near Eastern Legal and Wisdom Literature," *Journal of Near Eastern Studies* 21, no. 2 (1962): 129.

<sup>50</sup> "Reality may often have been cruel; nevertheless, in Egypt, in Mesopotamia, among the Hittites and the Canaanites, the care for the poor probably had a higher profile in ethical consciousness than in our modern societies." S.J. Lohfink, Norbert, "Poverty in the Laws of the Ancient Near East and of the Bible," *Theological Studies* 52, no. (1991): 34.

<sup>51</sup> Harriet Havice, "The Concern for the Widow and the Fatherless in the Ancient Near East: A Case Study in Old Testament Ethics" (Yale University, 1979), Abstract.

to rise above their place, or for a third party to attempt to remove them from the place they currently occupied. Raymond Westbrook writes,

The concept of social justice in [a hierarchical] society was not at all one of equality, nor was it identified with the relief of poverty as such, given that large sections of the population existed at subsistence level. Social justice was conceived rather as protecting the weaker strata of society from being unfairly deprived of their due: the legal status, property rights, and economic condition to which their position on the hierarchical ladder entitled them.<sup>52</sup>

Or, to put it another way, justice in the ancient Near East concerned the maintenance of order over against chaos. As S. Todd Lowry writes, “Security and stability in possessions and uniformly administered laws contribute to efficient planning and have the appearance of justice; but if such practices are based on the administrative purposes of authority systems, not on the assertable rights of the individual, we are then dealing primarily with *order* and not with *justice* in a modern sense.”<sup>53</sup> The goal of justice in the ancient Near East, then, was not the creation of a level playing field in which every individual had equal opportunities to advance. Rather, it was an attempt to preserve the status quo. Thus, justice in the ancient Near East looked backward rather than forward.

The king had a special role in the administration of ancient Near Eastern justice. Only the king, for example, had the power to enact meaningful social reform. Reform could take several shapes. Weinfeld enumerates a few of the mechanisms available: “...liberation of slaves, restoration of land to their original owners, and cancellation of debts are among the striking features of ‘social reforms’, whose aim it is to establish

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<sup>52</sup> Raymond Westbrook, "Social Justice in the Ancient Near East," in *Social Justice in the Ancient World*, ed. K. D. Irani and Morris Silver (Westport, Conn.: Greenwood Press, 1995), 149.

<sup>53</sup> S. Todd Lowry, "Social Justice and the Subsistence Economy: From Aristotle to Seventeenth-Century Economics," in *Social Justice in the Ancient World*, ed. K. D. Irani and Morris Silver (Westport, Conn.: Greenwood Press, 1995), 9.

social justice and equality and to assist the weaker members of society.”<sup>54</sup> A common thread in each of these tools is the idea of restoration.

While social reform in the modern world carries the connotation of change (as, for example, witnessed by the tremendous change brought about in US society by the Civil Rights movement of the 1960’s), social reform in the ancient Near East had an almost opposite meaning. The term liberation might more appropriately be translated restoration. Benjamin Foster writes, “What is most important for our present purpose is the understanding that the Babylonians had that these [edicts] did not constitute reform in the sense of a new departure but constituted ‘restoration’ to a former, natural state.”<sup>55</sup> The various liberations or reforms promulgated by ancient Near Eastern monarchs attempted to reestablish an older social order that was perceived to be changing. Westbrook writes that social justice, in general, sought to maintain the status quo. He noted that, “social justice was regarded in the ancient Near East as the preservation of the status quo—as the privileges owed to each citizen as member of a family unit with a certain recognized socioeconomic status. Where those privileges were lost through an act of oppression, certain mechanisms were available to restore the balance.”<sup>56</sup> Reform, then, served to restore what had been lost, not necessarily to gain what had never been possessed.

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<sup>54</sup> Moshe Weinfeld, *Social Justice in Ancient Israel and in the Ancient Near East* (Minneapolis, Minn.: Fortress Press, 1995), 9. See especially Chapter Four, pp. 75-96.

<sup>55</sup> Benjamin R. Foster, "Social Reforms in Ancient Mesopotamia," in *Social Justice in the Ancient World*, ed. K. D. Irani and Morris Silver (Westport, Conn.: Greenwood Press, 1995), 168. Foster wonders if Mesopotamian reforms actually favored the wealthy in the long term. The threat of liberation would have allowed the wealthy to keep land prices low, interest rates high, and loan periods short. Foster, "Social Reforms," 167. This might explain why there apparently was little backlash from the wealthy when the king proclaimed liberation.

<sup>56</sup> Westbrook, "Social Justice," 161.

Two Akkadian phrases, *andurārum šakānum* and *mīšarum*, expressed the idea of liberation or restoration.<sup>57</sup> Liberation, however, was more than just a Babylonian concept. It extended throughout the Ancient Near East. Westbrook mentions, for example, Sumerian documents dating from the third millennium BCE, an Old Babylonian Period decree, and a twelfth century BCE Hittite edict, all of which provided liberation by specifically cancelling certain debts.<sup>58</sup> Weinfeld notes that Egypt released prisoners at the coronation of a new king from the New Kingdom period up through Hellenistic times. He also mentions various types of liberation known from the Sumerian, Old Akkadian, Kassite, Isin/Larsa, and Old Kingdom Hittite periods. Texts from Mari and Nuzi document forms of liberation as well.<sup>59</sup> The Hebrew Sabbatical year also served as a form of liberation. Weinfeld notes the pervasive nature of social reforms in the ancient Near East when he writes, “We have evidence of releases and liberations in Mesopotamia through the ages: from the middle of the third millennium to the end of the first millennium BCE.”<sup>60</sup>

Ancient Near Eastern monarchs utilized grants of liberation in an attempt to provide stability for their reigns. A quick reading of ancient Near Eastern history will demonstrate the ephemeral nature of monarchies and dynasties. In an attempt to forestall for themselves the fate of their predecessors, kings promulgated reforms to help ensure

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<sup>57</sup> The first phrase is equivalent to the Hebrew phrase usually translated “justice and righteousness.” The Hebrew terminology will be examined in more depth in chapter four.

<sup>58</sup> Westbrook, "Social Justice," 154-8.

<sup>59</sup> Weinfeld, *Social Justice*, 77.

<sup>60</sup> Weinfeld, *Social Justice*, 77.

the stability of their realms.<sup>61</sup> Justice, however, was not the sole domain of the monarchy. Fensham notes that Hammurabi's Code identifies the god Shamash as the god of justice over both men and gods. He concludes that "religious and social ethics are closely connected here. The protection of the weak is regarded vertically and horizontally."<sup>62</sup> Specifically, Fensham argues that "the general conception of protection of the weak is, furthermore, expanded as a common way of life to ordinary people. They have to respect the rights of the poor or else receive punishment, if not through legal means, then through direct punishment of the god."<sup>63</sup> Thus throughout the ancient Near East all citizens were invested with the responsibility of protecting the poor.

**Social Justice in Mesopotamia and Syria.** The Sumerian leader Uru-inimgina promulgated the world's first known legal and social reforms. He ruled the city of Lagash in the late third millennium BCE.<sup>64</sup> Uru-inimgina espoused the principle that the strong should not oppress the weak. Specifically it was written of him, "A citizen of Lagash living in debt, (or) who had been condemned to its prison for impost, hunger, robbery, (or) murder – their freedom he established. Uru-inimgina made a compact with the divine Nin-Girsu that the powerful man would not oppress the orphan (or) widow."<sup>65</sup>

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<sup>61</sup> The Egyptian text entitled *The Admonitions of Ipu-wer* documents the reaction of one scribe to the fear of social disorder. The ancient author complains, "Lo, poor men have become men of wealth, He who could not afford sandals owns riches. . . .Lo, nobles lament, the poor rejoice, every one says, 'Let us expel our rulers.'" Miriam Lichtheim, *Ancient Egyptian Literature; A Book of Readings*, 3 vols. (Berkeley: University of California Press, 1973), 1:151. Lichtheim dates the text to the Twelfth Dynasty although it probably reflected conditions during the First Intermediate Period. The Twelfth Dynasty began either in 2040 or 2023 BCE according to Kuhrt. Kuhrt, *Ancient Near East*, 1:162.

<sup>62</sup> Fensham, "Widow, Orphan, and the Poor," 130.

<sup>63</sup> Fensham, "Widow, Orphan, and the Poor," 138.

<sup>64</sup> Hallo and Younger, *Context of Scripture*, 2:407. Unu-inimgina is also referred to in some literature as Uru-kagina. Kuhrt dates Unu-inimgina to circa 2350 BCE. Kuhrt, *Ancient Near East*, 1:27.

<sup>65</sup> Hallo and Younger, *Context of Scripture*, 2:408.

Ur-Nammu, a Neo-Sumerian monarch of the Ur III dynasty, echoed these principles in a law code that bears his name.<sup>66</sup> Ur-Nammu boasts that, under his rule, “I did not deliver the orphan to the rich. I did not deliver the widow to the mighty. I did not deliver the man with but one shekel to the man with one mina. I did not deliver the man with but one sheep to the man with one ox.”<sup>67</sup> Another similar claim was made by Hammurabi. In his famous law code he claims that the gods made him king “to make justice prevail in the land, to abolish the wicked and the evil, to prevent the strong from oppressing the weak, to rise like the sun-god Shamash over all humankind, to illuminate the land.”<sup>68</sup> Hammurabi reiterated this claim in the epilogue of his code. There he had his scribes write,

In order that the mighty not wrong the weak, to provide just ways for the waif and the widow, I have inscribed my precious pronouncements upon my stela and set it up before the statue of me, the king of justice, in the city of Babylon, the city which the gods Anu and Enlil have elevated, within the Esagil, the temple whose foundations are fixed as are heaven and earth. In order to render the judgments of the land, to give the verdicts of the land, and to provide just ways from the wronged.<sup>69</sup>

The code is fragmentary and many of its provisions are lost. Despite Hammurabi’s lofty claims, however, it must be noted that most of the existing laws, especially those dealing with the economic realm, primarily address the concerns of upper classes. Only one law (§177) specifically mentions widows and it placed restrictions on their ability to marry.

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<sup>66</sup> Ur-Nammu founded the Ur III Dynasty. He and his successors flourished from approximately 2112-2004 BCE. Kuhrt, *Ancient Near East*, 1:58.

<sup>67</sup> Hallo and Younger, *Context of Scripture*, 2:409.

<sup>68</sup> Hallo and Younger, *Context of Scripture*, 2:336. Hammurabi’s First Babylonian Dynasty dated from 1894-1595 BCE. Note Hammurabi’s apparent claim of universal sovereignty for Shamash (and by extension himself).

<sup>69</sup> Hallo and Younger, *Context of Scripture*, 2:351. Despite Hammurabi’s lofty claims, A searchable edition of Hammurabi’s code is available from Avalon Project of Yale Law School, "Code of Hammurabi" <http://avalon.law.yale.edu/ancient/hamframe.asp> (accessed March 15, 2011).

The restrictions sought to protect the estates of both the deceased and the prospective husbands. Orphans are not mentioned in the laws at all, although children with only one surviving parent are protected under various statutes if that parent remarried.<sup>70</sup>

Ammissaduqa, a member of Hammurabi's First Babylonian dynasty issued a *mīšarum* edict, part of which is still extant.<sup>71</sup> The *mīšarum* proclaimed the release of debt and was a common tool of ancient Near Eastern kings. Although the *mīšarum* edict might have been especially beneficial to the merchant class, it also had a positive impact on the poor. For example, although Ammissaduqa's decree appears to be primarily directed at voiding the debts of business men, the edict also contains a provision that manumits some of those sold into debt slavery. The relevant portion of the edict reads, "If an obligation has resulted in foreclosure against a citizen of Numhia [and a list of six other cities], in consequence of which he placed his own person, his wife, or his children in debt servitude for silver, or as a pledge – because the king has instituted a *mīšarum* in the land, he is released; his freedom is in effect."<sup>72</sup> The release of debt was not absolute, however. Foreigners were not absolved of their obligations (§8) and house born slaves

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<sup>70</sup> It must be noted, however, that societies in the ancient Near East might have defined orphan differently than modern western societies do. An orphan apparently was a child that had lost their father. The *New International Dictionary of Old Testament Theology and Exegesis* states that almost all documented cases of orphans in the Hebrew Bible involved only the loss of the father. It further claims that it is almost impossible to determine an instance in the Hebrew Bible where the word orphan was used to denote a child that had lost both parents. Willem VanGemeren, *New International Dictionary of Old Testament Theology and Exegesis*, 5 vols. (Grand Rapids, Mich.: Zondervan Pub. House, 1997), 2:570. If the same definition was utilized throughout the ancient Near East, then certain provisions of Hammurabi's code do make provision for the orphan. For example §166 provides a procedure for an unmarried son to obtain a bride-price from his father's inheritance. Hallo and Younger, *Context of Scripture*, 2:346. This statute was obviously written for a family with some means, however, and thus it does not seem that Hammurabi's code specifically addresses social justice as one would have expected from the prologue and epilogue.

<sup>71</sup> Ammissaduqa was the tenth successor of Hammurabi. Kuhrt suggests that Ammissaduqa began his reign in 1647 BCE. Kuhrt, *Ancient Near East*, 1:99. It is interesting to note that Ammissaduqa's name means something like, "My lord is upright (or righteous)." Joseph A. Fitzmyer, *Essays on the Semitic Background of the New Testament* (London,: G. Chapman, 1971), 230.

<sup>72</sup> Pritchard, *Ancient Near Eastern Texts*, 528.

were not freed (§21). Thus, despite their claims, the Mesopotamian law codes often gave little real relief to the oppressed. Mention of widows and orphans primarily occurred in either the prologue or the epilogue of the various law codes. It appears that, even as early as the reign Ur-Nammu, the plight of the widow and orphan mainly served propagandistic purposes. Nevertheless, it is obvious that concern for the oppressed was considered to be a desideratum of the king. Concern for the poor represented an important ancient Near Eastern ideal, whether or not ancient society carried through on their claims.

Other Mesopotamian genres beyond the law codes expressed concern for the poor as well. For example, a hymn from ancient Sumer identified the goddess Nanshe as a protector of the oppressed. According to the hymn, Nanshe, “knows the orphan, she knows the widow. She knows that person oppresses person. A mother for the orphan, Nanshe, a caretaker for the widow, finding a way for houses in debt, the lady shelters the abducted person, seeks a place for the weak, swells him his collecting basket, (and) makes his collecting vat profitable.”<sup>73</sup>

Epic literature from Ugarit, in Syria, also regarded protection of the poor as an important ideal. In the *Kirta Epic*, the king’s oldest son became impatient and desired the throne for himself immediately. The son, Yassubu, accused Kirta of a series of crimes in an attempt to discredit his father. Yassubu claimed,

You let your hands fall slack: you do not judge the widow’s case, you do not make a decision regarding the oppressed, you do not cast out those who prey upon the poor. Before you, you do not feed the orphan, behind your back the widow. Illness has become as it were (your) bedfellow,

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<sup>73</sup> Hallo and Younger, *Context of Scripture*, 1:526. No date is given for this text.



sickness (your) companion in bed. So descend from your kingship, I will reign, from your dominion, I, yes I, will sit (on your throne).<sup>74</sup>

Yassubu intended to demonstrate that Kirta's disinterest in the poor disqualified his father from sitting on the throne of Ugarit.

The Ugaritic *Legend of Aqhatu* similarly suggests that protection of the poor constituted an important role of the ancient Near Eastern king. In the tale, the king Dani'ilu (also referred to as Danel or Daniel) desired a son to carry on his lineage. In an attempt to portray Dani'ilu as a worthy king, the author gives this account: "Dani'ilu the man of Rapa'u, the valiant Harnamite man, arose and sat at the entrance of the (city) gate, among the leaders (sitting) at the threshing floor. He judged the widow's case, made decisions regarding the orphan."<sup>75</sup> The point, of course, is that the gods should look favorably on Dani'ilu and grant him a son because of his righteous actions.<sup>76</sup>

**Social Justice in Egypt.** Rulers from Mesopotamia and Syria were not the only ancients to be concerned with the plight of the oppressed. Egyptian literature also demonstrated an interest in the welfare of widows and orphans as well as those on the lower levels of the social hierarchy. Scott Morschauer writes that, "Obligations to a transcendent principle of 'justice' were specifically expressed in Egyptian texts as demands for personal tolerance, forbearance, and mercy toward the disadvantaged."<sup>77</sup>

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<sup>74</sup> Hallo and Younger, *Context of Scripture*, 1:342. No date is provided. The translator suggests that the poem may have originated outside of, but probably in the close vicinity of Ugarit.

<sup>75</sup> Hallo and Younger, *Context of Scripture*, 1:346. No date is provided.

<sup>76</sup> The story later relates that a son was indeed born to Dani'ilu. That son, Aqhatu, however, made an enemy of the goddess Anat and subsequently dies. In sympathetic mourning, the land became infertile. After several years of famine, Aqhatu's sister attempted to avenge her brother and return fertility to the land. Unfortunately the text breaks off at this point and the conclusion is unknown.

<sup>77</sup> Scott N. Morschauer, "The Ideological Basis for Social Justice/Responsibility in Ancient Egypt," in *Social Justice in the Ancient World*, ed. K. D. Irani and Morris Silver (Westport, Conn.: Greenwood Press, 1995), 105.

Egyptians expressed the concept of justice through the word *ma'at*.<sup>78</sup> *Ma'at* had ethical, political, and religious ramifications. According to Morschauser, “*ma'at* encompassed specific ethical requirements, characterized as both the official and personal responsibilities of the socially advantaged toward their inferiors, as well as the obligations of subjects toward the state—which was embodied in the figure of the king.”<sup>79</sup>

Egypt’s society was strongly hierarchical. Not surprisingly, then, Egyptian ethics operated within a worldview that encouraged adherence to a strict social structure. Concern for those of lower status became one of the primary ethical requirements for the upper classes (for whom most of the texts were intended). In return, the lower class owed loyalty to those of higher social status. Havice writes,

The two primary duties of [the Egyptian] system are beneficence to one’s inferior and loyalty and obedience to one’s superior. They correspond to the reciprocal rights to receive beneficence and loyalty. Thus the superior’s duty to the inferior is beneficence; the inferior has the corresponding right to the beneficence of his superior. The inferior has a duty to be loyal and obedient to his superior; and the superior has the reciprocal right to his inferior’s loyalty and obedience.<sup>80</sup>

As in Mesopotamia, Egypt evidenced a strong desire to maintain social stability and this was embodied in their system of ethics as demonstrated through their texts.

The biography served as a popular genre of Egyptian literature.<sup>81</sup> Biographies were often written on funerary stela and included a list of important ethical characteristics

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<sup>78</sup> The word *ma'at* only expressed the concept of justice; it also served as the name of the goddess of justice.

<sup>79</sup> Morschauser, "Ideological Basis," 101.

<sup>80</sup> Havice, *Concern for the Widow*, 94.

<sup>81</sup> Havice, *Concern for the Widow*, 20-22. These biographies were written in the first person so it would be appropriate to label this genre as autobiographical.

about the deceased. The list demonstrated to the gods that the departed deserved a happy afterlife. The list of characteristics found in the biographies is fairly stereotypical and apparently represented the “ideal Egyptian.” Extant biographies date from the Fourth dynasty all the way through to the Hellenistic period. Harriet Havice is of the opinion that the ideals reflected in these biographies were ancient, originating in the Fourth through the Sixth Dynasties.<sup>82</sup> These ideals continued to be considered paradigmatic behavior for over two millennia. Among the phrases often found in the Egyptian biographical material were those such as: “I spoke for the widow on the day of justice”; “I listened to the cry of her who was bereft of her husband, I brought up the orphan”; “I gave to the beggar, I nourished the orphan”; and “I was one . . . who banished the troubles of those who have nothing, a shade of the fatherless, helper of the widow.”<sup>83</sup> The stela of Intef, son of Sent, included not just the widow and orphan, but generally the indigent in the class of those to be protected. The deceased claims, “I am bright-faced, open-handed, an owner of food who does not cover his face. I am a friend of the poor, one well-disposed to the have-not. I am one who feeds the hungry in need, who is open-handed to the pauper.”<sup>84</sup>

The Egyptian genre known as “Instruction” also illustrates a marked concern for the lower classes. The *Instruction to King Merikare*, for example, admonished the king to “Do justice, then you endure on earth; Calm the weeper, don’t oppress the widow . . .”<sup>85</sup>

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<sup>82</sup> Havice, *Concern for the Widow*, 24. The Old Kingdom (Fourth – Sixth Dynasties) dated from approximately 2500 – 2175 BCE.

<sup>83</sup> Havice, *Concern for the Widow*, 29-32. The phrases come respectively from biographies from the Old Kingdom, Eleventh Dynasty, Twelfth Dynasty, and the Twenty-Fifth Dynasty.

<sup>84</sup> Lichtheim, *Ancient Egyptian Literature*, 1:122. Lichtheim dates the stela to the reign of Sesostri I. (1971-1926)

<sup>85</sup> Lichtheim, *Ancient Egyptian Literature*, 1:100. *The Instruction of Merikare* dates from the Egyptian Middle Kingdom (2040-1720 BCE).

*The Instruction of King Amenemhet I*, written for his son Sesostri I, contained similar advice. The king says, “I gave to the beggar, I raised the orphan, I gave success to the poor as to the wealthy.”<sup>86</sup> The work known as *The Eloquent Peasant* reiterates the same ideal. In the text, a peasant appeared before a steward to make an appeal. He prefaced his petition with flattering words. To get in the good graces of the steward, the peasant tells him, “...you are the father to the orphan, husband to the widow, brother to the rejected woman, apron to the motherless.”<sup>87</sup> Finally, from the New Kingdom, the *Instruction of Amenemope* warns of “robbing a wretch, of attacking a cripple.”<sup>88</sup> The author also admonished his readers; “Do not be greedy for a cubit of land, nor encroach on the boundaries of a widow.”<sup>89</sup>

Clearly the concern for the oppressed, whether genuine or not, remained an ideal both ancient and ubiquitous throughout Egypt and the rest of the ancient Near East. Thus it is not surprising that the Hebrew Bible counted the protection of the oppressed as a minimum standard for the people of Israel.

**Social Justice in the Hebrew Bible.** Concern for the poor can be found in all three divisions of the Hebrew Bible. At least eight different Hebrew words represented the western notion of poverty. We will briefly survey several of the terms here. A common Hebrew noun referring to the poor was עֲבְיֹן (*‘ebyôn*). This term occurs 61 times in the Hebrew Bible. It was used to identify those so destitute that they depended on the

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<sup>86</sup> Lichtheim, *Ancient Egyptian Literature*, 1:136. If we assume the original came from the reign of Amenemhet, then this text originally dated somewhere between 1991 and 1962 BCE.

<sup>87</sup> Lichtheim, *Ancient Egyptian Literature*, 1:172. *The Eloquent Peasant* dates from the Middle Kingdom (2040-1720 BCE).

<sup>88</sup> Lichtheim, *Ancient Egyptian Literature*, 2:150. The New Kingdom dates from 1550-1069 BCE.

<sup>89</sup> Lichtheim, *Ancient Egyptian Literature*, 2:151.

benevolence of others to provide them with the basic necessities of life.<sup>90</sup> Likewise the term דָּל (*dal*) speaks of economic deprivation.<sup>91</sup> It occurs 48 times in the Hebrew Bible. M. Daniel Carroll R. speculates that this term referred to poor peasant farmers that, while not totally destitute, were nevertheless open to exploitation due both to their poverty and their lack of social status.<sup>92</sup>

The lack of social status played an important role in Hebrew poverty. W. R. Domsis notes that poverty should also be understood "...in the context of shame and honor."<sup>93</sup> Thus poverty was a social as well as an economic condition. This is well illustrated by the word אָנִי (*ānî*), used 37 times in the Hebrew Bible. The word bears the connotation of having been humbled or afflicted. W. J. Dumbrell believes the 'ānî occupied an economic position somewhere between the slave and the free man.<sup>94</sup> They were probably without property and dependent on others. Dumbrell speculates that they were probably excluded from normal community life.<sup>95</sup>

As in the Near East, widows and orphans served as the face of poverty and vulnerability in Israel.<sup>96</sup> The Hebrew Bible sought to provide provision and protection for them as, by virtue of their social and economic status, they could be easily exploited and

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<sup>90</sup> VanGemeren, *New International Dictionary*, 1:228-32.

<sup>91</sup> Leander E. Keck, "Poor," in *The Interpreter's Dictionary of the Bible*, ed. Keith R. Crim (Nashville: Abingdon, 1976), Supplement:672.

<sup>92</sup> VanGemeren, *New International Dictionary*, 1:951-54.

<sup>93</sup> VanGemeren, *New International Dictionary*, 1:228.

<sup>94</sup> VanGemeren, *New International Dictionary*, 3:454-64.

<sup>95</sup> VanGemeren, *New International Dictionary*, 3:455.

<sup>96</sup> David Baker writes that "A widow in ancient Hebrew society had not only lost a husband, but as a result had lost her protector and source of sustenance. It appears she had no inheritance rights and so would have been dependent on the goodwill of the community." David L. Baker, *Tight Fists or Open Hands?: Wealth and Poverty in Old Testament Law* (Grand Rapids, Mich.: William B. Eerdmans Pub., 2009), 194.

oppressed. The primary Hebrew term for the widow (אלמנה, *'almānâ*) occurs approximately 55 times in the Hebrew Bible.<sup>97</sup> The term for orphan was יתום (*yātôm*). It occurs 41 times.<sup>98</sup> The two terms occur in the same context thirty times.<sup>99</sup>

Hebrew law specifically forbade the oppression of the poor. The Deuteronomist wrote, “You shall not deprive a resident alien or an orphan of justice; you shall not take a widow’s garment in pledge. (Deut 24:17)”<sup>100</sup> A curse was called down upon those who defied this injunction. Part of the covenant renewal ceremony on Mounts Ebal and Gerezim included the following imprecation: “Cursed be anyone who deprives the alien, the orphan, and the widow of justice. (Deut 27:19)” The Book of the Covenant also sought to protect the widow and orphan. It warned, “You shall not abuse any widow or orphan. If you do abuse them, when they cry out to me, I will surely heed their cry; my wrath will burn, and I will kill you with the sword, and your wives shall become widows and your children orphans. (Ex 22:22-24)”<sup>101</sup>

Besides seeing to their protection, the Hebrew law also attempted to provide for the poor. For example, the Holiness Code contained this stipulation: “When you reap the

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<sup>97</sup> VanGemeren, *New International Dictionary*, 1:413. It is interesting to note that the Hebrew word for widow is missing from three books where we might expect it to be found: Ruth, Amos, and Micah. While Amos explicitly mentions the poor he does not refer to either widows or orphans.

<sup>98</sup> R. Laird Harris, Gleason L. Archer, and Bruce K. Waltke, *Theological Wordbook of the Old Testament*, 2 vols. (Chicago: Moody Press, 1980), 1:419.

<sup>99</sup> VanGemeren, *New International Dictionary*, 2:570. In eighteen cases the Hebrew term for resident alien (גר) occurs together with the terms for widow and orphan.

<sup>100</sup> Unless otherwise noted, all quotations are from the New Revised Standard Version. The book of Deuteronomy traditionally dates to the time of Moses sometime in the late second millennium BCE. Most modern scholars, however, date the book much later. It is commonly thought that the book was compiled in the seventh century BCE although many other dates have also been proposed. Baker, *Tight Fists*, 11.

<sup>101</sup> The Book of the Covenant spans Ex 20:22 – 23:33. David Baker notes that dates for the Book of the Covenant range from the Mosaic period through the monarchy. He notes that, whatever its date, it is likely older than the Deuteronomic Code. Baker, *Tight Fists*, 9. Notice the symmetry involved in the crime and intended punishment.

harvest of your land, you shall not reap to the very edges of your field, or gather the gleanings of your harvest. You shall not strip your vineyard bare, or gather the fallen grapes of your vineyard; you shall leave them for the poor and the alien: I am the LORD your God. (Leviticus 19:9-10)”<sup>102</sup>

In an interesting twist, the Deuteronomist seems to suggest that poverty might be the product of sin.<sup>103</sup> Deuteronomy 15:4 reads, “There will, however, be no one in need among you, because the LORD is sure to bless you in the land that the LORD your God is giving you as a possession to occupy, if only you will obey the LORD your God by diligently observing this entire commandment that I command you today.” Yet just a few verses later the writer states that there will always be poor and maintains that they are to be treated well. The text says, “Since there will never cease to be some in need on the earth, I therefore command you, ‘Open your hand to the poor and needy neighbor in your land.’ (Deut 15:11)” Apparently the poor were to be cared for even if their poverty was the result of their own actions.

The ancient Hebrew poets also had much to say about the treatment of the poor in general, and of widows and orphans in particular.<sup>104</sup> The author of the book of Job clearly

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<sup>102</sup> A similar statute appears in the Deuteronomic Code in Deut 24:19-21. The Holiness Code comprises approximately Leviticus chapters 17 – 26. Baker notes that the date of the Holiness Code is disputed. Early scholars placed its writing after that of the Deuteronomic Code. Later writers have argued that the Holiness code may well have been pre-exilic. Baker presumes that the Holiness Code antedated the Deuteronomic Code. Baker, *Tight Fists*, 10. D. N. Freedman, in his article on the Pentateuch in the *Interpreter's Bible Dictionary* dates the Holiness Code to early in the Exile (560-550 BCE) David Noel Freedman, "Pentateuch," in *The Interpreter's Dictionary of the Bible*, ed. Keith R. Crim (Nashville: Abingdon, 1976), 3:770.

<sup>103</sup> VanGemeren, *New International Dictionary*, 1:229.

<sup>104</sup> Almost 46% of the occurrences of the five Hebrew words for poverty surveyed above are found in the books of Job, Psalms, and Proverbs. These books might properly be identified as part of the wisdom tradition in Israel. It is generally recognized that Hebrew wisdom literature bore a close relationship to ancient Near Eastern wisdom literature. It is not surprising, then, that Hebrew wisdom literature paid such close attention to the treatment of the poor.

described the plight of the poor when he wrote; “Like wild asses in the desert they go out to their toil, scavenging in the wasteland food for their young. They reap in a field not their own and they glean in the vineyard of the wicked. They lie all night naked, without clothing, and have no covering in the cold. They are wet with the rain of the mountains, and cling to the rock for want of shelter. (Job 24:5-8)” The author subscribed to the ancient Near Eastern mandate that the poor were to be protected. This is revealed when Job’s friends sought to discover the cause for Job’s calamity. Eliphaz decided that Job’s suffering came about because of his ill treatment of the weak. He says,

Is not your wickedness great? There is no end to your iniquities. For you have exacted pledges from your family for no reason, and stripped the naked of their clothing. You have given no water to the weary to drink, and you have withheld bread from the hungry. The powerful possess the land, and the favored live in it. You have sent widows away empty-handed, and the arms of the orphans you have crushed. Therefore snares are around you, and sudden terror overwhelms you, or darkness so that you cannot see; a flood of water covers you. (Job 22:5-11)

Job did not dispute the impropriety of mistreating the poor. Rather, he agreed with Eliphaz. He responded, “The wicked remove landmarks; they seize flocks and pasture them. They drive away the donkey of the orphan; they take the widow’s ox for a pledge. They thrust the needy off the road; the poor of the earth all hide themselves. (Job 24:2-4)” He also recognizes, with Eliphaz, that mistreatment of the poor is a punishable offense. He said of those who oppress the poor,

They build their houses like nests, like booths made by sentinels of the vineyard. They go to bed with wealth, but will do so no more; they open their eyes, and it is gone. Terrors overtake them like a flood; in the night a whirlwind carries them off. The east wind lifts them up and they are gone; it sweeps them out of their place. It hurls at them without pity; they flee



from its power in headlong flight. It claps its hands at them, and hisses at them from its place. (Job 27:18-23)<sup>105</sup>

While Job agreed with Eliphaz that mistreatment of the poor is a punishable offense, he professed his innocence. He claimed that, contrary to Eliphaz's accusation, he was a friend to the poor.

When the ear heard, it commended me, and when the eye saw, it approved; because I delivered the poor who cried, and the orphan who had no helper. The blessing of the wretched came upon me, and I caused the widow's heart to sing for joy. I put on righteousness, and it clothed me; my justice was like a robe and a turban. I was eyes to the blind, and feet to the lame. I was a father to the needy, and I championed the cause of the stranger. (Job 29:11-16)

It was because he knew his actions were righteous that created in Job a crisis of faith. He had expected that his deeds would be rewarded. He lamented, "Then I thought, 'I shall die in my nest, and I shall multiply my days like the phoenix; my roots spread out to the waters, with the dew all night on my branches; my glory was fresh with me, and my bow ever new in my hand.' (Job 29:18-20)" Instead Job found himself a new member of the oppressed class that he had previously protected.

The Psalms also portrays the mistreatment of widows and orphans as the domain of the wicked. The author of Psalm 94 used harsh imagery to describe the wicked and the arrogant: "Rise up, O judge of the earth; give to the proud what they deserve! O LORD, how long shall the wicked, how long shall the wicked exult? They pour out their arrogant words; all the evildoers boast. They crush your people, O LORD, and afflict your heritage. They kill the widow and the stranger, they murder the orphan, (Ps 94:2-6)" The Psalmist, on the other hand, describes Yahweh as caring for the oppressed. Psalms 68:4-6

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<sup>105</sup> Notice that the author of Job did not directly attribute the punishment of the wealthy to Yahweh. He seems, rather, to place the responsibility of the consequences on the east wind; that is on nature itself. Thus the author of Job joins with his peers in Mesopotamia and Egypt in portraying the mistreatment of the poor as against the natural order of the world.

read, “Sing to God, sing praises to his name; lift up a song to him who rides upon the clouds—his name is the LORD— be exultant before him. Father of orphans and protector of widows is God in his holy habitation. God gives the desolate a home to live in; he leads out the prisoners to prosperity, but the rebellious live in a parched land.” According to the Psalmist, Yahweh protects the oppressed. Those opposing the poor, on the other hand, he describes as rebellious.

The author of Proverbs also characterized Yahweh as guardian of the indigent. For example, he wrote, “The LORD tears down the house of the proud, but maintains the widow’s boundaries. (Prov 15:25)” He also warns, “Do not remove an ancient landmark or encroach on the fields of orphans, for their redeemer is strong; he will plead their cause against you. (Prov 23:10-11)” Although it is not explicit, the author presumably understands the poor’s redeemer as Yahweh. Even if a human redeemer is in view, however, the author maintains that the redeemer’s position is a strong one. As such, the one abusing the orphan should not expect to elude punishment.

The prophets often considered the mistreatment of the poor as a symptom of Israel’s repudiation of the covenant. The covenant involved both a vertical and a horizontal aspect, so the neglect of one aspect signaled the repudiation of the other. As far as the prophets were concerned genuine worship of Yahweh was necessarily accompanied by the compassionate treatment of the poor. The prophet Isaiah, a near contemporary of Amos, decried what he saw as empty worship; that is, ritual unaccompanied by consideration for the poor. Isaiah appealed to Judah,

Wash yourselves; make yourselves clean; remove the evil of your doings from before my eyes; cease to do evil, learn to do good; seek justice, rescue the oppressed, defend the orphan, plead for the widow. Come now, let us argue it out, says the LORD: though your sins are like scarlet, they

shall be like snow; though they are red like crimson, they shall become like wool. (Isa 1: 16-18)

Isaiah implied that the neglect of the poor was tantamount to sin against Yahweh.

Isaiah, like Amos, recognized that exploitation of the poor led to judgment. He wrote, “Ah, you who make iniquitous decrees, who write oppressive statutes, to turn aside the needy from justice and to rob the poor of my people of their right, that widows may be your spoil, and that you may make the orphans your prey! What will you do on the day of punishment, in the calamity that will come from far away? (Isa 10:1-3a)” This seems to imply that judgment would come at the hands of an enemy. Amos was not alone in proclaiming that oppression might well result in military defeat.

Like Amos, Isaiah also portrayed Yahweh as directly sending retribution on Judah. Isaiah wrote,

The people did not turn to him who struck them, or seek the LORD of hosts. So the LORD cut off from Israel head and tail, palm branch and reed in one day—elders and dignitaries are the head, and prophets who teach lies are the tail; for those who led this people led them astray, and those who were led by them were left in confusion. That is why the Lord did not have pity on their young people, or compassion on their orphans and widows; for everyone was godless and an evildoer, and every mouth spoke folly. For all this his anger has not turned away, his hand is stretched out still. For wickedness burned like a fire, consuming briars and thorns; it kindled the thickets of the forest, and they swirled upward in a column of smoke. (Isa 9:13-18)

Ironically, Isaiah claimed that even the widows and orphans, those normally protected by Yahweh, would suffer from the destruction to come because of Judah’s appalling behavior.

Jeremiah, writing a century and a half after Isaiah, promised a retraction of the promised exile if Israel, in part, would only “execute justice.” He wrote, “For if you truly amend your ways and your doings, if you truly act justly one with another, if you do not

oppress the alien, the orphan, and the widow, or shed innocent blood in this place, and if you do not go after other gods to your own hurt, then I will dwell with you in this place, in the land that I gave of old to your ancestors forever and ever. (Jer 7:5-7)” Again note the correspondence between justice and respect for the poor.

Zechariah argued that Israel’s oppression of widows, orphans, and aliens led to her recent exile. He wrote, “Thus says the LORD of hosts: Render true judgments, show kindness and mercy to one another; do not oppress the widow, the orphan, the alien, or the poor; and do not devise evil in your hearts against one another. But they refused to listen... Therefore great wrath came from the LORD of hosts. (Zech 7:9-12)”

There is a clear sense that the Hebrew prophets closely equated justice with the proper treatment of the poor. Doing so, they echoed Israel’s legal and wisdom literature. And, as we have seen, their understanding of justice closely paralleled that of their surrounding culture.

To summarize, justice in the ancient Near East concerned the preservation of the status quo. In the context of a hierarchical society, this meant that justice was more concerned with equity than it was with equality. People were to be treated fairly, but there was no attempt to eliminate the existing class structure. On the contrary, justice in the ancient Near East sought to preserve the integrity of the classes. Although the poor had little power or influence, they constituted a large segment of society. Hence it was necessary to attend to the needs of the lower classes. Widows and orphans often served as a proxy for the poor in ancient Near Eastern texts. Virtually every culture in the ancient Near East held to the ideal that the poor were to be protected from the rich and powerful.

## The Law of Retribution

In the modern world three primary theories of punishment compete for recognition.<sup>106</sup> The “consequentialist” position argues that it is “morally permissible” to punish an offender because of its “presumed good consequences.”<sup>107</sup> This view of punishment dominated the discourse concerning justice in the United States in the early and middle decades of the twentieth century.<sup>108</sup> Consequentialists base their ideas on the utilitarian theories of Jeremy Bentham and John Stuart Mill.<sup>109</sup> The purpose of punishment should be to reduce bad behavior.<sup>110</sup> Punishment might be seen as “...an incentive to reform.”<sup>111</sup> The harm caused the offender in the process of punishment is considered legitimate because a larger purpose is served. (One objection to the consequentialist position is that, at least in theory, an innocent person might be punished as long as it resulted in a net benefit to society.) Punishment may benefit a society in several ways. For example, it has deterrence value, perhaps preventing someone else

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<sup>106</sup> There are, of course, endless permutations of these three theories. Richard A. Wasserstrom, *Philosophy and Social Issues: Five Studies* (Notre Dame, Ind.: University of Notre Dame Press, 1980), 112.

<sup>107</sup> David Boonin, *The Problem of Punishment* (Cambridge: Cambridge University Press, 2008), 37.

<sup>108</sup> According to Joakim Molander, utilitarian views of punishment reached the level of a “utilitarian ideology” between 1940 and 1970. The 1970s then saw a rise of what Molander termed a “rehabilitation ideology.” Joakim Molander, “Atonement Retributivism,” *Studia Theologica* 63, no. (2009): 179. Morris Fish placed the shift in penal theory towards utilitarianism at the beginning of the twentieth century. Morris J. Fish, “An Eye for an Eye: Proportionality as a Moral Principle of Punishment,” *Oxford Journal of Legal Studies* 28, no. 1 (2008): 64.

<sup>109</sup> Consequentialism claims even older roots. Mill referred to Aristotle as a “judicious utilitarian.” John Stuart Mill, “On Liberty” <http://www.gutenberg.org/files/34901/34901-h/34901-h.htm> (accessed December 3, 2011). Aristotle taught the concept of *eudaemonia*; the idea that humans should do what is good for the sake of doing good. Aristotle began Book 1 by writing, “Every art, and every science reduced to a teachable form, and in like manner every action and moral choice, aims, it is thought, at some good: for which reason a common and by no means a bad description of the Chief Good is, ‘that which all things aim at.’” Aristotle, “Ethics” <http://www.gutenberg.org/cache/epub/8438/pg8438.html> (accessed December 3, 2011).

<sup>110</sup> Michael Lessenof, “Two Justifications of Punishment,” *The Philosophical Quarterly* 21, no. 83 (1971): 141.

<sup>111</sup> Fish, “Eye for an Eye,” 64.

from committing the same crime.<sup>112</sup> It might also prevent further crime by incarcerating (or even executing) the criminal. Punishment may also serve to reform the criminal, “liberating him from his asocial and criminal habits and inclinations and making him fit to return among honest, law-abiding citizens and to a normal, constructive social life.”<sup>113</sup>

A second modern theory of punishment argues that punishment is morally wrong.<sup>114</sup> This view states that punishment involves the deliberate invocation of harm in ways that would normally not be permitted. The state, proponents say, has no more right to inflict harm than does an individual.<sup>115</sup> Punishment, therefore, should be replaced with some alternative method of deterring crime. This might be accomplished by offering treatment to the offender, seeking their rehabilitation or reform, or requiring restitution for the victim.<sup>116</sup> While several of the ancient law codes substituted restitution for punishment as compensation for certain crimes; the same codes also prescribed various

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<sup>112</sup> Robert Solomon simplistically defines retributive justice as punishment and consequential justice (followers of which he labels utilitarians) as deterrence in this passage, “The ongoing dispute between the ‘utilitarians’ (who believe in a ‘deterrence’ theory of punishment) and the ‘retributivists’ (who believe that punishment is necessary in order to satisfy the demands of justice as such) not only neglects but explicitly dismisses any mention of the passion which alone would seem to give some fuel to the notion of punishment.” Robert C. Solomon, *A Passion for Justice: Emotions and the Origins of the Social Contract* (Reading, Mass.: Addison-Wesley Pub. Co., 1990), 40. Solomon is arguing that modern discussions of punishment neglect the reality that real, raw emotions are often involved.

<sup>113</sup> Igor Primoratz, *Justifying Legal Punishment* (Atlantic Highlands, N.J.: Humanities Press, 1990), 11.

<sup>114</sup> This school of thought might be termed “restorative justice.”

<sup>115</sup> David Boonin argues for this position. Boonin, *Problem of Punishment*, 1. He writes, “Typically, it is impermissible to do an act with the intention of harming another person. A successful solution to the problem of punishment must therefore explain why the fact that a person has broken a just and reasonable law makes it morally permissible for the state to treat him in ways that would otherwise be impermissible.” Boonin, *Problem of Punishment*, 213.

<sup>116</sup> Richard Wasserstrom provides the first two examples. Wasserstrom, *Philosophy and Social Issues*, 112. Boonin supplies the last. Boonin, *Problem of Punishment*, 213-24. Boonin writes that, instead of meriting punishment for a misdeed, the criminal puts themselves in debt to their victim and should thus be obligated to repay the debt. Boonin, *Problem of Punishment*, 220.

forms of punishment, including capital punishment.<sup>117</sup> The notion that the state had no moral right to punish was, as far as is known, unheard of in the ancient Near East.

A third theory of punishment is often labeled retributive punishment. In recent decades this form of punishment has reasserted itself, at least at the legislative level.<sup>118</sup> This theory states that an offender should be punished because they deserve to be punished. As one scholar put it, “People who do evil deeds have less moral merit than those who do not.”<sup>119</sup> John Rawls described the retributive view thusly: “What we may call the retributive view is that punishment is justified on the grounds that wrongdoing merits punishment. It is morally fitting that a person who does wrong should suffer in proportion to his guilt, and the severity of the appropriate punishment depends on the depravity of his act.”<sup>120</sup>

While most offenses are committed against an individual, nevertheless the theory of retributive punishment understands that the community itself has been harmed.<sup>121</sup> John Darley explained why offenses are community affairs when he wrote

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<sup>117</sup> Ur-Nammu’s law code (approx 2100 BCE) demands restitution for rape (of another man’s slave-§8), bodily injury (§§18-22), and perjury (§28). The death penalty, however, was mandated in cases of murder (§1), rape (specifically of another man’s wife-§6), and seduction (§7). Hallo and Younger, *Context of Scripture*, 2:408-10.

<sup>118</sup> Writing in 1997, David Dolinko stated, “The retributive theory is arguably the most influential philosophical justification for the institution of criminal punishment in present-day America.” David Dolinko, “Retributivism, Consequentialism, and the Intrinsic Goodness of Punishment,” *Law and Philosophy* 16, no. 5 (1997): 507.

<sup>119</sup> Peter A. French, *The Virtues of Vengeance* (Lawrence, Kan.: University Press of Kansas, 2001), 192. French is adamant that retributive punishment is a necessity. He writes, “I am convinced that failure to punish retributively does a gross injustice to the very meaning of the concept ‘morally wrong.’ Wrong actions require hostile responses; the very notion of wrong does not otherwise make sense. Those who do wrong deserve punishment.” French, *Virtues of Vengeance*, 161.

<sup>120</sup> Quoted in Posner, “Retribution and Related Concepts of Punishment,” 71.

<sup>121</sup> Karen Hegtvedt writes, “Justice is not simply in the eyes of an individual beholder, but it is in the eyes of a community, however defined.” Karen A. Hegtvedt, “Doing Justice to the Group: Examining the Roles of the Group in Justice Research,” *Annual Review of Sociology* 31, no. (2005): 25.

Societal norms and worldviews are typically absorbed early in development, tend to be subjectively accepted as reality rather than simply one of many cultural worldviews, and are likely to be fundamental aspects of a person's way of comprehending reality. They are thus likely to be defended with real vigor when threatened, and this reaction must be a large part of the underpinnings of the motivation to give an offender his or her just deserts."<sup>122</sup>

Darley seems to argue that the proclivity to punish is deep-seated. Susan Jacoby concurs.

She writes that, "On a practical level, the human desire for retribution requires no elaborate philosophical rationalization. A victim wants to see an assailant punished not only for reasons of pragmatic deterrence but also as a means of repairing a damaged sense of civic order and personal identity."<sup>123</sup> Offenses disturb the moral order.

Punishment attempts to restore that order.<sup>124</sup>

Retributive punishment not only serves the modern legal system, but it also provided the foundation for many ancient Near Eastern law codes. The earliest law codes often mingled the notion of restitution with punishment. The law code of Ur-Nammu, for example, states that, "if a man shatters the ...-bone of another man with a club, he shall weigh and deliver 60 shekels of silver."<sup>125</sup> Nevertheless, within the same law code capital

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<sup>122</sup> John M. Darley and Thane S. Pittman, "The Psychology of Compensatory and Retributive Justice," *Personality & Social Psychology Review (Lawrence Erlbaum Associates)* 7, no. 4 (2003): 330. Emile Durkheim gave a similar explanation. He explained that the community becomes involved its members share a common set of beliefs. "The totality of beliefs and sentiments common to average citizens of the same society forms a determinate system which has its own life; one may call it the *collective* or *common conscience*." Émile Durkheim, *The Division of Labor in Society*, Free Press paperbacks (New York: Free Press of Glencoe, 1964), 79. An act is declared criminal when it offends that collective conscience. "We can... say that an act is criminal when it offends strong and defined states of the collective conscience." Durkheim, *Division of Labor*, 80.

<sup>123</sup> Susan Jacoby, *Wild Justice: The Evolution of Revenge*, 1st ed. (New York: Harper & Row, 1983), 9.

<sup>124</sup> Robert Nozick speaks in terms of values. He writes, "The wrongdoer has become disconnected from correct values, and the purpose of punishment is to (re)connect him. It is not that this connection is a desired further effect of punishment: the act of retributive punishment itself effects this connection." Robert Nozick, *Philosophical Explanations* (Cambridge, Mass.: Harvard University Press, 1981), 374.

<sup>125</sup> Statute §19. Hallo and Younger, *Context of Scripture*, 2:410.



punishment was also prescribed. For example, §1 reads, “If a man commits a homicide, they shall kill that man.”<sup>126</sup> Statute §7 prescribes the death penalty for seduction. “If the wife of a young man, on her own initiative, approaches a man and initiates sexual relations with him, they shall kill that woman; that male shall be released.”<sup>127</sup> The Laws of Eshnunna also mixed restitution with retribution. For example, §12 states, “A man who is seized in the field of a commoner among the sheaves at midday shall weigh and deliver 10 shekels of silver; he who is seized at night among the sheaves shall die, he will not live.”<sup>128</sup>

The Code of Hammurabi often prescribed capital punishment. For example, kidnapping of a child was considered a capital offense, as was robbery and adultery.<sup>129</sup> Death was also dictated for assisting runaway slaves or for dodging the draft.<sup>130</sup> Some forms of punishment seem odd to the modern reader. For example, if a slave woman “curses someone acting with the authority of her mistress,” Hammurabi’s Code specified that the slave woman’s mouth be scoured out with a quart of salt.<sup>131</sup>

Although some have argued that the ancient Near Eastern law codes were never functional, Tikva Frymer-Kensky argues that the laws were not merely theoretical. She gives as an example a letter written by the king of Carchemish. The letter, addressed to

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<sup>126</sup> Hallo and Younger, *Context of Scripture*, 2:409.

<sup>127</sup> Hallo and Younger, *Context of Scripture*, 2:409.

<sup>128</sup> Hallo and Younger, *Context of Scripture*, 2:333.

<sup>129</sup> Hallo and Younger, *Context of Scripture*, 2:335-53. See specifically §§ 14, 22, and 26. Statutes §§9-11 and §22 relate to robbery. Statute §14 mandates death for a kidnapper. Provisions dealing with adultery are found in §§129 - 130.

<sup>130</sup> Hallo and Younger, *Context of Scripture*, 2:335-53. Assisting runaway slaves was forbidden, on pain of death, in §16. Eschewing military service is condemned in §26.

<sup>131</sup> Hallo and Younger, *Context of Scripture*, 2:408-10.

the king of Mari concerned the case of two men accused of treason. The king of Carchemish decided to keep the accuser in prison while the accused underwent the river ordeal. He wrote that, "If these men will come through safely, I will burn their accuser with fire"<sup>132</sup> Thus the king of Carchemish took literally a similar statute in Hammurabi's code which read, "If a man accuses another man and charges him with homicide but cannot bring proof against him, his accuser shall be killed."<sup>133</sup>

The Hebrew Bible also utilized retributive punishment. In many cases, the prescribed penalty was death. For example, capital punishment was mandated for murder, kidnapping, or for the cursing of one's parents (Ex 21:12-17). Perhaps most famously, the Hebrew Bible is known for the concept that is known by the Latin phrase *lex talionis* (literally, the law of retaliation).<sup>134</sup>

There are three extended descriptions of the talion principle in the Hebrew Bible. The text in Leviticus 24:17-21 concerns murder and bodily injury. The text reads,

Anyone who kills a human being shall be put to death. Anyone who kills an animal shall make restitution for it, life for life. Anyone who maims another shall suffer the same injury in return: fracture for fracture, eye for eye, tooth for tooth; the injury inflicted is the injury to be suffered. One who kills an animal shall make restitution for it; but one who kills a human being shall be put to death.

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<sup>132</sup> Tikva Frymer-Kensky, "Tit for Tat: The Principle of Equal Retribution in Near Eastern and Biblical Law," *Biblical Archaeologist* 43, no. 4 (1980): 231.

<sup>133</sup> Hallo and Younger, *Context of Scripture*, 2:337. §1

<sup>134</sup> The use of the label *lex talionis* is accompanied by some confusion. I have seen the label used as essentially a synonym for retributive justice. In other cases it seems to be a special instance of retributive justice. The later seems to be a better description. I take *lex talionis* to mean retributive justice that is proportionally limited to the severity of the original crime. There also seems to be some debate as to whether *lex talionis* requires punishment or if some form of compensation could be substituted instead. Fish, "Eye for an Eye," 61.

Deuteronomy 19:16-21 utilizes the talion principle regarding false accusations. A false witness was to be punished with the same punishment that would have been meted out to the alleged offender.

If a malicious witness comes forward to accuse someone of wrongdoing, then both parties to the dispute shall appear before the LORD, before the priests and the judges who are in office in those days, and the judges shall make a thorough inquiry. If the witness is a false witness, having testified falsely against another, then you shall do to the false witness just as the false witness had meant to do to the other. So you shall purge the evil from your midst. The rest shall hear and be afraid, and a crime such as this shall never again be committed among you. Show no pity: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.

The classical description of *lex talionis* is found in Exodus 21:22-25. The text describes an altercation between two men. In the fight, a pregnant woman is injured and her fetus aborted.

When people who are fighting injure a pregnant woman so that there is a miscarriage, and yet no further harm follows, the one responsible shall be fined what the woman's husband demands, paying as much as the judges determine. If any harm follows, then you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe.

Jesus, in his Sermon on the Mount, alluded to the *lex talionis* when he said, "You have heard that it was said, 'An eye for an eye and a tooth for a tooth.' But I say to you, Do not resist an evildoer. But if anyone strikes you on the right cheek, turn the other also. (Matt 5:38-39)" Apparently by New Testament times the talion principle had been interpreted as an excuse to exact vengeance on a rival. This understanding of the principle has carried over into modern times.

Frequently people in the modern world consider the practice of *lex talionis* barbaric. However, many scholars argue that the talion limited punishment and thus represented a humane reaction to an egregious offense. Robert Solomon writes,

‘An eye for an eye, a tooth for a tooth’ sounds horrifying to our innocent ears, but in the context of the ancient world this dictum was not so much a cry for vengeance as a civilizing revision of vengeance. One should only extract an eye for an eye, rather than kill the offender and his entire family. Justice demands balance, restraint, limits.<sup>135</sup>

Peter French agrees when he states, “Some legal historians view the talion principle (*lex talionis*) as barbaric, which, however, is something of a misunderstanding of its role in ancient legal systems. The talion principle played the part of a limiting or braking device on revenge-taking.”<sup>136</sup> Speaking specifically of Israel’s Mosaic Law, Fish writes that the *lex talionis* “...may be seen to have introduced restraint and rationality as the defining features of lawful punishment in place of the unbridled and unchecked vengeance that had earlier prevailed.”<sup>137</sup> Perhaps it is the inherent rationality of the concept that led one author to suggest that *lex talionis* constitutes a “legal symmetry,” that “...is so well known in law and so in accord with our own sense of justice and fair play that we tend to think it as universal and primeval, almost a part of the Natural Law of Mankind.”<sup>138</sup> Bernard Jackson believes the modern, negative view of the talion principle is based on a false assumption. He notes that many understand the classical Hebrew description as “you *must* give/take an eye for an eye.”<sup>139</sup> He notes, however, that the Hebrew texts describing the principle of *lex talionis* use only an implicit verb. He writes that “without a verb, there is nothing explicit to indicate which modality—

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<sup>135</sup> Solomon, *Passion for Justice*, 9.

<sup>136</sup> French, *Virtues of Vengeance*, 9.

<sup>137</sup> Fish, "Eye for an Eye," 61.

<sup>138</sup> Frymer-Kensky, "Tit for Tat," 230.

<sup>139</sup> Bernard S. Jackson, "Models in Legal History: The Case of Biblical Law," *Journal of Law and Religion* 18, no. 1 (2002): 22.

prescription or permission—is intended.”<sup>140</sup> *Lex talionis* provided an upper limit to the severity of punishment allowed. It did not mandate a lower limit.

Properly speaking, the *lex talionis* limited the severity of the assigned punishment by making it proportionate to the crime committed. The concept of *lex talionis* was not the unique domain of biblical literature. Mesopotamian law codes contain examples as well. For example, Hammurabi’s Code specifies that the penalty for breaking someone’s bone was to have one’s own bone broken (§196).<sup>141</sup> Similarly, the action of putting out the eye of another resulted in having one’s own eye put out (§197).<sup>142</sup> Hammurabi’s code also contains a case of vicarious talion. That is, the code mandated that if a man struck a woman, causing her to miscarry and subsequently die, his own daughter would be put to death in return.<sup>143</sup> The Middle Assyrian Laws contained a similar provision.<sup>144</sup> Biblical law specifically forbade the use of vicarious talion.<sup>145</sup>

The development of *lex talionis* seems to imply an increasing role by the state in legal affairs. Revenge involving individuals or families might quickly spiral into a devastating feud if the opposing faction launched reprisals of their own. The *lex talionis*, however, represented the state’s regulation of revenge. The state’s involvement would

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<sup>140</sup> Jackson, "Models in Legal History," 22.

<sup>141</sup> Hallo and Younger, *Context of Scripture*, 2:348. This is in contradistinction to statute §19 of the Law of Eshnunna, discussed above, which required a payment of 60 shekels.

<sup>142</sup> Hallo and Younger, *Context of Scripture*, 2:348. This statute, like the previous one, applied only to a member of the *awīlu* class. Commoners were compensated for their injury by payment.

<sup>143</sup> §§209-10. Hallo and Younger, *Context of Scripture*, 2:348. Similarly, §§229-30 state that if a (presumably newly built) house collapses and kills the son of the homeowner, the builder’s son will be killed.

<sup>144</sup> Statute §50. Hallo and Younger, *Context of Scripture*, 2:359.

<sup>145</sup> “Parents shall not be put to death for their children, nor shall children be put to death for their parents; only for their own crimes may persons be put to death.” Deut 24:16.

have made it more difficult for the offender or his family/clan to retaliate in kind.

Frymer-Kensky notes that the talion principle marked a transition from retribution as a purely private affair to one that began to involve the state. She writes that the aftermath of a crime was no longer a “purely private affair to be settled by the offering of monetary compensation to the victim.”<sup>146</sup> Instead, it marked the beginning of the state’s central role in the prosecution of crimes.

Retributive punishment could be extended into the international sphere as well. Crimes perpetrated by one nation on another might be avenged by the offended nation (if they had the means) or perhaps by the gods. Crouch recognizes the talion principle at work in the Hebrew prophetic books of Amos, Isaiah, and Nahum. For example, she asserts that the opening verses to the book of Nahum allude to the talion principle. She writes, “The appearance of the idea of Yahweh being involved in ensuring due recompense for extreme actions engaged upon during war is apparent from the start of the book: ‘A jealous and avenging God is Yahweh...’ (1.2a).”<sup>147</sup> Retribution on this scale would be particularly effective because a nation would find it difficult to retaliate against the gods as they were presumably too powerful and, at any rate, unavailable (although destruction of their worshippers might be considered an adequate proxy).

The point of this discussion has been to highlight the fact that the Hebrew Bible shared with its broader ancient Near Eastern culture the idea that punishment was to be

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<sup>146</sup> Frymer-Kensky, "Tit for Tat," 233.

<sup>147</sup> Crouch, *War and Ethics*, 170. The book of Nahum predicts the downfall of the Assyrian Empire and claims that Yahweh would be responsible for its fall. “An oracle concerning Nineveh. The book of the vision of Nahum of Elkosh. A jealous and avenging God is the Lord, the Lord is avenging and wrathful; the Lord takes vengeance on his adversaries and rages against his enemies. The Lord is slow to anger but great in power, and the Lord will by no means clear the guilty. His way is in whirlwind and storm, and the clouds are the dust of his feet. (Nahum 1:1-3)” The reason for Yahweh’s revenge is given in 3:4, “Because of the countless debaucheries of the prostitute, gracefully alluring, mistress of sorcery, who enslaves nations through her debaucheries, and peoples through her sorcery.”

inflicted on an offender as payment for their crime. There is no evidence to suggest that these cultures maintained a consequentialist view; that is, that punishment was of purely utilitarian value. Israel shared with Mesopotamian law the concept of *lex talionis*, a concept that can be conceived of as a method to limit the possible excesses of retributive punishment. Retribution seeks, among other goals, to restore order to a disordered situation. Retribution could be carried out on a national scale as well as an individual one.

It will be noted that the three laws discussed in this chapter, as well as the ancient Near Eastern concept of justice, share a common foundation. They all manifest the ancient culture's fear of chaos and desire for order. The writers of the Hebrew Bible lived in the same conceptual world as did the authors of the literature of Egypt, Mesopotamia, and the regions bordering Israel. They were thoroughly embedded in the same social matrix that connected the peoples of the ancient Near East. As such Israel shared common principles of international and domestic law and social justice with her neighbors. This is not to say that her understanding of these concepts was identical with that of the broader culture. Israel's laws and customs were colored by its local circumstances as well as by its unique relationship with Yahweh. Nevertheless, knowledge of the broader culture of the ancient Near East can illuminate our understanding of the Hebrew Bible in general and the book of Amos in particular. In the next chapter I will explore Amos' Oracles against the Nations as set against its broader ancient Near Eastern background.

### III. AMOS AND THE ORACLES AGAINST THE NATIONS

The first two chapters of Amos constitute what scholars have labeled the Oracles against the Nations. In this text Amos, in a highly formulaic fashion, condemns seven foreign nations for various crimes before finally turning his sights on Israel itself. With the exception of the oracles against Israel and Judah, all of the other oracles condemn the nations for war-related crimes. As a result of their crimes, Amos predicts that each of the nations, Israel and Judah included, will experience military defeat. The text does not provide the standard by which the nation's actions are judged criminal. Rather, he takes for granted—and supposes that his audience agrees with him—that the nations deserved punishment. It must be deduced that the guilt of the nations stemmed from notions so deeply embedded within Israel's culture that Amos did not need to elucidate his standard. This chapter will attempt to identify the source of Amos' standard by looking beyond Israel and examining the international context in which she lived.<sup>1</sup>

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<sup>1</sup> It should be noted at the outset that, although the Oracles condemned nations other than Israel, there is no indication that Amos' pronouncements were delivered to any nation other than Israel. As one commentary states, "Amos did not travel to the nations surrounding Israel to proclaim the oracles to them." Billy K. Smith and Franklin S. Page, *Amos, Obadiah, Jonah* (Nashville, Tenn.: Broadman & Holman Publishers, 1995), 43. With this in mind, the argument could be made that the oracles should not be taken as an explanation *to the nations* for their impending judgment. Rather, it could be concluded, the oracles simply served a rhetorical purpose *within Israel* and no further concern needs to be given to the nations. Stated another way, the purpose of the oracles must be found within the function they served in Israel itself. This seems to be the position of John Hayes. He notes, "The importance of the speeches must not be sought, therefore, in what they 'said' to the enemy but rather in the function which they performed within the context of Israelite society." John H. Hayes, "The Usage of Oracles against Foreign Nations in Ancient Israel," *Journal of Biblical Literature* 87, no. 1 (1968): 81. While it is true that Amos intended his primary message for Israel, nevertheless he appeared to expect that all of his oracles would be fulfilled. Presumably his audience understood him that way as well. The judgments cannot be taken, therefore, as simply rhetorical and theoretical pronouncements. It has been suggested that, although the nations were not Amos' primary audience, nevertheless they were aware of his predictions. Kenichi Kida advanced the theory that Amos may have delivered the oracles on the occasion of a visit to the "Judean king" by envoys of the neighboring nations. Kenichi Kida, "The Sovereignty of God and the Destiny of the Nations in the Prophecies of Amos, Isaiah and Jeremiah.," in *Konsequente Traditionsgeschichte: Festschrift für Klaus Baltzer zum 65. Geburtstag*, ed. Rüdiger Bartelmus et al. (Freiburg, Schweiz: Universitätsverlag, 1993), 179.



Before turning to the oracles, a brief discussion of the dating of the text of Amos is in order. The book of Amos places the ministry of Amos during the reigns of Uzziah of Judah and Jeroboam (II) of Israel, thus placing Amos in the mid eighth century BCE. The general consensus among modern scholars, although this is by no means unanimous, is that the book accurately reflects this time period. Specifically scholars place the date of Amos' ministry to within a few years surrounding 760 BCE.<sup>2</sup> Thus an examination of the international situation in the eighth century BCE will help place Amos within its broader context.

A more contentious question has to do with the dating of the text of Amos. If, as some modern scholars argue, much of the text of Amos derived from a later date, then we must be prepared to ask whether the book reflects eighth century events and thought. If a later editor inserted new text or reinterpreted Amos' original intent, then conclusions drawn from the book of Amos may well be anachronistic. As we have already learned, scholars are divided on this question. Wolff recognizes six redactional stages in the book of Amos, the first coming from the hand of Amos himself. He argues that various accretions were added later and the text rearranged until the book reached its final form in or shortly after the early exilic period.<sup>3</sup> Jeremias posits instead a "continual updating" of the book. He dates the first edition from sometime in the seventh century after the fall of Jerusalem. The text was then continuously updated until the final edition was

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<sup>2</sup> Wolff writes, "When Amos was born and when he died, we do not know. How old he was at the time of his appearance around 760 B.C. remains hidden from us." Wolff, *Amos*, 90. Andersen and Freedman give a range between 765-755, Andersen and Freedman, *Amos*, 19. Jeremias concludes that Amos' ministry occurred sometime within the decade bracketed by the years 760 and 750. Jörg Jeremias, *The Book of Amos: A Commentary*, 1st American ed. (Louisville, Ky.: Westminster John Knox Press, 1998), 2. James Linville, on the other hand, ascribes the book to the latter half of the Persian period while allowing that many of the passages are much older. James Richard Linville, *Amos and the Cosmic Imagination*, Society for Old Testament Study Monographs (Aldershot, England: Ashgate, 2008).

<sup>3</sup> Wolff, *Amos*, 106-13.

completed sometime late in the postexilic period.<sup>4</sup> If these scholars are correct, any historical conclusions drawn from the book of Amos must be carefully made because they risk reflecting events and attitudes of a later time. However, other scholars are more sanguine about the text of Amos. Shalom Paul attributes most of the text of the book to the prophet himself.<sup>5</sup> Andersen and Freedman, while unconvinced that the book has “been miraculously preserved from error,” agree to work mostly from the received text. They state they are not confident in the results of earlier scholarship’s attempts to decipher the various compositional stages of the book.<sup>6</sup> The position taken in this monograph is that the text of the book derives substantially from the hand of Amos. While it is possible that the book underwent editorial changes after its initial compilation, I am unconvinced that major additions and changes were made to the text. Without compelling evidence to the contrary, I prefer to believe that later editors/copyists valued Amos’ words and treated them with care. Henceforth I will assume that the text of the book of Amos comes primarily from the eighth century BCE and thus accurately reflects eighth century thoughts and attitudes.

### **The International Situation in Amos’ Day**

The domestic situation in the mid eighth century will be treated more fully in the next chapter. However, it must be noted that both Judah and Israel enjoyed something of a renaissance during the first half of the eighth century. Of the two kingdoms, Israel was

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<sup>4</sup> Jeremias, *Amos* 5.

<sup>5</sup> Paul, *Amos*, 16-27.

<sup>6</sup> Andersen and Freedman, *Amos*, 139.

the more dominant.<sup>7</sup> The stability associated with Jeroboam's long reign of forty years allowed Israel to re-expand into territories that it had not occupied since the reign of Solomon.<sup>8</sup> Israel's resurgence cannot be attributed only to the prowess of Jeroboam, however. Through none of his own doing, the surrounding nations were themselves at a nadir.

The first half of the eighth century coincides with a period in Egyptian history known as the Third Intermediate Period.<sup>9</sup> This capped an almost four hundred year slide in Egypt's fortunes. The period began auspiciously with the invasion of Judah by Sheshonq I, the first ruler of the XXII<sup>nd</sup> dynasty. However, subsequent Egyptian rulers preferred to establish diplomatic relations with Israel and deal instead with internal issues. Egypt did not intervene militarily in Israel throughout the first half of the eighth century.<sup>10</sup>

Assyria had also entered a long period of decline following the Middle Assyrian Period.<sup>11</sup> Assyria re-emerged as a local power in Mesopotamia in the tenth century. Under Ashurnasirpal II, Assyria reestablished its empire and began to expand and amass considerable wealth.<sup>12</sup> Their expansion temporarily ran out of the steam, however during

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<sup>7</sup> J. Maxwell Miller and John H. Hayes, *A History of Ancient Israel and Judah*, 1st ed. (Philadelphia: Westminster Press, 1986), 307.

<sup>8</sup> Jeroboam II reigned from 785-745 BCE. Miller and Hayes, *History of Ancient Israel* 307.

<sup>9</sup> Kuhrt dates the Third Intermediate Period from 1069-664 BCE. Kuhrt, *Ancient Near East*, 2:623.

<sup>10</sup> Kuhrt, *Ancient Near East*, 2:628. Egypt went into a tailspin during the reign of Takelot II (850-825 BCE) and began to fragment even further.

<sup>11</sup> The Middle Assyrian Period dated from approximately 1400 to circa 1050 BCE. Kuhrt, *Ancient Near East*, 1:348.

<sup>12</sup> Ashurnasirpal II reigned from 883-859, approximately a century before Amos' ministry. Kuhrt, *Ancient Near East*, 2:483.

the last quarter of the ninth and first half of the eighth centuries. Assyria would not regain its momentum until just after the time of Amos.

Assyria's earlier expansion weakened Damascus, thus setting the stage for a resurgent Israel in the mid eighth century.<sup>13</sup> Second Kings 14:25 relates that Jeroboam (II) "...restored the border of Israel from Lebo-hamath as far as the Sea of the Arabah..."<sup>14</sup> The combined Hebrew states under Jeroboam and Uzziah ultimately occupied their greatest territorial extent since the reign of Solomon. Amos' ministry coincided with a time in which Israel was on the ascendant while Assyria's expansion had stalled, Egypt was mired in a century's long eclipse, and the power of Damascus had been considerably weakened. Amos' prophecy that Israel was soon to be defeated was thus a bold one. Israel's ultimate demise would have seemed improbable to the people of Israel.<sup>15</sup>

### **The Form of the Oracles**

Amos' oracles against the nations are not unique. Amos drew on forms of literature that were already extant. Yehezkel Kaufman, for example, notes that, "Amos was an original poet and thinker, yet he utilized styles and material that were ready at

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<sup>13</sup> Menehem Haran writes, "The time interval commencing in 755 (or somewhat earlier) would thus be the most likely for the hegemony of Jeroboam in southern and central Syria. During this time-lag the region was *completely free* of any Assyrian influence and the vacuum could well be filled by Jeroboam's power." Haran, "Empire of Jeroboam," 279.

<sup>14</sup> II Kings 14 says that Jeroboam recovered Damascus and Hamath for Israel. Hayes and Miller are skeptical that Damascus was actually conquered and instead suggest that Damascus and Hamath may have paid token tribute to Israel or perhaps allowed commercial concessions to Israel. Miller and Hayes, *History of Ancient Israel* 309.

<sup>15</sup> Miller and Hayes date the end of Israel to 720 BCE. Miller and Hayes, *History of Ancient Israel* 337. Kuhrt dates the fall of Samaria to 722/21. Kuhrt, *Ancient Near East*, 2:468. Thus a scant forty years spanned the dates between Amos' ministry and the end of Israel. It is easily conceivable that some of those who heard Amos' prophecies first-hand lived to see their fulfillment.

hand.”<sup>16</sup> Subsequent prophets also used a similar form, although whether they borrowed from Amos or derived their form from the same antecedents is unknown.<sup>17</sup> Texts with similar sentiments have also been found in other parts of the ancient Near East.

As previously noted, the ancient Egyptians utilized a ritual to handicap the enemy that some scholars compare to Amos’ oracles. In that ritual, the names of Middle Kingdom Egyptian foes were written on pottery vases which were then broken, presumably symbolizing the breaking of the power of the enemy. Aage Bentzen recognized the similarities between the Execration texts and Amos’ oracles early on. For example Bentzen observes that the Execration texts followed the “corners of the world,” that is they followed a consistent geographical order.<sup>18</sup> Amos’ oracles similarly begin to the northeast of Israel, before jumping to the southwest, moving to the northwest, and concluding in the southeast. The Execration texts finally move to the “center”, condemning “traitors and criminals” within Egypt itself.<sup>19</sup> Likewise Amos, after condemning the various nations, turns his attention to Israel’s domestic enemies.

Bentzen locates the original delivery of Amos’ oracles during an Israelite New Year’s Festival. He postulated that the festival featured a ritual judgment speech condemning Israel’s political enemies, identifying them as “incarnations of the foes of God in his fight against Chaos, when he created the world....”<sup>20</sup> Bentzen surmises that Amos may have (perhaps unconsciously) borrowed an “ancient formulae” when

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<sup>16</sup> Yeðhezkel Kaufmann, *The Religion of Israel, from its Beginnings to the Babylonian Exile* (Chicago: University of Chicago Press, 1960), 303.

<sup>17</sup> Notable examples include Isaiah 13-23, Jeremiah 46-51, and Ezekiel 25-32.

<sup>18</sup> Bentzen, "Ritual Background," 90.

<sup>19</sup> Bentzen, "Ritual Background," 91.

<sup>20</sup> Bentzen, "Ritual Background," 93.

formulating his oracles, giving them a new interpretation.<sup>21</sup> Bentzen thus connects Amos with the broader ancient Near Eastern culture in which Israel participated.<sup>22</sup>

Norman Gottwald generally accepts Bentzen's conclusion. He suggests that Amos' oracles against the nations were drawn from a liturgy practiced in the Israelite cult which ultimately derived from the Egyptian tradition of which the Execration texts are a part.<sup>23</sup>

Bentzen's thesis was widely accepted for a time. Writing in 1969, Meir Weiss wrote, "the vast majority of scholars regard Bentzen's thesis as one of the conventions of modern biblical study..."<sup>24</sup> Weiss identified himself as one of "the small minority" that disagreed with the "general consensus." He argued that the order found in the Execration texts was found in all Egyptian literature and was thus merely a part of the "general orientation" of the Egyptians. It did not constitute a ritual pattern. Amos' use of the sequence, according to Weiss, "constitutes a unique expression particular to the personal intent of the prophet," and not a borrowing of Egyptian forms.<sup>25</sup> Weiss' conclusions have become widely accepted and Bentzen's thesis has fallen out of favor. H. W. Wolff's analysis of Bentzen's conclusions may serve as an example. Wolff has suggested that the geographic pattern found in Execration texts may simply have reflected the positioning of contemporary trade routes.<sup>26</sup> He also notes that the purposes of the two

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<sup>21</sup> Bentzen, "Ritual Background," 94.

<sup>22</sup> Bentzen, "Ritual Background," 97.

<sup>23</sup> Norman K. Gottwald, *The Hebrew Bible--A Socio-Literary Introduction* (Philadelphia: Fortress Press, 1985), 353.

<sup>24</sup> Meir Weiss, "The Pattern of the 'Execration Texts' in the Prophetic Literature," *Israel Exploration Journal* 19, no. 3 (1969): 150.

<sup>25</sup> Weiss, "Pattern," 157.

<sup>26</sup> Wolff, *Amos*, 146.

texts are quite different. The Egyptian texts were meant to curse current and potential enemies. Amos' oracles, on the other hand, were presented as judgments from Yahweh. The nations were condemned, not because they opposed Israel, but because they broke Yahweh's laws. Wolff despairs of finding any commonality between the two sets of texts. He writes, "the small number of formal agreements ... scarcely allow us to suppose that Amos had been influenced, even if only indirectly, by an ancient execration ritual. The points of agreement are circumstantial, being quite understandable as independent developments within their respective setting."<sup>27</sup> Whether or not Amos' oracles represent a borrowing of the Egyptian Execration texts (and they probably do not), the similarity of the two forms suggest that the form of Amos' oracles would have been recognizable to the literati of his day.

Duane Christensen suggests a different origin for Amos' oracles. He argues that the form of Amos' oracles originated in the war oracle. This form has ancient roots with examples dating as early as eighteenth century BCE Mari. A series of texts from the city document the attempts of *bārû* priests to determine the success or failure of certain military missions through the use of extispicy (the reading of the livers of a sacrificial sheep).<sup>28</sup>

Israel utilized the war oracle from its infancy. Christensen notes, for example, that Joshua first consulted the Urim (through the mediation of the priests) before leading Israel into battle.<sup>29</sup> Even earlier in its existence, Israel benefitted from the failure of Balak's war oracle. Balak, a Moabite king, had hired Balaam to curse Israel and to ensure

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<sup>27</sup> Wolff, *Amos*, 146.

<sup>28</sup> Christensen, *Transformations of the War Oracle* 18.

<sup>29</sup> The story is found in Num 27:12-23.

a positive outcome to an impending battle.<sup>30</sup> Yahweh, however, dictated that Balaam bless rather than curse Israel. According to Christensen, Balaam's actions were reminiscent of those of the *bārû* priest in this context.<sup>31</sup> The first uses of the war oracle in Israel, then, were primarily aimed at securing a positive outcome in battle.

The war oracle appeared again during the reign of Ahab and its function began to change at that time. An unnamed prophet predicted that Israel would be victorious in an upcoming battle (1 Ki 20:13). He explained that Aram would be defeated because they said, "the Lord is a god of the hills but he is not a god of the valleys (1 Ki 20:28)." The text makes explicit that Israel's victory (and presumably the prophet's prediction) came about so that Ahab would know that Yahweh was "the Lord." Thus the war oracle, while still promising victory, now served as a sign of Yahweh's power and presence.

Ahab later appeared on the losing side of a war oracle. The prophet Micaiah delivered the message that, despite the unanimity of the four hundred cult prophets to the contrary, Israel would be defeated by Aram, her armies scattered, and Ahab slain.<sup>32</sup> This last example, Christensen says, shows how the war oracle had begun its transformation into a judgment oracle.<sup>33</sup> The war oracle was no longer solely in the domain of the military; it had now found a home in the literary sphere as a means to announce judgment.<sup>34</sup>

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<sup>30</sup> Related in Numbers 22-24.

<sup>31</sup> Christensen, *Transformations of the War Oracle* 23.

<sup>32</sup> 1 Ki 22.

<sup>33</sup> Christensen writes, "With respect to literary form the war oracle had already become a judgment speech." Christensen, *Transformations of the War Oracle* 38.

<sup>34</sup> Christensen, *Transformations of the War Oracle* 281.



According to Christensen, Amos' oracles against the nations represent another modification of the original war oracle, this time set against the backdrop of an idealized Davidic Empire. He writes, "The Davidic Empire later became an ideal type which was persistent, particularly within prophetic circles, long after the disintegration of the actual empire as such."<sup>35</sup> Christensen sees Amos' oracles as a type of judgment oracle against the nations for breaking the various treaties that had presumably held the empire together. Amos added a new twist to the war oracle by condemning Israel itself.<sup>36</sup> Christensen says of Amos, "In this composition Amos has made an important contribution to the developing OAN [oracles against the nations] tradition. He has taken the earlier speech form of a war oracle, in the form of a judgment speech against a specific nation or people, and transformed it into a judgment speech against Israel."<sup>37</sup> Note Christensen's mention of a "developing OAN tradition." He argues that the form of Amos' oracles against the nations were not unique but merely part of a tradition that dated back centuries. While Christensen does not explicitly make many connections to ancient Near Eastern parallels, both the war and judgment oracles are known from outside Israel. Thus Amos' oracles can be seen as standing in a long line of literary tradition within the ancient Near East.

While it now seems doubtful that the Execration texts and Amos' oracles against the nations were linked in the way the Bentzen thought, nevertheless the Execration texts

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<sup>35</sup> Christensen, *Transformations of the War Oracle* 56.

<sup>36</sup> Christensen, *Transformations of the War Oracle* 68. "Amos has uttered judgment oracles against each of the member nations of the 'Davidic Empire' in order to set the stage for the judgment facing Israel, which is his central concern."

<sup>37</sup> Christensen, *Transformations of the War Oracle* 71. Christensen does not stop here. He continues tracing the transformation of the war oracle through the writings of the prophet Jeremiah and determines that early apocalyptic ultimately derived from the war oracle. Christensen, *Transformations of the War Oracle* 249-80.

demonstrate that imprecations against a nation's enemies was a recognizable genre.

Amos' listeners would also have been familiar with the form of the war/judgment oracle.

Amos melded the two forms into a unique style that served as an effective communication tool, a tool later borrowed by Isaiah, Jeremiah, and Ezekiel.

Amos' reliance on older traditions extends beyond just the larger patterns he utilized. His modes of expression were, in many instances, borrowed from the Near Eastern wisdom tradition. For example, Samuel Terrien notes that Amos used numbers in pairs, a common device of the wisdom tradition.<sup>38</sup> He notes that, "there can be little doubt that this formula is a device which is typical of the wisdom style."<sup>39</sup> This use of numerical pairs may perhaps be traced as far back as some second millennium BCE Ugaritic literature.<sup>40</sup> Terrien also writes that Amos' use of rhetorical questions coupled with common sense thinking is evocative of wisdom literature. Writing of Amos 3:3-8, Terrien observes, "the fact that the prophet expects to stimulate audience approval in a matter of logical thinking involving assent to the principle of empirically observed causation is strongly reminiscent of the teaching method of the wise."<sup>41</sup> Terrien discerns a total of eight distinct elements that suggest Amos had "an acquaintance with the language and speech habits of the wisemen."<sup>42</sup>

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<sup>38</sup> He gives the example, "On account of three transgressions of Damascus, yea, even four..." (Amos 1:3). Terrien, "Amos and Wisdom," 109.

<sup>39</sup> Terrien, "Amos and Wisdom," 109. Terrien notes that this form is found in the prophetic literature only in Amos.

<sup>40</sup> Terrien, "Amos and Wisdom," 110 n. 4.

<sup>41</sup> Terrien, "Amos and Wisdom," 112. H. W. Wolff comes to a similar conclusion. "...the cycle of oracles against the nations exhibits in the opening of each oracle an expression which is intelligible only on the basis of that sapiential form of speech: 'for three crimes... and for four.'" Wolff, *Amos*, 95.

<sup>42</sup> Terrien, "Amos and Wisdom," 109. It should be noted that J. Crenshaw discounts many of the elements that Terrien lists as possible evidence of wisdom influence on Amos. Nevertheless he agrees that the use of numerical pairs is suggestive of wisdom literature. He writes, "The strongest argument, in my judgment,

H. W. Wolff further detected the influence of wisdom forms on Amos. He notes, for example, the use of antitheses.<sup>43</sup> The use of antitheses, says Wolff, is “widespread in the language of sapiential counseling.”<sup>44</sup> He reiterated Terrien’s observation that Amos utilized the graduated numerical sequence, a common tool of wisdom literature. The use of this numerical sequence, says Wolff, “reflects the influence of oral traditions of popular wisdom instruction which, like other wisdom material, linked Israel to the surrounding world.”<sup>45</sup>

Thus Amos drew upon many sources as the raw material from which to construct his oracles against the nations. His sources were not exclusive to Israel. It is not necessary to prove that Amos directly borrowed from any particular set of texts, nor is it possible to do so. It is sufficient to note that the forms that Amos used would have been recognizable, and hence understandable, by his audience. The form of Amos’ oracles, however, is of less import than their contents. Would the standard that Amos used to condemn the nations have been as recognizable? It is to that task to which we now must turn.

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thus far advanced, is the use of numerical pairs, which seem to have been a favorite pedagogic device of the wise.” J. L. Crenshaw, “The Influence of the Wise upon Amos,” *Zeitschrift für die alttestamentliche Wissenschaft* 79, no. 1 (1967): 49.

<sup>43</sup> Wolff gives as an example, Amos 5:4-5, “Seek me . . . do not seek Bethel.” Wolff, *Amos*, 96.

<sup>44</sup> Wolff, *Amos*, 126.

<sup>45</sup> Wolff, *Amos*, 148.

## The Standard of the Oracles

The standard by which the nations were judged has occupied the attention of numerous scholars. John Barton has conveniently broken down the various responses into four categories.<sup>46</sup>

The first category Barton labels “Nationalism and covenant.” This view holds that the nations “are denounced for opposing Israel, Yahweh’s chosen covenant people.”<sup>47</sup>

The basic idea is that the nations should have recognized Israel’s privileged position before God. The nations are guilty of hubris for dealing with Israel in a hostile fashion.<sup>48</sup>

Menahem Haran illustrates this position well. He claims that Amos’ standard was primarily political. He writes,

In truth, the onlooker is liable to be misled by the moralistic demands on the nations uttered in this prophecy, appearing as they do not quite as much on their own account, as when viewed against the background of Israel’s relations vis-à-vis its foes. In actual fact, these demands are national rather than moral in nature and the major portion of this prophecy is designed according to the older nationalistic pattern.<sup>49</sup>

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<sup>46</sup> Barton’s categories are not necessarily comprehensive. For example, Barton ignores the position that Amos’ condemnation of the nations might have been received through revelation. As Kapelrud notes, “All fundamentalists and also some scholars hold the opinion that Yahweh’s revelation to Amos gave him his idea of God, and that further explanations are not only unnecessary, but even unwanted.” Arvid S. Kapelrud, *Central Ideas in Amos*, reprint ed. (Oslo: Universitetsforlaget, 1971), 42. He rightly argues that such a viewpoint precludes any further debate making academic research into the question impossible. He wrote, “If we are to do any research at all we cannot stop at this point. Also from a religious point of view it is obvious that God works through human media and through measures in history and nature. That means that the usual methods of study have to be applied.” Kapelrud, *Central Ideas*, 42. Barton also treats his four categories as mutually exclusive. In his view, one could postulate that Amos was taking a nationalistic view or a view that incorporated international customary law, but apparently not both. I am not convinced that this view is correct.

<sup>47</sup> Barton, “Understanding Old Testament Ethics,” 109.

<sup>48</sup> Barton, “Understanding Old Testament Ethics,” 84. Ironically, this viewpoint has Amos defending Israel until the final oracle when he finally turns and condemns her as well.

<sup>49</sup> Haran, “Empire of Jeroboam,” 274.

Max Polley makes similar claims. He posits that the purpose of the oracles (indeed of the entire book of Amos) was to convince Israel to join Judah in a reunited empire.<sup>50</sup>

This nationalistic position commonly translates the Hebrew word מַשְׁׁמַד (pš'ym, plural pš'ym); found in each of the oracles, as “rebellion” or, according to Michael Barré, “‘acts of rebellion’ against a sovereign or overlord.”<sup>51</sup> Barré labels this “treaty language” and thus also views the nation’s crimes as primarily political. He writes that

the pš'ym are not simply wrongs against neighboring peoples, wrongs that would violate the contemporary standards of ethical behavior among peoples of the Near East. The concentration of treaty vocabulary in this section suggest that the actions are deemed wrong not primarily in terms of the people to whom they are done but because they are violations of a relationship to Yahweh that may generally be characterized as that of subject to sovereign.<sup>52</sup>

The nationalistic position often, then, defines the misdeeds of the nations in terms of revolt and the abrogation of a treaty. Ancient Near Eastern treaties usually carried stipulations within them that called for retribution against those who would violate the treaty’s terms.<sup>53</sup> Thus characterizing the nations’ crimes in nationalistic terms presumably relieves Yahweh of any culpability for the punishments predicted against the nations. Yahweh is not only allowed, but even obligated to punish those who have broken their treaty with Israel (and thus implicitly with Yahweh).

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<sup>50</sup> Polley, *Amos and the Davidic Empire*, 69. Polley writes, “The text does *not* declare that God rules all nations. It *does* declare that God created the Davidic empire and that he is about to destroy nations within that empire that have rebelled against it.”

<sup>51</sup> Michael L. Barré, “The Meaning of l' šybnw in Amos 1:3-2:6,” *Journal of Biblical Literature* 105, no. (1986): 618.

<sup>52</sup> Barré, “Meaning of l' šybnw,” 619.

<sup>53</sup> McCarthy finds six components to treaties in the ancient Near East. The final component of treaties he labels “Curse and Blessing.” McCarthy, *Treaty and Covenant*, 2. An example of the curse in a Hittite treaty was given above in chapter two.

Duane Christensen indicates that the nations broke a covenant, not with Israel, but with Yahweh. This has the advantage of holding Israel to the similar standard; like the foreign nations she violated terms of her covenant with Yahweh.<sup>54</sup> Christensen writes, “Taking the Davidic Empire as an ideal type, Amos composed an oracle of judgment against each of its member nations, including Israel. Yahweh, the Divine Warrior, was about to punish each of these nations for breach of covenant.”<sup>55</sup>

Perhaps the most serious argument leveled against this position concerns the notion of an all-encompassing Davidic empire. The existence of such an empire in the eighth century goes beyond the evidence.<sup>56</sup> Further, except for the single Hebrew word discussed above, explicit treaty terminology can be found in only two of the oracles.<sup>57</sup>

Barton labels a second standard “logical extension.” This position states that “the moral obligations which Israel is *known* to owe to Yahweh are supposed by extension to apply also to the nations.”<sup>58</sup> Those holding this view would state that the moral rules valid for Israel also applied to the nations.<sup>59</sup> This seems to be the view of James Luther Mays. He writes, “[The nations] are subject to Yahweh’s norms, can be indicted by him

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<sup>54</sup> Christensen does not attempt to account for Judah’s crimes as he sees it as a secondary addition. Christensen, *Transformations of the War Oracle* 59.

<sup>55</sup> Christensen, *Transformations of the War Oracle* 71.

<sup>56</sup> R. J. Coggins, *Joel and Amos*, New Century Bible Commentary (Sheffield: Sheffield Academic Press, 2000), 86-7.

<sup>57</sup> Paul R. Noble, "Israel Among the Nations," *Horizons in Biblical Theology* 15, no. 1 (1993): 57. Noble concludes that “the Davidic empire theory is too restricted in both geographical and temporal scope to account for Amos’ portrayal of Yahweh’s authority.” Noble, "Israel Among the Nations," 61. Noble disagrees with several of Barré’s conclusions as well as those of John Mauchline, another proponent of the nationalism standard. See Noble, "Israel Among the Nations," 56-62.

<sup>58</sup> Barton, "Understanding Old Testament Ethics," 109.

<sup>59</sup> As Barton states, the “ethical obligations incumbent upon Israel is to be seen as binding also on the nations.” Barton, "Understanding Old Testament Ethics," 111.

for misconduct, and their punishment justified in terms of a system of responsibility to him.<sup>60</sup>

Barton rejects this view on rhetorical grounds. He argues that the extension standard is actually antithetical to Amos' rhetorical purpose. In Barton's view, Amos did not attempt to raise the nations up to the same moral plane occupied by Israel. Rather, he sought to knock Israel off of its self-erected pedestal and hence demonstrate that they were subject to the same standards that were applied to the nations.<sup>61</sup>

The extension position, in my view, creates an ethical problem. It argues that the nations were responsible for keeping laws that they may well not have known.<sup>62</sup> It also ignores the broader cultural context that Amos and Israel occupied. As I will argue shortly, consideration of this broader context may well mitigate this problem. Amos' apparent familiarity with the wisdom tradition and the fact that he knew something of the history of the nations surrounding Israel suggests that Amos had knowledge of and an interest in the wider world. He used this knowledge in formulating his indictments of the nations.<sup>63</sup>

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<sup>60</sup> Mays, *Amos*, 27.

<sup>61</sup> Barton's view is bolstered by Amos 9:7, which says "Are you not like the Ethiopians to me, O people of Israel? says the Lord. Did I not bring Israel up from the land of Egypt, and the Philistines from Caphtor and the Arameans from Kir?" However, Amos 3:2 would seem to argue against his view. It reads, "You only have I known of all the families of the earth..."

<sup>62</sup> Mays argues that the nations were responsible for following Yahweh's "norms." He does not define those norms, however, so it is unclear if he is speaking of specific rules as embodied, for example, in the book of Leviticus, or to some broader yardstick as, perhaps, defined by the Ten Commandments. If these norms are broad enough, then there would be little difference between this view and Barton's third category of universal law.

<sup>63</sup> The oracles obviously show that Amos was knowledgeable with the activity of the surrounding nations. The oracle against Moab (Amos 2:1-3) demonstrates Amos' awareness of events outside the sphere of just the Hebrew nations. Amos also demonstrates that he was at least somewhat familiar with the history of the surrounding states. See, for example, Amos 9:7.

Some scholars seek the origin of Amos' ethical standard in what Barton labels "universal law." According to this view, "all nations, Israel included, are subject to divine law which derives from Yahweh's dominion over all mankind."<sup>64</sup> This universal law emanates from Yahweh, so it is ultimately Yahweh's law that the nations are contravening. This law, however, was not the exclusive property of Israel. It belonged, at least implicitly, to all of the nations. Amos is thus "invoking ethical principles common, or supposed by him to be common, to all mankind."<sup>65</sup>

This position recognizes the primacy of God as the ultimate lawgiver and his law applies to all the nations of the earth. As J. Lindblom has written, the nations were condemned because they "offended against the holy will of Yahweh, which is valid for all peoples."<sup>66</sup> As such, the nations deserved punishment. Lindblom notes, "The fact that Yahweh's ethical demands are valid for mankind, and that these demands are flouted by the people of the earth, is one of the roots from which grew the idea of Yahweh's world judgement."<sup>67</sup>

This position, without further qualification, suffers from the same critical problem as does the previous position. It is unclear how Yahweh's "ethical demands" came to be known to those nations that did not worship him. Presumably it was not through direct revelation. It would also seem that the nations were held to a higher standard than that applied to Israel. Amos condemns both the Tyrian and Philistine nations for selling entire communities into slavery. Yet the Hebrew Bible does not contain a blanket rejection of

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<sup>64</sup> Barton, "Understanding Old Testament Ethics," 109.

<sup>65</sup> As quoted in Barton, "Understanding Old Testament Ethics," 112.

<sup>66</sup> Barton, "Understanding Old Testament Ethics," 112.

<sup>67</sup> Johannes Lindblom, *Prophecy in Ancient Israel* (Philadelphia: Muhlenberg Press, 1962), 335.



slavery. The Hebrew people were prohibited from permanently enslaving fellow Hebrews (although members of the Hebrew nations were permitted to allow themselves to be permanently indentured.) Apparently foreign slaves, even within Israel, had no such protection. What standard did these nations violate when they sold entire communities into slavery? To resolve the ethical dilemmas of this and the previous position, some mechanism must be posited which allows the nations to be fully aware of the severity of their crimes. Barton attempts to provide that mechanism in the fourth of his categories.

Barton labels the final viewpoint “international customary law.” According to this view, “the nations are condemned for infringing customs of war accepted or believed to be accepted by all civilised nations.”<sup>68</sup> Barton subscribes to this position. He says that Yahweh condemned the nations for ethical breaches that were recognized (or at the very least should have been recognized) by all right-thinking individuals of that time and place. The relevant standards have their basis in what Barton identifies as “natural law.”<sup>69</sup> Barton views natural law as springing from the consciences of humans (as contrasted with revealed, divine law).<sup>70</sup>

Not surprisingly, Barton’s viewpoint has met with some resistance. As we have already noted in chapter one, Barton reduces Yahweh’s role to simply that of enforcer of preexisting laws. These laws have human origins. Noble objects to Barton’s viewpoint on

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<sup>68</sup> Barton, "Understanding Old Testament Ethics," 109.

<sup>69</sup> John Hayes also seems to hold a position that fits within Barton’s final category. Hayes finds a more concrete basis for Amos’ condemnation, however. Rather than ascribing to Amos a form of natural law, Hayes notes that the nations were expected to keep laws that were “embodied conventions hammered out in response to the pragmatics of routine life.” Hayes, *Amos*, 58.

<sup>70</sup> Barton, "Natural Law," 33.

the ground that, in his view, Yahweh plays more than a judicial role in Amos.<sup>71</sup> Noble argues that Amos does not defend Yahweh's right to judge the nations, he presupposes it. He writes that "it is far more natural to see the norms by which he judges [the nations] as being standards of morality which [Yahweh] himself enacts, rather than human conventions which he has adopted."<sup>72</sup>

Each of the four categories of ethical standards that Barton enumerates carries its own problems. It seems that a way forward can be found by melding components of Barton's third and fourth categories. There seems to be little doubt that Amos considered Yahweh sovereign and thus his rules would be applicable to all nations. We have already identified the ethical problem this position creates. I suggest that Amos could hold his position yet still condemn the nations by implicating them of breaking cultural norms. Amos used his knowledge of the customs of his day to indict the various nations for crimes which his audience would understand. He then continued in the same vein, judging Israel for committing crimes that were also violations of the norms of his day. This does not necessitate, however, accepting Barton's view that Yahweh was merely the enforcer of man-made rules. As Barton himself suggested, Yahweh shared a certain ethical outlook with all right-thinking people. This is akin to Driver's (and others) reliance on natural law. This view posits that there is an innate sense of right and wrong within most humans. This is not to suggest that each would delineate an exact list of proscribed activities. Defining criminal acts constitutes a culturally conditioned activity.

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<sup>71</sup> For a refutation of Barton's position, see Noble, "Israel Among the Nations." Noble also disagrees with the anthropocentric nature of Barton's position. He objects that, "mankind is given the primary role in developing moral norms, whereas God has a reflexive role in recognizing (where appropriate) the rightness of what man has formulated." Noble, "Israel Among the Nations," 63-4.

<sup>72</sup> Noble, "Israel Among the Nations," 64.

Nevertheless, within a particular culture, there are behaviors which are almost universally regarded as forbidden. It is my contention that Amos utilized his knowledge of his broader culture to condemn the nations on these universally held principles. He was able to do this without giving up his recognition of Yahweh's sovereignty. This approach had the additional benefit of allowing him to condemn Israel for her crimes on identical terms. By co-opting his culture's definition, Amos could demonstrate the culpability of Israel in terms that could not be ignored. The placement of the oracles against the nations at the head of the book of Amos signals his intention to utilize cultural norms to convict Israel of her crimes. To demonstrate the validity of this thesis, however, it will be necessary to show that the nation's crimes were indeed violations of well-known standards.

### **The Content of the Oracles**

The eight oracles of Amos 1-2 begin with exactly the same stanza; "For three transgressions of [country/ethnic name], and for four, I will not revoke the punishment..." Each oracle then continues with a single indictment (the only exception being the final oracle against Israel), followed by the pronouncement of the verdict against the guilty nation. This pronouncement was always written in the first person, as if coming from Yahweh himself. Of the eight oracles, six condemned the behavior of nations bordering the Hebrew states. The final two oracles indicted Judah and Israel. Each of the foreign nations is accused of committing some form of war crime: Damascus "threshed" Gilead with iron sledges, Gaza (the Philistines) and Tyre captured and sold entire communities into slavery, and Edom "pursued his brother with a sword." The Ammonites "ripped open pregnant women" as a means to expand their territory. Moab

burned to lime the king of Edom's bones. For these crimes, Yahweh said he would "send" ("kindle" once) fire on the offending nations.<sup>73</sup>

Amos obviously believed that the nations' crimes deserved the direst of punishments. He also assumed that his audience would share his viewpoint. He was able to do so because Israel did not exist in a vacuum. We have already explored ancient Near Eastern attitudes about restraint during war. Undoubtedly Israel's ethics of war would have been similar to those of her neighbors. I am not suggesting that there were written rules or rudimentary international bodies to monitor war crimes. Such innovations would have to wait until the twentieth century C.E. Nevertheless, there were unwritten rules that had to be followed. By violating those rules, the nations opened themselves up for punishment.

The potency of unwritten rules cannot be minimized. Within a society there are a variety of unwritten rules that govern interactions between individuals. These rules are taught and/or absorbed from childhood. Those who break the rules, even though unwritten, often are forced to live on the fringe of society. Despite the fact that the rules are unwritten, most citizens of a society know that they exist, even if they rarely think about them. These rules are necessary to govern the peaceful interaction of the many members of society. We often think of these rules more in terms of customs and forget the force that they carry. Customary laws also govern the relations that exist between societies. In order for nations to coexist, there must be a common set of standards by

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<sup>73</sup> The Hebrew phrase is identical in six of the first seven oracles. Only the oracle against the Ammonites varies, the NRSV rendering the verb used, 'to kindle.' The promise of fire was an obvious reference to military defeat.

which to govern their interactions. We have already noted that such unwritten rules existed throughout the ancient Near East.<sup>74</sup>

The rules of war were presumably somewhat fluid in the ancient Near East and were sometimes ignored (as they are today). Certainly atrocities were committed. That does not, however, diminish the sense of outrage that would have been felt by the victims of such behavior when these rules were ignored. The ancient Assyrians had a reputation for committing various atrocities. In many instances, the reputation comes from the Assyrians themselves. According to some modern scholars, they used these atrocities as a form of psychological warfare. They expected, and indeed desired, a sense of outrage not only in their victims but in observing neutral parties. They engaged in shocking activities in order to motivate their victims to cooperate with them.<sup>75</sup> As Wolfram von Soden writes, “the Assyrians publicized their atrocities as a type of propaganda, so that peoples would submit to them without combat on account of their horrifying illustrations.”<sup>76</sup> It should be noted that this tactic would not have worked if the Assyrian behavior had not been considered outrageous, even by their peers. It should also be noted that atrocities were apparently committed as a reaction to broken treaties. The Assyrians felt justified in their actions as they were merely doing the work of the gods by punishing the miscreants

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<sup>74</sup> An excellent, highly readable historical account of diplomatic relations in the ancient Near East can be found in Podany, Amanda H. *Brotherhood of Kings : How International Relations Shaped the Ancient Near East*. Oxford: Oxford University Press, 2010.

<sup>75</sup> It could be argued that the perpetration of heinous crimes on one population actually led to less total loss of life because neighboring cities/states may have capitulated rather than being subjected to similar treatment. While this mode of thought is looked upon with suspicion today, it has had an active place in modern history. A similar argument was made to justify the dropping of atomic bombs on Japan during World War II.

<sup>76</sup> Wolfram von Soden, *The Ancient Orient: An Introduction to the Study of the Ancient Near East* (Grand Rapids, Mich.: W.B. Eerdmans, 1993), 86.

for their offending behavior.<sup>77</sup> Von Soden notes the Assyrian atrocities, however, were more the exception than the rule. Boasting of atrocities, he says, was not the usual practice in the ancient Near East. “That there was always humaneness alongside barbarism did not appear to [the Assyrians] to be worth mentioning, and was therefore forgotten, then as now.”<sup>78</sup>

There seems to be sufficient evidence to suggest that Amos was justified in condemning the behavior of the foreign nations on cultural grounds. This condemnation had its foundation in the conventional morality of the culture of the ancient Near East. This should not detract from the idea that Amos recognized himself as a spokesman for Yahweh. Although he was delivering a message from Yahweh, he couched it in terms that anyone in his culture should have been able to understand.

Before concluding this chapter, a brief excursus into the ancient Near Eastern concept of order versus chaos will also help place the book of Amos within its cultural background. Most ancient Near Eastern cultures possessed origin myths which explained the ordering of the world.<sup>79</sup> The world was usually envisioned as being born out of

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<sup>77</sup> This idea would give some credence to the viewpoint that the oracles against the nations should be set against a treaty backdrop. I am not enamored of the various treaty hypotheses. Most of them rely on some recognition of an idealized David Empire and involve painting Amos as an extreme nationalist. I am not convinced that he was. However, the notion that treaties existed between the various parties found in the oracles against the nations would go a long ways in explaining the dire punishments that Amos announces. Perhaps a case could be made that treaties were involved without making Amos out to be a nationalistic zealot.

<sup>78</sup> Soden, *The Ancient Orient*, 86. The Assyrian use of atrocities may well have represented an innovation in ancient warfare and would have been considered as shocking and uncivilized then as it is today. Much of this evidence postdates the time of Amos.

<sup>79</sup> The Egyptians had their chaotic sea, Nun, from which the first god Atum arose. Pritchard, *Ancient Near Eastern Texts*, 3. Ugarit had Ba'al and his fight against Yamm. Michael David Coogan, *Stories from Ancient Canaan*, 1st ed. (Philadelphia: Westminster Press, 1978), 75-115. The Babylonians envisioned the beginning of the world as a conflict between Tiamat and Marduk. Hallo and Younger, *Context of Scripture*, 1:390-402. The Hittites told the story of the Storm-god's victory over the serpent (Illuyanka) Hallo and Younger, *Context of Scripture*, 1:150-1. See Clifford for a survey of the various cosmogonies known throughout the ancient Near East. Richard J. Clifford, *Creation Accounts in the Ancient Near East and the*

chaos.<sup>80</sup> The gods subsequently conquered this unordered state and set up a precarious existence in which order ruled. Walton notes that “once established, the order that exists in the cosmos is constantly threatened with being undone.”<sup>81</sup> Existence being predicated on order, order must be kept at all costs. Thus ancient cosmogony reveals something of the importance of order to the ancient Near Eastern mind. Chaos relentlessly challenged order.

As the gods’ representative on earth, it was the king’s responsibility to prevent the triumph of chaos.<sup>82</sup> Warfare was simply a tool, then, in the important task of keeping chaos at bay. We have previously noted Crouch’s contention that the Assyrians maintained an ideology of “indigenous order over and against enemy chaos.”<sup>83</sup> So Amos’ prediction that the six nations would suffer punishment may well have been an indication that, in his mind, the actions of the nations represented the forces of chaos. Geyer notes

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*Bible*, Catholic Biblical Quarterly Monograph Series (Washington, D.C.: Catholic Biblical Association, 1994). Some understand the biblical Leviathan to be a remnant of a similar Hebrew story. While overt conflict is absent in the Genesis creation account, nevertheless there is a clear suggestion that Yahweh established order over what had previously been unordered. John Walton’s *The Lost World of Genesis One* attempts to demonstrate, from an evangelical perspective, that the intent of the Hebrew creation story was to describe the “functional” rather than physical creation of the universe. According to Walton, this involved the assigning of various functions to entities that previously had no function. His argument seems to suggest that the biblical Creation account involved the movement from chaos to order. John H. Walton, *The Lost World of Genesis One : Ancient Cosmology and the Origins Debate* (Downers Grove, Ill.: IVP Academic, 2009).

<sup>80</sup> John Walton warns that chaos in English may have different connotations than it did in the Greek from which the word originated. He suggests that “precosmic” might be a preferable rendering. This should be contrasted with the word cosmos, usually found in the same context with chaos. In the Greek the word implied order. Walton, *Ancient Near Eastern Thought*, 184-5.

<sup>81</sup> Walton, *Ancient Near Eastern Thought*, 185.

<sup>82</sup> Crouch gives a specific example of this. Tiglath-pileser III began his reign in 745 BCE, just after the conclusion of Amos’ ministry. Among his military exploits was the conquering of Damascus and occupation of Israel. Crouch says of his conquests: “The allusions indicate that behind Tiglath-pileser’s engagement in military activities is the idea that the king in battle is the earthly counterpart of the god, conquering the chaotic forces and thereby enabling the ordered existence of the universe.” Crouch, *War and Ethics*, 36.

<sup>83</sup> Crouch, *War and Ethics*, 21.

that, “The sin of the nations disrupted the order of cosmos. Such irregularity had to be eliminated before order, under the rule of Yahweh, could be restored. The same applied to the sin of Israel.”<sup>84</sup>

In spite of all the violent language used, the intention cannot be the total, literal elimination of nations. Apart from anything else that would be impracticable in actual history. The intention is the elimination from the world of that which is inimical to the rule of justice and righteousness, all that is contrary to the holiness of God.

This is not to say that the order/chaos dichotomy was foremost in Amos’ mind as he railed against the various crimes of the nations. Nevertheless it seems entirely plausible that the concepts of order and chaos formed a backdrop to his mode of thinking.

The order/chaos dichotomy may also serve as a bridge to link the military crimes of the nations with the social crimes of Israel.<sup>85</sup> The actions of the Hebrew nations could be thought of in terms of chaos, just as were the actions of the nations.<sup>86</sup> If, as Amos seems to believe, the religious and social crimes of the Hebrew nations disrupted order to the same degree that the military crimes of the foreign nations did, they were deserving of the same punishment. An examination of Israel’s crimes in light of the broader culture will help to illustrate his point.

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<sup>84</sup> John Geyer, *Mythology and Lament: Studies in the Oracles about the Nations*, Society for Old Testament Study monographs (Aldershot, England: Ashgate, 2004), 182.

<sup>85</sup> Israel’s crimes were not limited to the social sphere completely, however. Amos implicitly accuses them of religious guilt as well. For example, he later writes, “I hate, I despise your festivals, and I take no delight in your solemn assemblies. Even though you offer me your burnt offerings and grain offerings, I will not accept them; and the offerings of well-being of your fatted animals I will not look upon. Take away from me the noise of your songs; I will not listen to the melody of your harps. But let justice roll down like waters, and righteousness like an everflowing stream. (Amos 5:21-24)” Amos thus accuses Israel of insincerity in its worship of Yahweh.

<sup>86</sup> Again, Geyer makes the connection explicit. He adds to the above quoted statement that, “The same applied to the sin of Israel.” Geyer, *Mythology and lament*, 182.



#### IV. AMOS AND SOCIAL INJUSTICE

The crimes of the Hebrew states were of a different order than were the sins of the nations. Judah is condemned for “rejecting the law of the Lord.” As a result it, like the nations, was promised judgment. The bulk of Amos’ bile, however, was reserved for Israel. Unlike the oracles against all of the other nations, Israel is condemned for multiple crimes in the opening section of Amos. The rest of the book follows up on this initial indictment by adding further accusations against Israel. Many of his accusations concerned Israel’s disregard for cultural norms concerning the treatment of the poor. In this chapter we will explore in some detail Amos’ denunciation of Israel. We begin, however, with an examination of the domestic situation in Israel during the mid-eighth century BCE.

##### **Eighth Century Israel**

Amos lived at a seemingly enviable time. There was relative peace on the international scene. Both Judah and Israel took advantage of the comparative calm to expand their borders. Each nation flourished under the extended reign of a single king, respectively Uzziah in Judah and Jeroboam II in Israel. Israel, especially, enjoyed a period of stability rarely matched in its history. Jeroboam’s long reign extended the rule of Jehu’s family to a fourth generation. For almost one hundred years the northern kingdom had been unshaken by the turmoil that often accompanied dynastic change.

Jeroboam’s reign totaled forty-one years, the longest of any Northern Kingdom monarch.<sup>1</sup> History provides few details about his reign, but he must have been a capable king. That he was successful militarily we know from 2 Kings 14. Under his reign Israel

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<sup>1</sup> Hayes and Miller date Jeroboam’s reign from 785-745 BCE. Miller and Hayes, *History of Ancient Israel* 307.

expanded to encompass territory it had not controlled since the time of Solomon.<sup>2</sup> We can also conclude that Jeroboam was a competent administrator. He boasted a long reign in a nation noted for its coups and assassinations.<sup>3</sup> Israel prospered during Jeroboam's reign, a fact supported by archaeology. Note, for example, the large number of costly ivories unearthed from Samaria dating to Jeroboam's reign.<sup>4</sup> Israel's prosperity, however, was not shared by all her citizens. Most continued to eke out a sparse existence from the rocky ground that had sustained their ancestors for generations. A change had come to Israel, however. The story of that change needs to be told.<sup>5</sup>

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<sup>2</sup> Archaeology confirms the expansion of Israel during the mid eighth century. Finkelstein, for example, demonstrated that Israel expanded into Gilead and the Upper Jordan valley during Jeroboam's reign. He concluded, "It is clear, then, that in the days of Jeroboam II Israel reached its maximal territorial range, and included the entire northern part of the Jordan Valley and possibly even beyond." Israel Finkelstein, "Stages in the Territorial Expansion of the Northern Kingdom," *Vetus Testamentum* 61, no. (2011): 241.

<sup>3</sup> There were a total of eight *coups d'état* in the 215 years of Israel's existence. Larry G. Herr, "Archaeological Sources for the History of Palestine: The Iron Age II Period: Emerging Nations," *The Biblical Archaeologist* 60, no. 3 (1997): 134. Jeroboam's own dynasty began with the ouster of the Omride dynasty by his great-grandfather, Jehu, in 843. Jeroboam's son, Zechariah, would reign only six months before falling to a coup led by Shallum. Shallum himself lasted only one month before being supplanted by Menaham. That Jeroboam survived as long as he did is testament to his ability to navigate what must have been the rocky shoals of Israelite politics.

<sup>4</sup> For a broad overview of the ivories, see Philip J. King, *Amos, Hosea, Micah - An Archaeological Commentary* (Philadelphia: Westminster Press, 1988), 129-39. Over five hundred ivory fragments have been found in Samaria. Herr, "Archaeological Sources," 138. Some of the fragments included tenons, making it probable that they were meant to be mounted on wooden furniture. Eleanor Ferris Beach, "The Samaria Ivories, Marzeah, and Biblical Texts," *The Biblical Archaeologist* 55, no. 3 (1992): 131.

<sup>5</sup> The mid-eighth century in Palestine is considered by archaeologists to be a part of the Iron Age II period. Herr, "Archaeological Sources," 116. A broad consensus has been reached by scholars concerning the social and economic situation in Israel in the mid eighth century. The foundation of this research was laid in the 1980s and 90s. See, for example, the works of Chaney, Hopkins, and Lang. Marvin L. Chaney, "Ancient Palestinian Peasant Movements and the Formation of Premonarchic Israel," in *Palestine in Transition: The Emergence of Ancient Israel*, ed. David Noel Freedman and David Frank Graf (Sheffield, England: Published in association with the American Schools of Oriental Research by the Almond Press, 1983); Marvin L. Chaney, "Bitter Bounty: The Dynamics of Political Economy Critiqued by the Eighth-Century Prophets," in *Reformed Faith and Economics*, ed. Robert L. Stivers (Lanham, MD: University Press of America, 1989); Marvin L. Chaney, "Debt Easement in Israelite History and Tradition," in *The Bible and the Politics of Exegesis: Essays in Honor of Norman K. Gottwald on his Sixty-Fifth Birthday*, ed. Norman K. Gottwald et al. (Cleveland, Ohio: Pilgrim Press, 1991); David C. Hopkins, *The Highlands of Canaan: Agricultural Life in the Early Iron Age* (Decatur, GA: Almond Press, 1985); David C. Hopkins, "Bare Bones: Putting Flesh on the Economics of Ancient Israel," in *The Origins of the Ancient Israelite States*, ed. Volkmar Fritz and Philip R. Davies (Sheffield, Eng.: Sheffield Academic Press, 1996);

The land of Israel, unlike the land in Mesopotamia or Egypt, was not conducive to irrigation. The Jordan River, the most reliable river in the area, ran most of its course well below sea level and below the surrounding land. Farmers in Palestine thus had to rely on natural precipitation. While a sufficient quantity of rain usually fell to make agriculture productive, its distribution was problematic. The majority of rainfall came within a brief four to five month span.<sup>6</sup> There existed only a small window of opportunity in which to prepare the soil and plant the crops before the inevitable long dry period began. Seven months of hot, dry weather hardened the ground sufficiently to prevent Iron Age plows from breaking the soil.<sup>7</sup> Thus plowing for a new agricultural year could not take place until after the first rains (usually in October-November). Either a delay in these early rains or a marked difference in their normal quantity might prevent or postpone planting, thus leaving insufficient time for the crops to mature before the summer heat arrived. Rain which fell near the end of the rainy season provided sufficient moisture to allow the crops to ripen during the long dry season. If the latter rains failed to materialize, the farmer's yield would be drastically reduced. Flooding rains might wash away the farmer's seed. Insufficient time existed following the latter rains to allow replanted crops to establish themselves before the arrival of summer. Thus the rains had to fall at the right times and in the right amounts or the consequences for the farmer could be dire. David Hopkins has estimated that in three years out of ten the rains came in other than their usual pattern, threatening the harvest. In one or two years out of ten, there might have

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Bernhard Lang, "The Social Organization of Peasant Poverty in Biblical Israel," in *Anthropological Approaches to the Old Testament*, ed. Bernhard Lang (Philadelphia: Fortress Press, 1985).

<sup>6</sup> David C. Hopkins, "Agriculture," in *Near Eastern Archaeology: A Reader*, ed. Suzanne Richard (Winona Lake, Ind.: Eisenbrauns, 2003), 127.

<sup>7</sup> Oded Borowski, *Agriculture in Iron Age Israel*, Reprint ed. (Boston: American Schools of Oriental Research, 2002), 47.

been an overall lack of rain.<sup>8</sup> David Hopkins has concluded that the Iron II Age farmer utilized risk-spreading methods to counteract this perpetual uncertainty.<sup>9</sup>

Risk-spreading methods were often antithetical to increased yields, but survival trumped efficiency for the Iron II peasant farmer.<sup>10</sup> They staggered the planting of cereals to mitigate the effects of uneven rainfall patterns.<sup>11</sup> Reliance on a single crop was also risky, so farmers planted pulses and various types of vegetables as well as multiple types of cereals.<sup>12</sup> Farmers tended small vineyards and orchards to provide grapes, olives, and nuts, giving variety to their table.<sup>13</sup> These products required different labor patterns than

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<sup>8</sup> David C. Hopkins, "Life on the Land: The Subsistence Struggles of Early Israel," *The Biblical Archaeologist* 50, no. 3 (1987): 184. Lang notes that, in recent times, Iraqi peasants can break even if no more than one in four harvests fail. Bernhard Lang, "Peasant Poverty: Rent Capitalism in the Days of Amos," in *Hebrew Life and Literature: Selected Essays of Bernhard Lang*, ed. Bernhard Lang (Farnham, England: Ashgate, 2008), 50. The uncertainty of the rain may certainly have contributed to the ancient Near Eastern idea that chaos lurked just outside the door, waiting to slip in at the slightest opportunity.

<sup>9</sup> Hopkins, "Agriculture," 127. See also Hopkins, "Life on the Land," 185-89. and David C. Hopkins, "The Dynamics of Agriculture in Monarchical Israel," in *Society of Biblical Literature 1983 Seminar Papers*, ed. Kent Harold Richards (Chico, California: Scholars Press, 1983), 187-93. Much of this paragraph draws from the articles by Hopkins.

<sup>10</sup> Premnath defines a peasant as "small-scale rural cultivators who cultivate the land with access to simple technology for their own livelihood and for the transfer of the agricultural surplus to the dominant ruling class." D. N. Premnath, *Eighth Century Prophets: A Social Analysis* (St. Louis, Mo.: Chalice Press, 2003), 8. Lang writes that "A peasant is not a farmer or an agricultural entrepreneur but rather someone who maintains a household. Instead of earning a profit, he wants to feed his family, which is the basic economic unit." Lang, "Peasant Poverty," 49.

<sup>11</sup> Hopkins writes, "The labor demands of plowing and sowing could easily become burdensome toward the end of the approximately four-month season. In any case, ancient farming families practiced a strategy of 'staggered sowing' to accommodate the unpredictable shape of the rainfall pattern and spread the risk to the crops arising from a prolonged hiatus of rain after plowing and sowing began." David C. Hopkins, "'All Sorts of Field Work' Agricultural Labor in Ancient Palestine," in *To Break Every Yoke: Essays in Honor of Marvin L. Chaney*, ed. Robert B. Coote, Norman K. Gottwald, and Marvin L. Chaney (Sheffield: Sheffield Phoenix, 2007), 150.

<sup>12</sup> Wheat and barley were the primary cereals grown in antiquity. Barley produced less desirable bread, but it was more tolerant of drought conditions. See Zohary for details on the types of plants grown in antiquity. Daniel Zohary and Maria Hopf, *Domestication of Plants in the Old World: The Origin and Spread of Cultivated Plants in West Asia, Europe, and the Nile Valley*, 3rd ed. (Oxford New York: Oxford University Press, 2000).

<sup>13</sup> Olives and the oil they produced as well as tree nuts would have provided an important source of dietary fat. The human diet should include approximately thirty percent (by calories) of dietary fat. Unlike modern Westerners who struggled to remain under this percentage, farmers in the Iron Age would have had trouble

that needed for the cereals and thus complemented cereal production. Animal husbandry also contributed to the ethos of risk-spreading. Animals grazed on land unsuitable for agriculture. They were also allowed to graze on fallow land, contributing their manure to the fertility of the soil. The young were tasked with herding the animals, again complementing rather than competing with labor requirements. Animal products such as milk and butter expanded the variety of the family's larder. Animals also provided the raw materials necessary to clothe the farmer's family. Finally, animals represented a "disaster bank on the hoof."<sup>14</sup> Herds would have been allowed to increase in size in the good years, converting surplus vegetation into meat. During bad years, the herds could be thinned to conserve resources and provide food for the family. Farm life in Iron Age Palestine would thus have been labor intensive, inefficient, and fraught with risk but, given a reasonable chance, farmers would have normally met the needs of their families.

Several non-meteorological factors disrupted the farmers' ability to provide for their families, however. Perhaps their greatest challenge existed in the form of the monarchy.<sup>15</sup> The needs of the central government competed with the requirements of the subsistence farmer. By the mid eighth century, ruinous taxation left little surplus to carry the farmer through difficult times. The exactions of the state prevented the farmer from allocating his resources according to his experience and skill. Farmers often had to resort

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achieving it. Since the consumption of meat contributed far fewer calories to the ancient diet than it does the modern one, dietary fat had to come from plant rather than animal sources.

<sup>14</sup> Hopkins, "Life on the Land," 188.

<sup>15</sup> Ironically, it was perhaps the ancestors of the farmers that requested the elders to implore Samuel for a king. They requested a king because Samuel's sons "perverted justice (1 Sam 8:3)." They also desired to king to fight their battles for them, presumably leaving them to tend to their fields in peace. The denizens of ancient Israel discovered the hard way that one should always take care in what one wished for. Or, to put it another way, they found that is difficult to live without government, but also impossible to live with it. This, of course, is no news to the modern citizen.

to loans to see them through marginal years. Interest on the loans acted as a further tax, reducing further the available surplus. Eventually farmers faced the specter of eviction and loss of the land that had sustained their family, perhaps for generations.

The first monarchs of Israel maintained relatively small bureaucracies. By the eighth century, however, the size of the bureaucracy had grown enormously. The goals of the monarchy necessitated the maintenance of a diplomatic corps and a standing army. The diplomatic corps would have been tasked with developing markets for Israel's produce and the military were tasked with protecting the trade routes over which important commodities flowed.<sup>16</sup> In the eighth century, Jeroboam's military successes added territory to Israel. The king's personal estate probably also saw significant expansion.<sup>17</sup> This increased territory called for a concomitant increase in the bureaucratic structure necessary to support that territory. D. N. Premnath writes, "The need to oversee and administer the expanding kingdom resulted in the establishment and maintenance of a huge bureaucracy. The members of the bureaucracy were awarded land for their services. Thus emerged the systems of acquiring land through patrimony and land grants."<sup>18</sup> Premnath notes these grants were often considered hereditary. Over time a

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<sup>16</sup> An increased military would probably also have been necessary to quell any disturbances caused by the high taxation. Rainer Kessler writes, "It was only in the eighth century that the early form of the state gave way to a fully developed state. The crucial transition was not the evolution and increasing complexity of the initially rudimentary forms of state apparatus and modest fields of state activity. That was only the external aspect of the process. What was decisive, in terms of social history, was that the simple relationship between rulers and ruled characteristic of the early state gave way to a division of the ruled into classes with opposing social interests. The rulers were thus faced with the task of positioning themselves over and against the opposition." Rainer Kessler, *The Social History of Ancient Israel: An Introduction* (Minneapolis: Fortress Press, 2008), 103-4.

<sup>17</sup> Hopkins, "Dynamics of Agriculture," 200. It may be presumed that each dynasty would have incorporated the lands of the previous dynasty into its own domain. Jehu's dynasty thus may be presumed to have incorporated the lands of the previous Omride dynasty, a dynasty that was known for its wealth.

<sup>18</sup> Premnath, *Eighth Century Prophets*, 94. See also J. Andrew Dearman, *Property Rights in the Eighth-Century Prophets: The Conflict and its Background*, Dissertation series / Society of Biblical Literature (Atlanta: Scholars Press, 1988), 114.

relatively few families were able to amass a considerable amount of land. The growth of lands in the hands of the king and his retainers competed directly with the farmer's need for land to feed an increasing population.

Despite the increased size of the nation's bureaucracy, it should be noted that members of the bureaucracy and other well-to-do citizens constituted only a small proportion of the overall populace. Marvin Chaney estimates that no more than two percent of the population of the Hebrew nations controlled up to half of the total goods and services produced.<sup>19</sup> Thus the mid eighth century was characterized by increasing social and economic differentiation.<sup>20</sup>

Obviously Hebrew kings, their retainers, and other elites did not themselves suffer privation. Their positions allowed them to indulge in luxuries unavailable to the average Israelite. The privileged class increasingly used their vast estates to cultivate grapes,

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<sup>19</sup> Marvin L. Chaney, "Systemic Study of the Israelite Monarchy," *Semeia* 37, no. (1986): 55-6. Conversely, Chaney writes that seventy to ninety percent of the population consisted of peasant farmers. Chaney, "Systemic Study," 60. Magen Broshi and Israel Finkelstein have estimated the population of the kingdoms of Judah and Israel during the middle eighth century to be around 460,000. Magen Broshi and Israel Finkelstein, "The Population of Palestine in Iron Age II," *Bulletin of the American Schools of Oriental Research* 287, no. (1992). Assuming both Chaney and Broshi/Finkelstein are correct, than approximately nine thousand people belonged to the elite class that controlled half of the nation's economy. Conservatively assuming that the average elite household consisted of five persons, fewer than two thousand individuals wielded a disproportionate amount of power.

<sup>20</sup> Hopkins, "Bare Bones," 129. Hopkins specifically refers to the marked difference found in grave goods. Herr also discerned the differentiation in Iron Age society archaeologically. Specifically he notes the presence of palaces and large houses, a significant difference in pottery concentrations, and various status markers. Herr, "Archaeological Sources," 124. Herr, however, also notes that there is little evidence for the existence of the very poor. He suggests that there was some social mechanism which prevented extreme poverty. Herr, "Archaeological Sources," 126. There is a school of thought that suggests that early Israel existed as classless societies that only gradually become differentiated. The prophets are sometimes construed as conservative voices calling for a reversion to an earlier, egalitarian way of life in which there were no classes. (In some form, this seems to be the position of Chaney. Chaney, "Ancient Palestinian Peasant Movements." See especially pg 71-2. I am not convinced that this view is correct. To the best of my knowledge, truly classless communities have never existed for more than a short time anywhere but in utopian visions. To posit that Israel existed as not just a classless community, but as a classless nation, and did so for several generations seems to ignore basic human psychology. Bernhard Lang writes as much. "Recently, however, it has become clear...that the existence of an originally class-free and egalitarian society reflects wishful thinking rather than genuinely characterizing earliest Israel." Lang, "Peasant Poverty," 48.

olives, and wheat for commercial purposes in order to pay for their luxuries.<sup>21</sup> Wine and oil (and to a lesser degree wheat) were shipped throughout the ancient Near East in the eighth century and served as two of Israel's prime exports.<sup>22</sup> The consequent wealth from trade in commercial commodities did little to help the average farmer, however. Hopkins states that such trade "had only limited influence on the local economy or on the occupational distribution of the country's inhabitants."<sup>23</sup>

The increased size of the bureaucracy led the central government to levy higher taxes.<sup>24</sup> The burden of these taxes was ultimately borne by the subsistence farmer.<sup>25</sup> Taxes created multiple burdens for the farmer. For example, the temporal needs of the government did not necessarily coincide with the harvest season.<sup>26</sup> Taxes were often paid in kind. Unless their taxes were due at harvest time, farmers might be required to

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<sup>21</sup> Long distance trade was controlled by the king in the ancient Near East. Premnath writes, "It is important to keep in mind the fact that regional or interregional trade in agrarian societies of antiquity was initiated, maintained, and monopolized by the state/royal crown." Premnath, *Eighth Century Prophets*, 19. Like the bureaucracy, members of the trading guild were presumably few.

<sup>22</sup> Although wheat was a valuable export, wine and oil had a higher price to volume/weight ratio and thus brought a higher return on investment. Premnath, *Eighth Century Prophets*, 62. Chaney notes that regions of Israel became dedicated to the production of one or two products so as to maximize the amount of goods available for export. Chaney, "Bitter Bounty," 19. This reliance on a single crop destroyed the risk-spreading mechanisms that farmers had previously practiced and left them vulnerable to the inevitable bad year.

<sup>23</sup> Hopkins is here quoting Gerhard Lenski. Hopkins, "Dynamics of Agriculture," 195.

<sup>24</sup> Kings also "taxed" the labor of the citizens of the state through the use of the *corvée*. Citizens were forced to work for the state for a set period of time, time during which they would have prevented them from plowing, harvesting, or being otherwise involved in agricultural pursuits. Significantly, the burden of the *corvée* instigated the revolt of the northern tribes against Judah during the reign of Rehoboam. This revolt led to the formation of Israel as a separate state. Oded Borowski maintains that one of the reasons the *corvée* was so reviled was because it interrupted agricultural activities. Borowski, *Agriculture in Iron Age Israel*, 9n25.

<sup>25</sup> Hopkins refers to Lenski's contention that advanced agrarian societies may have seen as much as half of their value of goods lost to the government in the form of taxes. Hopkins, "Dynamics of Agriculture," 196-7.

<sup>26</sup> For example, Solomon required each of his twelve administrative districts to provide food for the royal household for one month of the year. (1 Ki 4:7). Hopkins, "Dynamics of Agriculture," 197.



reallocate the proportion of their fields given to commercial crops in order to meet their tax requirement at the time it was due. This reallocation often worked contrary to the risk-spreading methods farmers relied on. It may be presumed that the tax rate remained relatively steady while the yield of any given harvest might also be highly irregular. Thus in some years taxes could consume a significant fraction of a family's available resources.<sup>27</sup> To meet their increased obligations, farmers would have been required to increase production. This would have necessitated either an increase in yields, an increase in efficiency, or an increase in the amount of arable land put under cultivation. It was beyond the technological capability of the Iron Age farmer to significantly increase yield. Thus farmers had two options: to increase their efficiency and/or to bring more arable land under cultivation.

As we have already noted, increased efficiency came at the expense of a farmer's normally conservative approach to agriculture. It can be surmised, for example, that a farmer, faced with the necessity of increasing revenue, either by choice or by compulsion would have dedicated more land to the cultivation of olives and grapes. The labor required for this change would have been substantial and the farmer would have seen little immediate return on his investment. Hopkins notes that the grapevine does not begin to produce "substantial yields" for anywhere from three to five years. Olive trees could take ten to twenty years.<sup>28</sup> He further states that,

Establishing an orchard indefinitely subtracted land from the production of cereal and legume staples or pastoral pursuits at the same time as it

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<sup>27</sup> This seems to be the rationale behind Amos' complaint in Amos 7:1-2. "This is what the Lord GOD showed me: he was forming locusts at the time the latter growth began to sprout (it was the latter growth after the king's mowings). When they had finished eating the grass of the land, I said, 'O Lord GOD, forgive, I beg you! How can Jacob stand? He is so small!'"

<sup>28</sup> Hopkins, "All Sorts of Field Work," 165.

demanded a sizeable commitment of labor with no immediate subsistence gain. Notably the olive repaid the labor only in the long term; given human life spans, one planted an olive orchard for the next generation.<sup>29</sup>

Risk spreading thus became a casualty to the necessity of paying taxes to the central government.

There is also archaeological evidence to suggest that Israel's farmers attempted to bring more land under cultivation during the eighth century. Hillsides were terraced to increase the arable acreage.<sup>30</sup> The expenditure of effort required to build these terraces, however, would have been enormous and would have decreased the time available for other duties. Much of the new land was presumably suboptimal or it would have been cultivated in the first place. To reiterate, the time spent bringing new land under cultivation would have reduced the time available for other agricultural chores and yet the resultant return on investment would have been small.

The intensification of commercial farming during the eighth century conflicted directly with the ability of the peasant farmer to endure bad agricultural years. With less reserve to operate from, the farmer often had to rely instead on borrowed money.<sup>31</sup> The

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<sup>29</sup> Hopkins, "All Sorts of Field Work," 165.

<sup>30</sup> Hopkins dates the beginning of the building of these terraces to the eighth century. Hopkins, "Dynamics of Agriculture," 198-9. Herr cautiously concurs, although he mentions only a few terraces from the Jerusalem area and then only from Iron IIc, which he dates from the late eighth to the early sixth centuries. Herr, "Archaeological Sources," 156-7.

<sup>31</sup> Hopkins notes that the problems outlined above did not become acute until the eighth century because the expansion under David and Solomon provided additional land and a broader tax base which would have mitigated the effects of the centralized control of the monarchy. The population was not yet as dense in the ninth century as well. One would think that a similar expansion under Jeroboam II might have ameliorated the commercial/peasant conflict in the mid eighth century. Menahem Haran, however, writes that the apex of Jeroboam's kingdom did not occur until late in his reign (perhaps 755 BCE or a little earlier). Haran, "Empire of Jeroboam," 279-80. If Haran is correct, the expansion would not have occurred in time to alleviate the social ills about which Amos complained. Haran also estimates that the expansion was short-lived, perhaps only lasting seven or eight years. It should be noted that Jeroboam's expansion was termed a restoration in 2 Kings 14:25. Thus many of the population incorporated into the kingdom may well have already considered themselves citizens of Israel. Any relief that came at the expense of the newly re-conquered territories would still have had ill effects on at least a subset of Hebrew farmers.

peasant farmer would have had to turn to rich townspeople to provide the loans, probably at usurious interest rates.<sup>32</sup> Lang understands the resultant outcome as a form of rent capitalism.<sup>33</sup> Premnath asserts that the rich loaned money to the poor with the express intent of controlling their land.<sup>34</sup> The peasant farmer continued to work the land, but no longer controlled the decisions regarding its use. Landlords may have required that more land be dedicated to the production of commercial crops. The requirements of the monarchy thus caused a shift in the locus of decision making from the traditional family unit and other sub-tribal social units to the central government.<sup>35</sup> As Hopkins writes,

The chief importance for labor of social institutions relates to who controls the labor input. Under most circumstances, the farming family would prefer to devote its labor to agricultural production for its own consumption. Surplus would be stored, bartered, or shared. Under arrangements of heavy taxation, tenancy, or indebtedness, the same family could lose control of agricultural decision making, control of the fruit of its own labor, and even rights to its traditional land.<sup>36</sup>

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<sup>32</sup> Lang notes that Syrian farmers in the 1960's were paying 5-8% per month or 40-60% for six months. Fifth century BCE documents from Elephantine Egypt place interest rates at 5% per month. Lang, "Peasant Poverty," 50.

<sup>33</sup> Lang, "Peasant Poverty," 50-1.

<sup>34</sup> Premnath writes, "From the creditor's perspective, loans were offered not with the purpose of generating income through interest. The primary motivation for the creditor was to take control of the labor or land (of the debtor) or both." D. N. Premnath, "Loan Practices in the Hebrew Bible," in *To Break Every Yoke: Essays in Honor of Marvin L. Chaney*, ed. Robert B. Coote, Norman K. Gottwald, and Marvin L. Chaney (Sheffield: Sheffield Phoenix, 2007), 174. Lang concurs. He notes, "As a rule, credit is advanced by a rich townsman who often becomes the actual owner of the cultivated land. Thus ownership of land and provision of labour become separated: whereas responsibility for agricultural production remains with the small family, the land itself is entirely or in part owned by a landlord." Lang, "Peasant Poverty," 50. Land held as collateral effectively, if temporarily, belonged to the loan owner by virtue of the fact that the creditor had right of use of the land. Premnath, "Loan Practices," 175. If the borrower was unable to repay their loan, ownership of the land presumably was permanently transferred to the creditor.

<sup>35</sup> The negative effects of the centralization of decision-making impacted the nation of Judah as well. Micah, a near contemporary of Amos, leveled many of the same criticisms familiar from the book of Amos against the leaders in Judah. Note, for example, Micah 2:1-2. "Alas for those who devise wickedness and evil deeds on their beds! When the morning dawns, they perform it, because it is in their power. They covet fields, and seize them; houses, and take them away; they oppress householder and house, people and their inheritance."

<sup>36</sup> Hopkins, "All Sorts of Field Work," 150.

A (substantial) portion of the peasants produce would have been paid as rent to the creditor to satisfy their debt.<sup>37</sup> Rent, on top of the requisite taxes, only added to the burden of the eighth century farmer. As more land became dedicated to cash crop production, less land remained to provide food for the farmer's family. The farmer would have been forced to purchase items they once would have grown themselves. The scarcity of land dedicated to victuals would have increased the price of common foods. Premnath suggests that peasants, unfamiliar with market conditions, would have found themselves easily cheated.<sup>38</sup>

The burden of loan payments and taxes would have created significant stress on the eighth century Hebrew farmers. Over time many of these farmers must have defaulted on their loans. Ultimately the land would have been foreclosed on. While the particulars of Israelite legal practices are unknown, it must be presumed that the act of foreclosure required an intervention by the courts. The courts in the eighth century, however, were not the courts of earlier Israel. Israel's early court system was village based. Judges were drawn from the surrounding families and clans and were thus presumably of a similar social stratum as the contestants in any particular lawsuit. The monarchy, however, overlaid a centralized judicial system on top of the earlier, village-based system. These

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<sup>37</sup> Premnath, in his essay on loan practices in the Hebrew Bible, lists four mechanisms that a creditor might resort to in order to assure the return of his investment. In the first a debtor pledged collateral as assurance that the debt would be paid. While the debt was outstanding, the creditor had the right of usufruct from the collateral. If the collateral was land the creditor could take its agriculture produce. If it was a person, that person was required to serve the creditor until the loan was repaid. A second debt mechanism allowed a creditor to seize a debtor's property or person (holding them in distraint) until the debt was paid. Again, the creditor could utilize the property or services of the person while waiting for repayment of the debt. A third method involved the guarantee of a third party that payment would be made (Surety/Guarantorship). Finally a creditor could resort to legal measures to force satisfaction of the debt. Premnath, "Loan Practices," 174-8. In the first two scenarios, the creditor enjoyed use of the collateral at some point in the transaction.

<sup>38</sup> Premnath, "Loan Practices," 130.

courts would have been unfamiliar with local conditions. The judges, as part of the bureaucracy, would have had a vested interest in seeing the concerns of the commercial farmer prevail over those of the subsistence farmer.<sup>39</sup> Consequently the eighth century prophets accused the courts of participating in land steals. Dearman writes, “The culprits of the prophets’ accusations are not simply the anonymous rich and powerful in a community but are those who benefit from official status and position.”<sup>40</sup>

The once independent farmer, having lost his land, became a day laborer with all the consequent instability of that social position.<sup>41</sup> The loss of the land not only had tremendous economic and social implications, but political and religious ones as well.<sup>42</sup> The rich grew richer and they did so at the expense of the poor.

The above sketch has been drawn from biblical texts as well as anthropological models. Archaeology, too, has done its part in illuminating the social structure of the eighth century in Israel. Several archaeological discoveries bear particularly on the above

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<sup>39</sup> Dearman presumes that the central courts were responsible for much of the conflict noted in the eighth century prophets. He writes that, “by the eighth century a state administrative/judicial system, with royally appointed officials as its administrators, had developed which overshadowed and overlay the authority of the traditional administrative system (the local assembly of elders). This development was very probably a primary contribution to the conflict over property rights in that century.” Dearman, *Property Rights*, 78. See also Chaney. Chaney, "Bitter Bounty," 27.

<sup>40</sup> Dearman, *Property Rights*, 102.

<sup>41</sup> Chaney, "Systemic Study," 72-3.

<sup>42</sup> “One’s civil rights and obligations were often tied to landownership so that the loss of property meant exclusion from important political processes as well.” Dearman, *Property Rights*, 73. Theologically, the ownership of land was considered a blessing of YHWH, and thus loss of that land would have theological implications. Dearman, *Property Rights*, 67-8. This would have been especially so if permanent ownership of the land was considered to be a right given by Yahweh. Whether alienation of land was allowable in Israel is an open question. Chaney, on the strength of the Ahab/Naboth story of 1 Ki 21, concludes that “Israelite customary law forbade outright sale or trade” of the land. Chaney, "Bitter Bounty," 26. Dearman disagrees. He concludes, “To summarize briefly, there is textual evidence for both a conservative, probably agrarian, viewpoint of land tenure that sought to keep immovable property as a family heritage, and for a more commercially oriented view that assumed the right of ownership included the right of alienation.” Dearman, *Property Rights*, 70. It seems clear to me that Amos and the other eighth century prophets understood land to be inalienable.

reconstruction. First are the so-called *lmk* jars. These fragmentary pieces of pottery jars contained traces of wine and olive oil. Stamped on the handles of the jars were the Hebrew letters *lmk*, a phrase meaning “for or belonging to the king.”<sup>43</sup> These jars were found in four particular sites in Judah, usually thought to be either military and/or administrative centers.<sup>44</sup> It is thought that the jars contained the wine and oil collected in taxes that were then distributed to the various centers for use.<sup>45</sup>

Archeology has also documented an increase in wine and olive cultivation and production in the eighth century. During the Iron Age, and especially during Iron Age II Palestine, the technology of olive production became more sophisticated. These technological advances were necessary to process the vast quantity of olive oil produced. By far the most impressive finds related to the olive industry have been discovered at Tel Miqne, biblical Ekron. Ekron was located in the territory that had traditionally belonged to the Philistines, but was probably in the hands of Israel during the eighth century. During Iron II, Ekron was a large city occupying fifty acres and home to as many as 6,250 people.<sup>46</sup> While only four percent of Ekron has been excavated, 115 olive oil installations have been found. It has been estimated that Ekron produced as much as

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<sup>43</sup> Paula M. McNutt, *Reconstructing the Society of Ancient Israel*, Library of Ancient Israel (Louisville, Ky.: Westminster John Knox Press, 1999), 150.

<sup>44</sup> The sites mentioned in the ostraca were Hebron, Socoh, Ziph, and *Mmšt*. The latter site is unknown but, like the others, is presumed to have been located in the hill country of Judah, just as the other three sites are. Premnath, *Eighth Century Prophets*, 59.

<sup>45</sup> McNutt writes, “The vessels apparently were royal property and served to provision official places in various locations, although it is not clear who was supplied with the provision or where they originated.” The *lmk* jars are thought to belong to the late eighth century. McNutt, *Reconstructing*, 158.

<sup>46</sup> Seymour Gitin, “Tel Miqne-Ekron in the 7th Century B.C.: City Plan Development and the Oil Industry,” in *Olive Oil in Antiquity; Israel and Neighboring Countries from the Neolithic to the Early Arab Period*, ed. David Eitam and Michael Heltzer (Padova: Sargon srl, 1996), 219,31.

290,000 gallons of olive oil or one thousand tons per year.<sup>47</sup> This quantity would have provided oil sufficient to supply over fifty-two thousand people for a year. Since this number is many times the presumed population of the city, it is obvious that Ekron was producing oil for export.

It is estimated that as many as two thousand people were involved in oil production in Ekron.<sup>48</sup> The quantity of oil produced at Ekron would have required as many as ten thousand jars per year to store and ship the oil, requiring a large complement of potters (perhaps day laborers?) as well.<sup>49</sup> Over twelve thousand acres of land planted in olive trees would have been necessary to supply the oil produced by Ekron.<sup>50</sup> Most of the olive presses found at Ekron were of the same type. This suggests that the industry was planned and did not just evolve haphazardly.<sup>51</sup> Thus archaeology gives us a sense of the scale of commercial agriculture during the time of Amos.

Various literary remains also attest to the commercial ventures of Israel. For example, ostraca (fragments of broken pottery) from Samaria appear to be tax receipts.<sup>52</sup> An ostrakon from Tell Qasile in Israel seems to be a bill for a quantity of oil sent from the

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<sup>47</sup> Robert I. Curtis, *Ancient Food Technology* (Leiden: Brill, 2001), 228-29; Frank S. Frick, "'Oil from Flinty Rock' (Deut 32:13): Olive Cultivation and Olive Oil Processing in the Hebrew Bible - A Socio-materialist Perspective," *Semeia* 86, no. (1999): 13.

<sup>48</sup> Curtis, *Ancient Food Technology*, 228-29.

<sup>49</sup> The Ekron oil jar held about 23 quarts. It would have taken about 5400 square feet to store that number of jars. David Eitam and Michael Heltzer, eds., *Olive Oil in Antiquity; Israel and Neighboring Countries from the Neolithic to the Early Arab Period* (Padova: Sargon srl, 1996), 183.

<sup>50</sup> Curtis, *Ancient Food Technology*, 228-29.

<sup>51</sup> Eitam and Heltzer, eds., 179.

<sup>52</sup> McNutt, *Reconstructing*, 150. Premnath also mentions that the ostraca demonstrate the existence of estates which produced large quantities of wine and oil. Premnath, *Eighth Century Prophets*, 62. The Samarian ostraca may be assigned to the early and mid-eighth century BCE. Premnath, *Eighth Century Prophets*, 61-2.

royal estate in Israel to a town in either Phoenicia or Egypt.<sup>53</sup> The Yavneh-Yam letter is an intriguing find. It does not document a commercial transaction, but rather contains a plea for relief. The unknown writer was a laborer employed in the grain harvest. For an unspecified reason, a certain (presumed) official seized the letter writer's garment. The writer petitions for the return of his garment, claiming to be guilty of no crime. The addressee of the letter is unknown. It has been suggested that the letter was "an extrajudicial petition addressed to the king."<sup>54</sup> The concluding part of the letter reads, "So please return my garment. If the official does not consider it an obligation to return your servant's garment, then have pity upon him and return your servant's garment from that motivation. You must not remain silent when your servant is without his garment."<sup>55</sup> This letter, although dating about a century after the time of Amos, documents the plight of a common laborer. Unfortunately the resolution of the laborer's case is unknown, but it is clear that he was attempting to obtain the justice that he felt had been denied him. The author of the Yavneh-Yam letter might well provide the voice of the numerous and nameless peasant farmers from eighth century Israel.

To summarize, then, the prosperity of Jeroboam's kingdom was enjoyed by only a relative few. As Dearman notes, "the wealth and power of Jeroboam's kingdom have been overestimated; it is likely that only the court and its officials were well-to-do in this period."<sup>56</sup> These few used their wealth to perpetuate their positions, often at the expense

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<sup>53</sup> The Tell Qasile ostrakon dates to the eighth century. Premnath, *Eighth Century Prophets*, 65.

<sup>54</sup> F. W. Dobbs-Allsopp, "The Genre of the Mesad Hashavyahu Ostrakon," *Bulletin of the American Schools of Oriental Research* 295, no. (1994): 52.

<sup>55</sup> Hallo and Younger, *Context of Scripture*, 3:78. Dennis Pardee dates the letter to the later part of the seventh century. Hallo and Younger, *Context of Scripture*, 3:77.

<sup>56</sup> Dearman, *Property Rights*, 139-40.



of the small, landed farmer. It is against this backdrop that Amos delivered the various oracles that make up the book that bears his name.

### **A Catalog of Israel's Crimes**

The following catalog of Israel's crimes is not intended to be comprehensive. The most extensive texts in Amos describing the conditions in eighth century Israel are surveyed, however. Particular attention is paid to Amos' identification of both the rich and the poor. Where appropriate, parallels from the other eighth century prophets will be cited.<sup>57</sup>

**Amos 2:6-8.** Thus says the LORD: For three transgressions of Israel, and for four, I will not revoke the punishment; because they sell the righteous for silver, and the needy for a pair of sandals—they who trample the head of the poor into the dust of the earth, and push the afflicted out of the way; father and son go in to the same girl, so that my holy name is profaned; they lay themselves down beside every altar on garments taken in pledge; and in the house of their God they drink wine bought with fines they imposed.

Amos' initial set of charges against Israel, contained in the oracles against the nations, sets the tone for the rest of the book. Amos here introduces the nature of Israel's crimes and identifies the victims. The text includes four pairs of indictments.<sup>58</sup> The first couplet introduces two classes of victims. The first Amos labels the righteous (Hebrew קִדְיִם, *ṣadīq*). Paul suggests the term could mean “innocent guiltless party” or, “in a nonforensic sense, an ‘honest man.’”<sup>59</sup> Amos describes the second group of victims as the

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<sup>57</sup> It is generally accepted that there were four prophetic works originating in the eighth century: Amos, Hosea, Micah, and Isaiah. (Scholars generally date only the first thirty-nine chapters of Isaiah to the eighth century.) Amos, although from Judah, carried on his prophetic ministry in the north. Hosea's ministry also covered the northern kingdom of Israel. Unlike Amos, Israel was his native country. Both Micah and Isaiah were Judean and their ministry was in the south.

<sup>58</sup> Paul notes that, unlike the accusations against the other nations, the indictments against Israel “are in the present and reflect the social situation current at the time of the prophet himself.” Paul, *Amos*, 79.

<sup>59</sup> Paul, *Amos*, 77.

עֲבִיּוֹן (*‘ebyôn*). The NRSV translates this as “the needy.” J. David Pleins understands the word to denote the beggarly poor.<sup>60</sup> The word is one of a number of Hebrew words expressing the basic idea of poverty.

It must be noted that poverty carried a different connotation in the ancient Near East than it does in modern Western societies. W. R. Domeris explains;

Where Western thinking stresses the economic aspect of poverty, the ANE understood poverty in the context of shame and honor. So the possession of land, power, economic security, and social status made a person rich, and the absence of these factors made a person poor.<sup>61</sup>

The poor were also understood to have a special relationship with the divine. We have already seen how Near Eastern societies paid at least lip service to the idea that the poor were to be protected. Amos’ opening salvo against Israel thus involves crimes that were considered to be crimes not only within the borders of Israel, but throughout the broader culture. Israel’s crimes could be construed to be of a social and economic nature. The special relationship between Yahweh and the poor would have made Israel’s crimes religious as well as economic and social.<sup>62</sup>

Although the victims are clearly identified, the exact nature of the crime mentioned in this couplet is debated. Andersen and Freedman compare Amos’ indictment to an Assyrian document that mentions the selling of a person for a garment. They suspect that the Assyrian construction may be a proverb that is now impenetrable.

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<sup>60</sup> J. David Pleins, "Poor, Poverty," in *The Anchor Bible Dictionary*, ed. David Noel Freedman (New York: Doubleday, 1992), 403.

<sup>61</sup> W. R. Domeris, "עֲבִיּוֹן," in *New International Dictionary of Old Testament Theology and Exegesis*, ed. Willem VanGemeren (Grand Rapids, Mich.: Zondervan Pub. House, 1997), 1:228.

<sup>62</sup> E. Gerstenberger writes, “Everywhere in the ancient Near East the socially weak have a particular relationship to the divinity. ... Against this background it is understandable that *‘ebyôn* acquires a religious nuance in the OT.” E. Gerstenberger, "הבא," in *Theological Lexicon of the Old Testament*, ed. Ernst Jenni and Claus Westermann (Peabody, Mass.: Hendrickson Publishers, 1997), 1:18.

Nevertheless, they conclude that Amos is referring to the fact that the righteous poor were being sold for a small amount.<sup>63</sup> They also note that selling here may well refer to selling into debt slavery.<sup>64</sup> Many scholars accept the basic argument that Amos is here describing the selling of the poor into debt slavery for a trifling amount of debt.<sup>65</sup> Shalom Paul, however, rejects this common understanding. He notes that the word translated ‘sandals’ is a hapax legomenon, found only here in the Hebrew Bible. He argues that, by simply repointing the Hebrew word it can take on the meaning of “a hidden gift” or even “payoff.”<sup>66</sup> Paul thus understands Amos to be alleging that the needy were “sold out.” Their worth as humans was considered less important than the profit they could bring. If Paul is correct, then Amos essentially accuses Israel (specifically her wealthy) of being complicit in the same kind of crime for which he indicted Tyre and Edom. Paul concludes that Amos condemned Israel for displaying a “lack of pity and contempt for human dignity.”<sup>67</sup>

Ari Shveka makes a compelling case that the mention of shoes in this context derives from a custom also known from the Hittite laws.<sup>68</sup> In particular, law 22 indicates that a Hittite returning a runaway slave from a short distance would be granted a pair of

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<sup>63</sup> Andersen and Freedman, *Amos*, 310-11.

<sup>64</sup> Andersen and Freedman, *Amos*, 313.

<sup>65</sup> Wolff, for example, says of this verse: “The stated reason for this selling of human beings was to satisfy creditors demanding monetary compensation for ‘silver’ owed them, or even in lieu of other payment for a mere ‘pair of sandals’ (which had been stolen, or borrowed and then lost?)” Wolff, *Amos*, 165.

<sup>66</sup> Paul, *Amos*, 78-9.

<sup>67</sup> Quoting W. Rudolph. Paul, *Amos*, 79.

<sup>68</sup> Shveka finds parallels in several of the Mesopotamian laws as well. Avi Shveka, "For a Pair of Shoes: A New Light on an Obscure Verse in Amos Prophecy," *Vetus Testamentum* 62, no. 1 (2012): 99-100.

shoes.<sup>69</sup> Shveka concludes that Amos was inveighing particularly against the very institution of debt-slavery.<sup>70</sup> Regardless of which interpretation is correct, Amos immediately identifies the victims as being the righteous and innocent poor. The culprits he describes as greedy and insensitive to the needs of the poor.<sup>71</sup>

The second couplet states that the heads of the poor are “trampled into the dust” and the afflicted are “pushed out of the way.” Amos here utilizes two different Hebrew words to denote poverty. The first is the plural דַלִּים (*dalim*). The word seems to denote the poor peasant farmer.<sup>72</sup> Members of this group were not totally destitute. Rather, they had enough to be subject to taxation.<sup>73</sup> The word translated “afflicted” in the NRSV represents the Hebrew word אֲנָוִים (*ʾanawim*). It seems to be a fairly generic word for the poor although both here, in Amos 8:4, and in Isaiah 32:7, the word is linked to social

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<sup>69</sup> Shveka suggests that the reward may have consisted of the runaway slave’s shoes. This would not have amounted to much in the way of a reward for the returnee; however it would have made it difficult for the slave to reoffend. Shveka, "For a Pair of Shoes," 103 n. 20. Assuming a parallel, the shoes in Amos should be seen as literal shoes and not a mere symbol for an insignificant sum. Presumably the shoes would have had little in the way of real economic value. A slave returned from a progressively longer distances would have netted the returnee anywhere from two shekels up to six shekels. A slave returned from a foreign country became the property of the returnee.

<sup>70</sup> Shveka concludes, “The very existence of the debt-slavery phenomenon must be the subject of Amos’ admonition.” Shveka, "For a Pair of Shoes," 103.

<sup>71</sup> A recent study suggests that, while greed may not be the sole province of the wealthy, it nevertheless commonly characterizes them. The study determined that, “Relative to lower-class individuals, individuals from upper-class backgrounds behaved more unethically in both naturalistic and laboratory settings.” Paul K. Piff and others, "Higher Social Class Predicts Increased Unethical Behavior," *Proceedings of the National Academy of Sciences* 109, no. 11 (2012): 4088. Several factors might account for such a conclusion. For example, the authors write that the well-to-do have more resources to draw upon to counter any consequences of unethical actions. The wealthy may also have a sense of entitlement and a reduced concern for other’s evaluations. The study argues that a variety of factors “may promote values among the upper class that justify and even moralize positive beliefs about greed.” Piff and others, "Higher Social Class," 4089. In a conclusion highly relevant to this monograph, the authors conclude, “Unethical behavior in the service of self-interest that enhances the individual’s wealth and rank may be a self-perpetuating dynamic that further exacerbates economic disparities in society...” Piff and others, "Higher Social Class," 4089. As we will soon discover, Amos would agree with most of the results of this study.

<sup>72</sup> Pleins, "Poor, Poverty," V:405.

<sup>73</sup> M. Daniel Carroll R., "ללד," in *New International Dictionary of Old Testament Theology and Exegesis*, ed. Willem VanGemeren (Grand Rapids, Mich.: Zondervan Pub. House, 1997), 1:951.

injustice.<sup>74</sup> Once again Amos depicts the poor as being treated with contempt. The exact meaning of the couplet is difficult, but it is clear that the poor are deliberately mistreated and possibly even physically abused.<sup>75</sup> It has also been suggested that the phrase “push the afflicted out of the way” bears a legal connotation and thus might be understood as the denial of legal justice.<sup>76</sup> Paul concludes that the poor are “bullied and oppressed by the wealthy, who deprive and block them from obtaining the privileges and prerogatives to which they are naturally entitled.”<sup>77</sup> Thus, according to Irani’s definition given above, the poor were denied justice.

In his third indictment Amos accuses a father and son of “going into” the same girl. The verb used in this text is commonly understood as referring to a sexual encounter.<sup>78</sup> The word denoting girl indicates a young woman of marriageable age.<sup>79</sup> Thus some scholars assume Amos is here referring to some form of sexual irregularity or perversion. This seems to be the position of Andersen and Freedman. They understand “the girl” (הַנְּעָרָה, *na'arâ* in Hebrew) of the text as referring to a prostitute, perhaps a cultic

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<sup>74</sup> Pleins, "Poor, Poverty," 5:411. Wolff translates the word as “oppressed,” although it must be noted that Wolff’s work is itself a translation from the German. Wolff, *Amos*, 130. Andersen and Freedman understand the word to mean “the humble.” Andersen and Freedman, *Amos*, 309.

<sup>75</sup> Andersen and Freedman, *Amos*, 316. See the standard commentaries for a discussion of the difficulties involved in translating this couplet.

<sup>76</sup> Douglas K. Stuart, *Hosea-Jonah*, Word Biblical Themes (Dallas: Word Pub., 1989), 317.

<sup>77</sup> Paul, *Amos*, 81.

<sup>78</sup> Andersen and Freedman assume a sexual meaning. Andersen and Freedman, *Amos*, 318-9. Wolff makes it explicit: “The reproach addresses the case of ‘a man and his father’ consorting sexually with ‘the (same) maiden,’ since there the expression אֵל הַלֵךְ (literally ‘to go unto’) means nothing less than ‘to copulate with.’” Wolff, *Amos*, 166-7. Paul uses Akkadian and Middle Babylonian examples to demonstrate that the cognate verb is used specifically to refer to sexual activity. Paul, *Amos*, 82-3. Hosea also accused Israel for its sexual practices. He says, “Ephraim is joined to idols— let him alone. When their drinking is ended, they indulge in sexual orgies; they love lewdness more than their glory” Hos 4:17-8). He later condemns them because “They are all adulterers; they are like a heated oven, whose baker does not need to stir the fire, from the kneading of the dough until it is leavened” Hos 7:4).

<sup>79</sup> Wolff, *Amos*, 167.

one.<sup>80</sup> However, I believe the context suggests a deeper meaning. All three of the other couplets comprising this oracle relate to economic crimes perpetrated against the poor. It seems reasonable to assume that this infraction also involves the misuse of poor. The meaning of the text revolves around the identity of the girl. Jeremiah understands her to be a minor, perhaps dependent on a master.<sup>81</sup> He concludes that “Amos sees before him a society in which sexual desire determines a person’s actions, desire shamelessly selecting socially dependent persons as its victims.”<sup>82</sup> Jeremiah is correct as far as he goes. He does not identify the reason for the dependency, however. Paul places her as a member of the *דָּלִים* and the *עֲנָוִים* of the previous verse.<sup>83</sup> Reiner Kessler correctly writes, “the ‘girl’ to whom, according to Amos 2:7, ‘father and son go in,’ is apparently a daughter already given into debt slavery and is sexually abused by her owners and overseers.”<sup>84</sup> Thus the crime identified here is both sexual and economic. The girl has been put into the position where she was sexually abused because she was poor. Perhaps this is the reason Amos couples the abuse of the girl with the profanation of Yahweh’s holy name. He considers the abuse of the girl as a crime, not just against her, but against Yahweh as well. Israel’s crime, even by the standards of the surrounding nations, was indefensible.

The final couplet, like the third, again connects social and economic crimes with religious ones. Amos accused Israel of using items intended as collateral for debt in their

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<sup>80</sup> Andersen and Freedman, *Amos*, 318.

<sup>81</sup> Jeremiah, *Amos* 37.

<sup>82</sup> Jeremiah, *Amos* 37.

<sup>83</sup> Paul, *Amos*, 82-3.

<sup>84</sup> Kessler, *Social History*, 109. This is also the position of Joseph Jensen. He writes, “It is a matter of the exploitation of the weak, the maid or slave girl (*na’arā* can mean either) who is unable to reject the advances of the males, young or old, in whose home she works.” Joseph Jensen, *Ethical Dimensions of the Prophets* (Collegeville, Minn.: Liturgical Press, 2006), 79.

worship. It is unclear whether Amos understands the multiple altars he refers to as altars to Yahweh or to some other deity. This text may contain an implicit criticism of the heterodoxy of Israel, although this theme is largely absent from the book.<sup>85</sup> Perhaps the text might also offer a veiled critique of Israel's multiple shrines to Yahweh. What seems clear, however, is that Israel is once again accused of violating a law that was well known throughout the ancient Near East. Amos appears to charge the wealthy with holding a surrendered garment overnight. This was clearly a violation of the Hebrew law which states that a cloak taken in pledge must be returned before sundown.<sup>86</sup> Mesopotamian society had similar laws. Paul notes that Hammurabi's laws "forbid the distraint of a debtor's corn (LH 131) or his ox (LH 241)..."<sup>87</sup> He concludes that Hammurabi's code, like the Covenant Code in Exodus, attempted to protect the poor from losing "their only means of subsistence."<sup>88</sup> The Yavneh-Yam letter, mentioned above, also presupposes that the garments of the poor could not be indefinitely withheld from them.

The second stanza of this couplet accuses the rich of financing cultic (perhaps sacrificial?) wine from fines imposed on the poor. Andersen and Freedman understand

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<sup>85</sup> The slightly younger book of Hosea, however, heavily criticizes Israel for her worship of other gods. For example, Hosea 4:12-13 reads, "My people consult a piece of wood, and their divining rod gives them oracles. For a spirit of whoredom has led them astray, and they have played the whore, forsaking their God. They sacrifice on the tops of the mountains, and make offerings upon the hills, under oak, poplar, and terebinth, because their shade is good. Therefore your daughters play the whore, and your daughters-in-law commit adultery."

<sup>86</sup> According to Ex 22:25-27, "If you lend money to my people, to the poor among you, you shall not deal with them as a creditor; you shall not exact interest from them. If you take your neighbor's cloak in pawn, you shall restore it before the sun goes down; it may be your neighbor's only clothing to use as cover; in what else shall that person sleep? And if your neighbor cries out to me, I will listen, for I am compassionate." The Deuteronomic Code had a similar provision although it was directed specifically to the protection of widows. "Thou shalt not pervert the judgment of the stranger, nor of the fatherless; nor take a widow's raiment to pledge..." Deut 24:17. The seizing of person or property to assure the payment of a debt is known as distraint.

<sup>87</sup> Paul, *Amos*, 85.

<sup>88</sup> Paul, *Amos*, 85.

this charge as being directed against the priests.<sup>89</sup> Priests probably functioned as government officials and were thus a part of the bureaucracy. Amos seems to be accusing them of being complicit with the wealthy in the robbery of the poor. Wolff writes that the fines delineated in the Hebrew Bible were meant to be used “to make restitution for damages and not to finance drinking bouts.”<sup>90</sup>

Amos is not accusing the rich of being irreligious. The opposite seems to be the case. The wealthy, at least in their own eyes, considered themselves to be very religious. They were, however, more concerned with their rites than they were with treating fellow Hebrews with dignity. They ignored Yahweh’s obvious concern for the poor as well as the ancient Near Eastern standards for relating to the oppressed.

Note that, although the victims have so far been clearly identified, Amos has not yet specified the identity of the offenders. There is little mystery about who they are, however. They are the ones who have the ability to “trample the head of the poor” and “push the needy out of the way” and the means to “sell the righteous for silver.” It is unlikely that Amos is here referring to other members of the lower classes. The middle class had little presence in antiquity. Obviously the target of Amos’ ire was the well-to-do in Israel. This is not to suggest that Amos was engaging in class warfare. Israel, like the nations surrounding it, was a hierarchically structured society. Amos does not attack the foundations of a society so constructed; it was considered part of the natural order of the world. However, as we have seen, it was the responsibility of the king to preserve that order by acting justly and fairly. The ancient Near Eastern notion of justice presupposed

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<sup>89</sup> Andersen and Freedman, *Amos*, 320.

<sup>90</sup> Wolff, *Amos*, 168. See also Stuart, *Hosea-Jonah*, 317.



that the poor were to be protected. The failure of Israel to do so Amos regarded not only as a social and economic crime but as an affront to Yahweh. In a manner that would have been natural in the ancient Near East, he laid the responsibility for that failure at the feet of the leaders of society. There may have been members of the middle class who took advantage of the poor and some of the poor themselves may have participated in the exploitation of other poor people. And perhaps not all of the upper class were as venal as those described in the text. Nevertheless, it was Israel's affluent that set the tone for society and they, at the very least, permitted and often engaged in the exploitation of the poor. Thus Amos targeted the wealthy, as a class, in his indictments. Throughout this monograph I will, like Amos, use the wealthy as a convenient label to include all those involved in corrupting Israel's society, regardless of class. The wealthy, however, bore the lion's share of the responsibility because they functioned as leaders in Israel and because only they, of all of the people of Israel, held the power to change society.

**Amos 2:12.** "But you made the nazirites drink wine, and commanded the prophets, saying, "You shall not prophesy."<sup>91</sup>

This accusation bears no obvious connection to the ill treatment of the poor. Instead Amos here highlights the arrogance of Israel. Once again Amos does not explicitly identify the guilty parties. While not oppressing the poor in this verse, the guilty are still oppressive. They target two new groups of people bearing a special relationship with Yahweh. Both of these groups properly owed their allegiance only to

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<sup>91</sup> Isaiah mentions the deleterious effect of wine on prophets and priests in Isa 28:7. Micah says that a lying connoisseur of wine and strong drink would be considered the perfect preacher by the Judeans (Mic 2:11). Micah also mentions that the recipients of his oracles were unwilling to hear his message, instead demanding that he stop preaching about condemnation (Mic 2:6). Isaiah apparently had a similar experience (Isa 30:9-11).

Yahweh. Nazirites took a vow of abstinence. The prophets stood as spokesmen of Yahweh. Yet they were forced to go counter to their call.

Paul assumes the guilty party includes Israel generally. He writes, “By such impudent action, the populace establishes its own rules of behavior, which run counter to the will of the Deity.”<sup>92</sup> Wolff, however, believes that Amos again targets the rich in this verse. He suggests that the rich suppressed the activities of the nazirites because their lifestyles served as an indictment of the wealthy.<sup>93</sup> Many scholars consider this verse to be a continuation of Amos’ oracle against Israel. Thus the context would suggest that Wolff is correct in his identification of the wealthy as the object of Amos’ wrath. Ironically, as we have already seen, the wealthy prided themselves on their religiosity yet they oppressed not one but three different groups protected by Yahweh. Already Amos has established the superficiality of the worship of Israel.

**Amos 3:9-10.** “Proclaim to the strongholds in Ashdod, and to the strongholds in the land of Egypt, and say, ‘Assemble yourselves on Mount Samaria, and see what great tumults are within it, and what oppressions are in its midst.’ They do not know how to do right, says the LORD, those who store up violence and robbery in their stronghold.”

The accusation does not properly begin until the second half of verse nine. The text begins with an invitation to the nations to “assemble... and see.” The language resembles the well-known *rib* or “covenant lawsuit” pattern.<sup>94</sup> Several eighth-century examples of this pattern are known. For example, Isaiah wrote,

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<sup>92</sup> Paul, *Amos*, 93.

<sup>93</sup> Wolff, *Amos*, 171.

<sup>94</sup> Michael De Roche argues that the “covenant lawsuit” label is incorrect. A *rib* is a contention, whereas a lawsuit is one of several methods of resolving a dispute. Michael De Roche, “Yahweh’s Rib against Israel: A Reassessment of the So-Called ‘Prophetic Lawsuit’ in the Preexilic Prophets,” *Journal of Biblical Literature* 102, no. 4 (1983): 569. He says that lawsuits are “designed to solve situations that disrupt the harmony of society.” Roche, “Yahweh’s Rib against Israel,” 564. A lawsuit involves three parties and the contending parties are bound by the decision of the judge. There are bilateral methods of solving a dispute

The LORD rises to argue his case; he stands to judge the peoples. The LORD enters into judgment with the elders and princes of his people: It is you who have devoured the vineyard; the spoil of the poor is in your houses. What do you mean by crushing my people, by grinding the face of the poor? says the Lord GOD of hosts. (Isa 3:13-15)

Similar patterns can be found in Hosea 2:4-5 and Hosea 4:1-3. Perhaps the most familiar prophetic text of this form is found in Micah 6:1-8 where Yahweh calls on the mountains and hills to hear the case between himself and Israel (Judah). In the Amos text, however, Yahweh calls on two foreign nations to witness Israel's actions on his behalf. The fact that Yahweh's witnesses are foreign nations is significant. It clearly suggests that Amos considers the actions of Israel to be in clear violation of principles held in common by the nations of the region. Wolff thinks these nations were called on as witnesses because they served as Israel's peers. He writes, "In case one might question the evaluative competence of Amos himself, experts with respect to a highly developed style of living are to be brought in."<sup>95</sup> That one of Yahweh's witnesses is among the nations condemned in the opening oracles may well indicate that Amos held the crimes of Israel to be equivalent to those of the nations.

This indictment does not specifically name the oppressed in this charge against Israel. Instead, Amos describes the condition of Samaria (and, by implication, the rest of Israel). To make his case, Amos calls upon the witnesses to view the "great tumults" that

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as well. For example two parties might work out an agreement among themselves. Supporters of each party may be enlisted, but the argument remains essentially between the two disputants. A special case of conflict resolution occurs when the conflicting parties agree to submit their cases to a mediator. Although a third party is involved, the decision of the mediator is not necessarily binding and this thus remains a bilateral contention. Amos 3:9-10 follows this last model although the Hebrew word *rib* is missing from the text. Yahweh has a disputation with Israel and has called on Ashdod and Egypt to support his case.

<sup>95</sup> Wolff, *Amos*, 193. Chaney contributes to this line of reasoning when he writes, "Though seldom reflected in the literature, it is a simple fact that the lives of the ruling elite in Israel and Judah had more in common with the ruling elite of other Near Eastern monarchies than with the peasants, artisans, and expendables of their homelands." Chaney, "Systemic Study," 56.

are within Samaria as well as the “oppressions” that are “in its midst.” The root behind the word rendered “tumults” (Hebrew מְהוּמָה, *mḥumōt*) expresses the idea of utter confusion. The word often refers to the confusion and panic of war. The same word is used in Deuteronomy to refer to the curses pronounced on the people if they should break the covenant, perhaps an impression that Amos intended to make.<sup>96</sup>

Although Amos does not explicitly identify the oppressors, most commentators assume that Amos addresses the wealthy in this indictment. Jeremias, for example, understands the word translated strongholds in the NRSV to mean palaces. Palaces were typically well prepared for defense and so functioned as fortresses as well. The palaces were the center of Israel’s society and of her sin. They would also be the center of her punishment.<sup>97</sup> Paul notes that the word translated tumults “is a general, all-inclusive term for the great fear and confusion within the society due to the outrages committed by the wealthy.”<sup>98</sup> Stuart writes that Amos is stating that the conditions in Samaria are such that no one is safe from possible violence at the hands of the rich.<sup>99</sup> The Hebrew term translated “oppression” (עֲשׂוּקִים, *‘āšūqîm*) is often used in the Hebrew Bible to describe the oppression of the poor by the rich. The word has “strong overtones of ‘extortion.’”<sup>100</sup>

Amos avers that, instead of order in Samaria, utter confusion reigned; instead of justice,

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<sup>96</sup> Harry F. van Rooy, "מְהוּמָה," in *New International Dictionary of Old Testament Theology and Exegesis*, ed. Willem VanGemeren (Grand Rapids, Mich.: Zondervan Pub. House, 1997), 1018.

<sup>97</sup> "...the palaces—the key word in this pericope—will as the point of departure for all this sin also be the locus of chastisement." Jeremias, *Amos* 58. Paul chimes in, "The location of their crime shall become the place of their punishment. There is no mention of the destruction of the land or the decimation of the population. Only the fortresses in which they amassed their ill-gotten wealth are destined to be despoiled." Paul, *Amos*, 118.

<sup>98</sup> Paul, *Amos*, 117.

<sup>99</sup> Stuart, *Hosea-Jonah*, 331.

<sup>100</sup> I. Swart, "עֲשׂוּקִים," in *New International Dictionary of Old Testament Theology and Exegesis*, ed. Willem VanGemeren (Grand Rapids, Mich.: Zondervan Pub. House, 1997), 557.

Amos saw only oppression.<sup>101</sup> Thus, despite first appearances, this indictment also seems to be aimed at Israel's affluent.

Amos continues his accusation by stating, "They do not know how to do right." Stuart writes that the wealthy had so completely devolved from the Mosaic standards that they no longer recognized right.<sup>102</sup> Wolff mentions that Amos borrowed the word "right" (יָדָה, *ḥāḏâ* in Hebrew) from the vocabulary of the Hebrew wisdom tradition.<sup>103</sup> The wisdom tradition in Israel, as in the rest of the ancient Near East, often concerned relationships between people. Wisdom literature, although not necessarily coterminous with the wisdom tradition, typically found its home in the court, the presumed location of many of Amos' malefactors. Once again Amos may be pointing to the irony of "the wise" not recognizing themselves in the literature they produced or copied. Amos accuses the rich of living in a world in which they set their own standards, disregarding the standards of Yahweh or of contemporary society. Amos again makes manifest the arrogance of the rich.

In the second half of his indictment, Amos accuses Israel of storing up "violence and robbery in their stronghold." Israel very well could now add violence to its list of crimes. Violence (Hebrew חָמָס, *ḥamas*) does not always refer to physical violence although the word often has that connotation. Swart and Van Dam describe the word thusly; "The verb and nominative express the cold-blooded and unscrupulous

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<sup>101</sup> Mays, *Amos*, 64.

<sup>102</sup> Stuart, *Hosea-Jonah*, 331.

<sup>103</sup> Wolff, *Amos*, 193. Paul writes that the word connotes what is "straightforward, honest, just, correct." Paul, *Amos*, 117.

infringement of the personal rights of others, motivated by greed and hate and often making use of physical violence and brutality.”<sup>104</sup>

Amos here, as in the first half of the indictment, again mentions the “strongholds” of Israel. Wolff writes that the word “must designate sections of the royal palace, or of the capital city generally, which could easily be defended.”<sup>105</sup> Thus, although Amos does not explicitly name the rich as the authors of “the tumults” and “oppressions” in Samaria, there is strong evidence to suggest that he indeed intended the wealthy to recognize that they were the cause of Israel’s coming punishment.

This indictment describes the wealthy as having brought about a situation in which chaos and violence reigned in Israel. This, of course, contrasts with the responsibility, recognized throughout the ancient Near East, of the king and his retainers to maintain justice and order. Amos’ words may be presumed to have indicted not just Israel’s wealthy, but her king as well.

**Amos 4:1.** “Hear this word, you cows of Bashan who are on Mount Samaria, who oppress the poor, who crush the needy, who say to their husbands, “Bring something to drink!”

Amos names an unusual group of offenders, by Hebrew Bible standards, in this charge. He accuses the wealthy women of Israel of being complicit in the crimes committed against the poor.<sup>106</sup> Amos reuses the same word for “oppress” that he used in

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<sup>104</sup> C. Van Dam and I. Swart, “סמח,” in *New International Dictionary of Old Testament Theology and Exegesis*, ed. Willem VanGemeren (Grand Rapids, Mich.: Zondervan Pub. House, 1997), 178.

<sup>105</sup> Wolff, *Amos*, 155.

<sup>106</sup> Although accusations against a class of women are unusual in the Hebrew Bible, Amos is not unique in his critique of them. Jeremiah specifically accuses women, as well as their husbands (and in one case their children) of making cakes for the queen of heaven (Jer 7:18 and 44:19). From Amos’ own eighth century, Isaiah condemns “the daughters of Zion.” Isa 3:16-4:1. Isaiah specifically confronts “women who are at ease” in Isa 32:9-20. Isa 3:12 reads, “My people—children are their oppressors, and women rule over them. O my people, your leaders mislead you, and confuse the course of your paths.” Either Isaiah is disparagingly referring to the rulers of Judah as women in this text or he is acknowledging that women

Amos 3:9. The poor are the *dalim*, referred to in Amos' initial oracle against Israel. As mentioned previously, the word seems to describe the poor peasant farmer, a group not totally destitute but nevertheless vulnerable to the vicissitudes of chance. Rather than protecting them, the offenders add to their woe.

The general consensus among scholars seems to be that the "cows of Bashan" are the wives of those whom Amos has previously accused of oppressing the poor. Specifically Wolff implicates the wives "of court officials, of the wealthy proprietors of large estates and of the merchants."<sup>107</sup> Amos' picturesque method of referring to them may highlight the placid conditions in which they lived as well as, perhaps, calling attention to their physique.<sup>108</sup>

The normal Hebrew word for husband does not appear in Amos' critique of these women. Perhaps this is because Amos finds these women to be not only self-indulgent, but dominating.<sup>109</sup> The literature of the Hebrew Bible often describes wives as both compassionate and subservient to their husbands. While this view may be overly simplistic and stereotypical, it nevertheless reflects the ideal of womanhood in Israel.<sup>110</sup> Instead of the ideal, however, Amos represents these women as corpulent, besotted, and

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have far greater influence over political and economic affairs than he thinks they should have. I think the latter is likely when this verse is viewed with Amos 4:1 in mind.

<sup>107</sup> Wolff, *Amos*, 205.

<sup>108</sup> Jeremias obliquely says that Amos is referring to "how well the women are nourished." Jeremias, *Amos* 63. It would be a mistake to assume that labeling these women "cows" would carry the same connotation in ancient Israel that it does today. Nevertheless, it seems doubtful that Amos was complimentary when he referred to these women as he did.

<sup>109</sup> Certainly their demands that their husbands "bring [them] something to drink" furthers the appearance that these women dominated their husbands. It was not surprising, then that they oppressed the poor as well.

<sup>110</sup> Contrast, for example, Amos' depiction of these women to the picture of the ideal woman found in Proverbs 31.

sassy, their sole concern being their own comfort. In their arrogance, they saw the poor as mere tools to that end.<sup>111</sup> Their henpecked husbands oppressed the poor at their behest.

The fairer sex instigated the subjugation of the oppressed.

**Amos 4:4-5.** “Come to Bethel—and transgress; to Gilgal—and multiply transgression; bring your sacrifices every morning, your tithes every three days; bring a thank-offering of leavened bread, and proclaim freewill offerings, publish them; for so you love to do, O people of Israel! says the Lord GOD.”

Once again the subject of this indictment is primarily religious. Although Amos does not specify the target of his oracle, it seems to be obliquely aimed at the rich. Certainly the worship centers Amos named were open to the entire population of Israel. If taken literally, however, only a very few in Israel could afford to bring daily sacrifices, pay tithes every third day, or present multiple offerings. It is commonly understood that Amos refers here to pilgrimages to the respective sanctuaries.<sup>112</sup> Stuart argues that Amos engaged in hyperbole and did not intend that the reader should understand his mention of daily sacrifices to be taken literally. He writes that Amos’ exaggerations were meant to portray the Israelites as “doing nothing but making pilgrimages.”<sup>113</sup> This would again point towards the rich as the object of Amos’ accusation. It is doubtful if the poor would have been able to spare the time required to make multiple pilgrimages. Nor could they

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<sup>111</sup> Apparently the situation has not changed much. Robert Solomon, in his book *A Passion for Justice*, writes that being wealthy, in and of itself, is not wrong, “What is wrong with being rich in this world,” he writes, “is not having luxuries and advantages that others do not; it is having a certain attitude that denies good fortune in favor of arrogance and ignores the special obligations of those who are well off, which used to be called *nobles oblige*.” Solomon, *Passion for Justice*, 20. The wealthy in Israel, it could be said, were condemned as much for their attitudes as for their actions.

<sup>112</sup> Jeremias, *Amos* 68. Wolff, *Amos*, 218.

<sup>113</sup> Stuart, *Hosea-Jonah*, 338.



have afforded the requisite costs. Thus, whether taken literally or not, Amos appears to indict the wealthy in this text.<sup>114</sup>

Obviously Amos does not condemn the wealthy for neglecting the cult. Just the opposite, he acknowledges that they have the appearance of total dedication to their worship. The appearance was a false one, however. Their dedication, in reality, was primarily to their own desires. Amos accuses the rich of perverting the cult for their own purposes. Note that the freewill offering involved the sacrifice of an animal, much of which was consumed by the worshipper.<sup>115</sup> The common diet in the ancient Near East only rarely included meat. Amos appears to imply that the wealthy have changed worship from a cultic ceremony into an occasion of conspicuous consumption. The rich have converted worship from a Yahweh-centered activity into a self-centered one. Jeremias writes that, “Worship has become an end in itself and is celebrated for the sake of self-assuagement; it does not reach Yahweh, and no longer creates any fellowship with him.”<sup>116</sup>

Amos’ accusation contrasts with Hosea’s indictment of Israel. Hosea was a near contemporary of Amos and his ministry was also centered in the northern kingdom.<sup>117</sup> Hosea condemned Israel for practicing idolatry and spiritual harlotry. Hosea writes of

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<sup>114</sup> Andersen and Freedman understand the accusation as being targeted generally at all Israel. They write, “what is described here is a pilgrimage to the great shrines that involved all of Israel and lasted three days.” Andersen and Freedman, *Amos*, 434.

<sup>115</sup> Some of the provisions of the freewill offering are enumerated in Leviticus 7:7-18. Other information about this offering is found in Leviticus 21:17-25.

<sup>116</sup> Jeremias, *Amos* 68.

<sup>117</sup> Andersen and Freedman place Hosea’s ministry from perhaps 760 to about 735 with the bulk of the material coming from the years 755-740. Francis I. Andersen and David Noel Freedman, *Hosea, A New Translation with Introduction and Commentary*, 1st ed., The Anchor Bible (New York: Doubleday, 1980), 37. If they are correct than the ministry of Amos and Hosea may have overlapped. Amos’ ministry was shorter and would have ended just as Hosea’s was beginning.

Israel, “for you have played the whore, departing from your God. You have loved a prostitute’s pay on all threshing floors. (Hos 9:1b)” The viewpoints of Amos and Hosea do not necessarily contradict each other, however. Amos does not say that Israel’s worship is orthodox, only that it is extravagant. Hosea also suggested that, although Israel worshipped other gods, the worship of Yahweh still flourished. He wrote, “For I desire steadfast love and not sacrifice, the knowledge of God rather than burnt offerings. (Hos 5:6)”<sup>118</sup> The text implies the Hosea also recognized Israel’s overt worship of Yahweh. However, Hosea’s primary concern is the increasing heterodoxy of Israel; they combined their worship of Yahweh with the worship of other gods.<sup>119</sup> Amos highlighted instead the moral turpitude of the wealthy and the consequent disruption of the social order. Both prophets recognized the intense religiosity of Israel and both condemned it. Hosea denounced Israel for adulterating the worship of Yahweh. Amos condemned the rich for practicing a religion focused on self-gratification.

While Hosea does not focus on social conditions in Israel, he does allude to problems similarly identified by Amos. For example, Hosea speaks of the corruption of Israel when he writes, “when I would heal Israel, the corruption of Ephraim is revealed, and the wicked deeds of Samaria; for they deal falsely, the thief breaks in, and the bandits raid outside. (Hos 7:1)”<sup>120</sup> Hosea accuses Israel of engaging in orgies. “When their

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<sup>118</sup> Hosea also writes, “Though they offer choice sacrifices, though they eat flesh, the LORD does not accept them.” (Hos 8:13a)

<sup>119</sup> For example, “My people consult a piece of wood, and their divining rod gives them oracles. For a spirit of whoredom has led them astray, and they have played the whore, forsaking their God. (Hos 4:12)”, and “They made kings, but not through me; they set up princes, but without my knowledge. With their silver and gold they made idols for their own destruction. (Hos 8:4)”

<sup>120</sup> The mention of thieves breaking in seems to be of a different nature from the robbery of the poor depicted by Amos. Perhaps Amos is suggesting that the poor had reacted to the actions of the rich by turning to robbery. Andersen and Freedman translate the last phrase of the verse as “A gang of people will mug (people) in the streets. Andersen and Freedman, *Hosea*, 13. They note that the Hebrew word they

drinking is ended, they indulge in sexual orgies; they love lewdness more than their glory. (Hos 4:18)” (Amos 5:1 references the wealthy women’s penchant for alcohol as well, although Amos does not there refer to orgies.) Hosea mentions legal troubles that will soon come in focus in Amos as well. For example, Hosea writes, “They utter mere words; with empty oaths they make covenants; so litigation springs up like poisonous weeds in the furrows of the field. (Hos 10:4)” Hosea perhaps references the source of wealth of the rich when he writes, “Threshing floor and wine vat shall not feed them, and the new wine shall fail them.” (Hos 9:2) Hosea, like Amos, accuses Israel of injustice. In Hosea 10:13, he writes, “You have plowed wickedness, you have reaped injustice, you have eaten the fruit of lies. Because you have trusted in your power and in the multitude of your warriors...” Most of Hosea’s references to social problems are rather tangential, but this is to be expected due to the different focus of the respective authors. However, like Amos, Hosea describes a nation in which chaos is apparently the order of the day.

**Amos 5:7, 10-12; 6:12b.** “Ah, you that turn justice to wormwood, and bring righteousness to the ground! ... They hate the one who reproves in the gate, and they abhor the one who speaks the truth. Therefore because you trample on the poor and take from them levies of grain, you have built houses of hewn stone, but you shall not live in them; you have planted pleasant vineyards, but you shall not drink their wine. For I know how many are your transgressions, and how great are your sins— you who afflict the righteous, who take a bribe, and push aside the needy in the gate.”

“...But you have turned justice into poison and the fruit of righteousness into wormwood.”<sup>121</sup>

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translate “mug” is a word used to describe the despoliation of war. They write, “Here [the word] describes the stripping of the victims of assault or murder...” Andersen and Freedman, *Hosea*, 445.

<sup>121</sup> Isaiah condemns Judean leaders for the same crime. He accuses them of using the legal system to oppress the poor in Isaiah 10:1-2.

According to Amos, the wealth of the rich has been gained by taking advantage of the poor. In this indictment, Amos accuses the wealthy of enlisting the courts in perpetrating their transfer of property from the poor to themselves. Interestingly, this is Amos' first direct use of the word "justice."

Before continuing, a brief excursus into the Hebrew vocabulary of ethics is in order. The eighth century prophets used a small constellation of Hebrew words to describe what we would describe as social justice. Included in this list would be the words חסד (*hesed*, variously translated "kindness," "love," or "steadfast love"), אמת (*'emet*, translated "faithfulness"), and to a lesser degree רחמים (*raḥîmîm*, "compassion"). By far the brightest stars in this constellation of words are the words "justice" (Hebrew משפט, *mišpaṭ*), and "righteousness" (two related Hebrew words צדקה and צדק; *sedeq* and *ṣedāqâ*). Taken by itself, the Hebrew word *mišpaṭ* has a variety of meanings, all related to the modern concepts of law and justice.<sup>122</sup> The word is ubiquitous throughout the Hebrew Bible, occurring about 425 times.<sup>123</sup> Robert Culver finds thirteen distinct uses of the word.<sup>124</sup> Johnson recognizes five broad categories with several translations possible within each category. Examples of specific usages of the word encompass, for example, the English concepts of "commandments," "oracular decision," "verdict" (and by

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<sup>122</sup> Robert Culver, "משפט," in *Theological Wordbook of the Old Testament*, ed. R. Laird Harris, Gleason L. Archer, and Bruce K. Waltke (Chicago: Moody Press, 1980), 948-9.

<sup>123</sup> Peter Enns, "משפט," in *New International Dictionary of Old Testament Theology and Exegesis*, ed. Willem VanGemeren (Grand Rapids, Mich.: Zondervan Pub. House, 1997), 2:1142. Of those 425 instances, the word occurs approximately 35 times in the eighth century prophets (Amos, Hosea, Isaiah, and Micah). The total corpus of the prophetic books uses the word *mišpaṭ* over 140 times. According to Enns, the prophetic literature uses the word more frequently than any other type of biblical literature. Enns, "משפט," 2:1142.

<sup>124</sup> Harris, Archer, and Waltke, *Theological Wordbook of the Old Testament*, s.v. *mišpaṭ*

extension, “punishment,” or “deliverance”), and “custom” or “tradition.”<sup>125</sup> Eliezer Berkovits has noted that behind the meaning of *mišpaṭ* stands the primary concept of order. He writes that “the original meaning of *mishpat* is to be sought on a more primary level of human interest than that of justice or law. ... It is more habit, the way a thing was customarily done.”<sup>126</sup> He concludes that *mišpaṭ* was a “universal principle,” the “sustaining law of the universe.”<sup>127</sup> Thus there is a general parallel between the Hebrew *mišpaṭ* and the Egyptian concept of *ma’at*. The Israelite concept of justice also bore similarities to the Mesopotamian idea of justice. In all three cases, justice carried with it the connotation of order as opposed to chaos and connected life in the mundane world with the world of the divine. Philip Nel writes that, “... ‘justice’ was the single most important principle which connected the designed world of the gods with human conduct. ‘Justice’ was the convergence of religion and moral responsibility.”<sup>128</sup>

The Hebrew words usually translated righteousness (סֶדֶק *sedeq*, סְדָאָה *sedāqâ*) derive from a single root. The root meaning revolves around something having or being in the right or properly ordered. Words deriving from this root occur over 525 times in the Hebrew Bible.<sup>129</sup> The root is well-known in other Semitic languages, as well, where it

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<sup>125</sup> B. Johnson, "סֶדֶק," in *Theological Dictionary of the Old Testament*, ed. G. Johannes Botterweck and Helmer Ringgren (Grand Rapids, Mich.: Eerdmans, 1974).

<sup>126</sup> Eliezer Berkovits, "The Biblical Meaning of Justice," *Judaism* 18, no. Spring (1969): 199.

<sup>127</sup> Berkovits, "Justice," 203-4.

<sup>128</sup> Philip J. Nel, "Social Justice as Religious Responsibility in Near Eastern Religions; Historical Ideal and Ideological Illusion," *Journal of Northwest Semitic Languages* 26, no. 2 (2000): 146. He further states, "The principle of justice was also not so much regarded as a system of moral order, but rather the assumption of an existing/created autonomous design/order which should be upheld and adhere to in all sectors of society." Nel, "Social Justice," 144.

<sup>129</sup> Nancy Declaissé-Walford, "Righteousness," in *The New Interpreter's Dictionary of the Bible*, ed. Abingdon Press (Nashville, TN: Abingdon Press, 2006), 818. Words derived from the root *sdq* occur approximately 36 times in the eighth century prophets.

has similar meanings. Scholars are divided on whether the two nominative forms, *ṣedeq* and *ṣedāqâ*, have distinct meanings. One scholar, for example, notes that “*ṣdq* and *ṣdqh* are to be distinguished: *ṣdq* concerns proper order, *ṣdqh* means the proper order of the world, willed by Yahweh, which brings prosperity, *ṣdqh* its appropriate, proper, prosperous state.”<sup>130</sup> Others see “no essential difference between the two and treat them without distinction.”<sup>131</sup> B. Johnson finds the meaning of the Hebrew word *ṣedeq* comparable to the Egyptian *ma’at* as well as the Akkadian words *mēšaru* and *kettu*.<sup>132</sup> The terms express concepts that were familiar to the broader ancient Near Eastern context in which the Hebrews lived. Righteousness was a particular responsibility of the king. Nel comments, “In the final analysis the king was responsible for the establishment and maintenance of a just order for society as a whole and, in particular, to protect the rights of underprivileged and marginalized groups.”<sup>133</sup> One of the primary ways the king carried out this responsibility was by insuring that economic and social practices remained within some form of balance.<sup>134</sup> While the king as ultimately responsible for the establishment

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<sup>130</sup> Quoting H. H. Schmid. David Noel Freedman, *The Anchor Bible Dictionary*, 1st ed., 6 vols. (New York: Doubleday, 1992), 5:725 sv “Righteousness (OT).”

<sup>131</sup> Freedman, *The Anchor Bible Dictionary*, 5:725. In an article in *The Bible Translator*, John Olley writes that the word “righteousness” is a word that no longer has meaning to many modern readers. He suggests that the biblical concept of righteousness involves doing and thus should be translated by phrases such as “(what is) right,” and “putting everything right.” John W Olley, “‘Righteousness’: Some Issues in Old Testament Translation into English,” *The Bible Translator Technical Papers* 38, no. 3 (1987).

<sup>132</sup> G. Johannes Botterweck and Helmer Ringgren, *Theological Dictionary of the Old Testament* (Grand Rapids, Mich.: Eerdmans, 1974), 9:240 sv “צדק”.

<sup>133</sup> Nel, “Social Justice,” 146.

<sup>134</sup> Nel writes, “Part of the comprehensive responsibility of the king to ensure social justice and equity was his actions in stemming the tide of economic oppression and balancing vested rights.” Nel, “Social Justice,” 146.

of a just society, individuals had a responsibility to “perform deeds of righteousness and truth” as well.<sup>135</sup>

It is apparent that justice and righteousness carried similar connotations to the Hebrew. Some scholars believe that the combination of the two words (*mišpaṭ* and *sedeq* /*sedāqâ*) served a special purpose; to denote the concept of social justice.<sup>136</sup> The word pair, often translated righteousness and justice, is found together a total of fourteen times just in the eighth century prophets.<sup>137</sup> Two of those instances are found in the texts under consideration.

Bearing our brief excursus into the vocabulary of justice in mind, it can be seen that Amos’ complaint was equivalent to saying the rich had subverted the natural order of the universe. They had turned justice into wormwood.<sup>138</sup> Wormwood is a very bitter plant used as a tonic or medicine.<sup>139</sup> Amos’ expression is equivalent to a modern phrase. The “victims” of Israelite justice were left with “a bitter taste in their mouth.” So, rather than order, the actions of the rich had brought bitterness and chaos. I do not intend to suggest

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<sup>135</sup> Weinfeld, *Social Justice*, 45,220.

<sup>136</sup> For example, Moshe Weinfeld writes that “the concept of social justice was expressed in Ancient Israel and in the Ancient Near East by means of a *hendiadys*.” Weinfeld, *Social Justice*, 25. The two words together are used in the Psalms to describe attributes of Yahweh. For example, Psalms 33:4-5 reads, “For the word of the LORD is upright, and all his work is done in faithfulness. He loves righteousness and justice; the earth is full of the steadfast love of the LORD.” Isaiah wrote, “The LORD is exalted, he dwells on high; he filled Zion with justice and righteousness.” (Isa 33:5) Social justice, then, is an attribute of Yahweh.

<sup>137</sup> (Together means found within the same verse.) Justice is also paired with love (*hesed*) in Isa 16:5, Micah 6:8, Hos 2:19, and Hos 12:6. Justice and the root denoting compassion (*rahm*) are found together in Isa 30:18 and Hos 2:19.

<sup>138</sup> Weinfeld, writing of a seemingly parallel situation in Isaiah 10:1-2, says: “Subverting justice here does not refer to abusing the judicial system *per se*, but rather to the enactment of unjust laws.” Weinfeld, *Social Justice*, 37.

<sup>139</sup> Harold N. Moldenke, “The Economic Plants of the Bible,” *Economic Botany* 8, no. 2 (1954): 161. Moldenke says of wormwood, “Because of its bitter nauseous taste it was used symbolically by Bible writers to indicate misfortune and bitter calamity.” Various species of the plant have found their way into modern spirits as well. For example vermouth and absinthe include wormwood as an ingredient.

that “natural order” here refers to some kind of independent force, however. Just as the Egyptians understood *ma’at* as both a concept and a divine being, so the Israelites would have understood natural order to be an expression of Yahweh. Thus Amos was ultimately accusing the rich of subverting the will of Yahweh. Understood this way, Amos’ condemnation of the worship practices of the rich in earlier texts becomes all the more understandable. The wealthy in Israel are guilty of acting contrary to the very will and nature of Yahweh.

Verses 10-12 are a continuation of the indictment Amos began in verse 7.<sup>140</sup> Amos claims that the wealthy “hate the one who reproves in the gate.” The gate of the city served as the *de facto* court house in the ancient world. Wolff says that the “one who reproves” is the one who renders judgment.<sup>141</sup> The “one who speaks the truth” is the witness to a case. Amos seems here to be condemning the wealthy, not for dispensing injustice in the place of justice (an accusation he has already made in verse 7), but rather of begrudging the very idea of having to appear at court at all. The wealthy think of themselves as above the law.

The identity of the culprits of the above accusations is made explicit in verse 11. Amos charges the rich with trampling on the poor (*dalim*, the peasant farmer who, although poor, had resources that the rich could extract) and exacting “levies of grain.” The verb translated “to trample” is difficult. Paul understands it to be from an Akkadian cognate that refers to the exacting of a grain tax, thus paralleling the first phrase of the verse with the second.<sup>142</sup> Andersen and Freedman disagree, preferring to understand the

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<sup>140</sup> Paul, *Amos*, 167. Wolff also treats verse 7 with verses 10-12. Wolff, *Amos*, 241-49.

<sup>141</sup> Wolff, *Amos*, 246. See also Paul, *Amos*, 171.

<sup>142</sup> Paul, *Amos*, 172-3.



word as it is rendered here. In any case, Amos is accusing the wealthy of taking what little the poor had in order to enrich themselves further.

Amos further charges the wealthy of having “built houses of hewn stone,” and “planted pleasant vineyards.” These actions required the expenditure of a substantial amount of labor. The mention of vineyards and stone houses suggest permanence. The wealthy were confident that they were building not just for themselves, but for their descendants (a supposition that Amos vigorously contests). Apparently the wealthy gave little thought to the fact that, by their own machinations, they were preventing the peasant farmer from passing their land on to their children. While the land represented wealth and perhaps status for the rich, for the poor it represented life. Ownership of land allowed peasants the hope that they could adequately provide for their family. Ownership was also invested with theological meaning. As we have previously stated, the removal of peasants from their land had economic, social, and theological ramifications.<sup>143</sup> Apparently this was of little import to the prosperous. Amos thus adds the charge of callousness to the already long list of crimes perpetrated by the wealthy.

Once again Amos equates the economic and judicial depredations of the rich with crimes against Yahweh. Amos has Yahweh say that he knows the transgressions and great sin of the wealthy.<sup>144</sup> Paul translates the phrase, “For indeed I know how numerous are your transgressions and how countless your sins.”<sup>145</sup> The Hebrew word rendered “transgressions” is *pes' yim* (פֶּשַׁע יִמִּים). The same word is used throughout the oracles against

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<sup>143</sup> Dearman writes, “The specific accusations in the prophetic texts against property appropriation have a theological basis and reflect the view that the customary laws designed to protect family property are also based on Yahwistic traditions about the promise and granting of the land.” Dearman, *Property Rights*, 77.

<sup>144</sup> Wolff believes that Amos is speaking for himself and not for Yahweh. Wolff, *Amos*, 248.

<sup>145</sup> Paul, *Amos*, 157.

the nations and, as previously noted, might also be translated “rebellion.”<sup>146</sup> Amos accuses the rich, despite their apparent religiosity, of being in rebellion against Yahweh. Amos then identifies three specific sins of which the wealthy are guilty. Two of the crimes have obvious juridical settings. Considering the context, it can be assumed that the crime of “afflicting the righteous” also made reference to injustice perpetrated on the poor. Thus all three sins apparently relate to the illicit use of the law by the wealthy to further their own interests.<sup>147</sup> The rich persecuted the honest, accepted bribes, and refused to grant the needy (in this case, the *‘ebyôn*, the beggarly poor) a hearing. The wealthy, according to Amos, achieved and maintained their wealth, at least in part, through corrupting the legal process.

**Amos 5:21-24.** “I hate, I despise your festivals, and I take no delight in your solemn assemblies. Even though you offer me your burnt offerings and grain offerings, I will not accept them; and the offerings of well-being of your fatted animals I will not look upon. Take away from me the noise of your songs; I will not listen to the melody of your harps. But let justice roll down like waters, and righteousness like an everflowing stream.”

This text contains perhaps the best known of all of Amos’ charges against Israel. Although the offenders are once again not specifically named, the context suggests that the wealthy are Amos’ target. This text is part of a larger oracle addressed to those “who desire the day of the Lord (Amos 5:18).” This is the earliest occurrence of the “day of the

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<sup>146</sup> Eugene Carpenter and Michael A. Grisanti, “פְּשָׁעַ,” in *New International Dictionary of Old Testament Theology and Exegesis*, ed. Willem VanGemeren (Grand Rapids, Mich.: Zondervan Pub. House, 1997). It is the use of this word that leads some to posit that Amos was calling for a restoration of the Davidic Empire. This view, briefly surveyed in chapter two, understands that the nations had been under treaties with Israel and that military crimes presented demonstrate their abrogation of those treaties and thus rebellion against Israel.

<sup>147</sup> Jeremias writes, “Both by paying bribes and by exerting their personal influence, they steer decisions in their own interests; in so doing, they necessarily become enemies to those who should receive justice from the court (in Hebrew, ‘innocent’ is the accompanying adjective to the concept of ‘righteousness’) but who, because they lack such power and influence, are turned away (2:7 uses the same verb to refer to the rejection of a person’s legal concerns).” Jeremias, *Amos* 92.

Lord” in the Hebrew Bible and it is apparent that Amos did not invent the concept. It is also clear that Israel conceived of the day of the Lord as a day of salvation.<sup>148</sup> The phrase apparently referred to a period of time in which Yahweh would intervene on behalf of Israel and bring about an end to a foreign threat. The wealthy had the most to gain by keeping the status quo and thus would have welcomed Yahweh’s intervention against any threatening foreign nation. Gary V. Smith writes, “[Israel’s] expectations are that [the Day of the Lord] will be a positive day of joy and salvation with God’s presence in their midst.”<sup>149</sup> Their hope is apparently based on their practice of religion. Amos described his audience as a group that based their security on their religiosity. They offered burnt and grain offerings to Yahweh as well as sacrificial lambs and songs of worship. Amos, however, threatened that the “day of the Lord,” rather than being a day of deliverance for the rich, would instead become a day of disaster. Their worship, rather than being a bridge to Yahweh, would act instead as an impediment. The implication seems to be that, as far as Yahweh is concerned, the wealthy are themselves behaving like the foreigners Israel generally held in contempt. If this is what Amos intended, then it also follows that the day of the Lord would indeed turn out to be a day of deliverance; but for the poor rather than for the wealthy. Thus Amos has turned the concept of the day of the Lord completely on its head, at least as far as Israel’s elite are concerned.<sup>150</sup>

Amos uses three verbs to express Yahweh’s reaction to Israel’s worship. The first is rendered “hate” in the NRSV. The semantic range of the word includes everything

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<sup>148</sup> Ernst Jenni, "Day of the Lord," in *The Interpreter's Dictionary of the Bible*, ed. Keith R. Crim (Nashville: Abingdon, 1976), 1:784.

<sup>149</sup> Gary V. Smith, *Amos: A Commentary*, Library of Biblical Interpretation (Grand Rapids, Mich.: Regency Reference Library, 1989), 248.

<sup>150</sup> Amos’ conception of the day of the Lord was borrowed and further refined by subsequent prophets. See, for example, Isa 2:12-22, Jer 46:10, and the book of Zephaniah.

from an intense hatred to the wish to avoid something unpleasant.<sup>151</sup> The context, however, suggest that the former is more likely what Amos had in mind. The word rendered “despise” often has covenant overtones and includes the connotation of rejection.<sup>152</sup> Both of these verbs Amos specifically applies to Israel’s festivals. The final verb, rendered here as “take no delight,” ultimately derives from the concept of smell or scent.<sup>153</sup> The verb is negated, so Amos expresses the idea that the people’s cultic actions produce a bad smell.<sup>154</sup> Specifically Amos applies the verb to Israel’s “solemn assemblies.” Israel’s current worship, especially *vis-à-vis* her cultic gatherings for sacrificial purposes, rather than creating a pleasing odor, left a malodorous stench. Hence, the offerings of the rich are unacceptable to Yahweh.

Amos explicitly writes that Yahweh refuses to accept the sacrifices of the wealthy. Wolff notes that the Hebrew word rendered here as “accept” is a word at home in the cult. The Hebrew verb (רצה, *ršh*) was used by a temple priest to pronounce the acceptance of an offering brought by a supplicant.<sup>155</sup> Amos thus uses the language of the cult to express the rejection of Israel’s cult by Yahweh. The nominative form of the verb is the Hebrew word *rāṣôn*. Fretheim says of this form, “In its most basic sense, *rāṣôn* is

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<sup>151</sup> A. H. Konkel, "שנא" in *New International Dictionary of Old Testament Theology and Exegesis*, ed. Willem VanGemeren (Grand Rapids, Mich.: Zondervan Pub. House, 1997), 1257.

<sup>152</sup> Eugene H. Merrill, "סאמ" in *New International Dictionary of Old Testament Theology and Exegesis*, ed. Willem VanGemeren (Grand Rapids, Mich.: Zondervan Pub. House, 1997), 833. Amos’ language is reminiscent of Hosea’s experience when Hosea writes, “Then the LORD said, ‘Name him Lo-ammi, for you are not my people and I am not your God.’ (Hos 1:9)”.

<sup>153</sup> Philip Jenson and P. J. Olivier, "הור" in *New International Dictionary of Old Testament Theology and Exegesis*, ed. Willem VanGemeren (Grand Rapids, Mich.: Zondervan Pub. House, 1997), 1071.

<sup>154</sup> This, of course, is the polar opposite of what Yahweh intended for the sacrifices to be offered to him. For example, the consecration of priests in Exodus 29 involved the immolation of a ram, a sacrifice which was deemed “a pleasing odor, an offering by fire to the LORD. (Ex 29:18)”

<sup>155</sup> Wolff, *Amos*, 263.

the divine goodwill that reaches out to others in mercy and compassion.<sup>156</sup> Amos has made the case that the wealthy have denied mercy and compassion to others. Therefore their sacrifices are deemed unacceptable and, the context suggests, they will themselves be denied mercy and compassion.

Several scholars have noted that the elements of Israel's worship mentioned here closely parallel the elements that comprise the banquet described in Amos 6:4-5 (see below).<sup>157</sup> Apparently, at least from the perspective of the prophet, there was little to distinguish between Israel's worship and her entertainment. Both were done for the sake of the worshipper and not for the sake of Yahweh.

Shalom Paul considers this oracle to be a complete repudiation of the cult by Amos. He writes,

[Amos] upbraids in no uncertain terms Israel's extensive ritual praxis, rejecting it in toto: holidays, festal gatherings, and sacrifices, along with their accompanying hymns, melodies, and musical instruments. ... To all of this ritual mayhem he replies that God demands justice and morality and not the minutiae of the cult: Not rite but right is demanded; devotion not devotions.<sup>158</sup>

Jeremias' disagrees, however. It is his opinion that, in this text,

... it is not the significance of worship that is being weighed against the significance of the ethos such that worship activities, compared with that ethos, are devalued (as liberal theology imagines); rather, Israel in its sin is being told that its worship activities are no longer reaching God in the first place, and to that extent have become perverted into "service to oneself."<sup>159</sup>

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<sup>156</sup> Terence E. Fretheim, "הצַר" in *New International Dictionary of Old Testament Theology and Exegesis*, ed. Willem VanGemeren (Grand Rapids, Mich.: Zondervan Pub. House, 1997), 3:1186.

<sup>157</sup> See, for example, Wolff, *Amos*, 263. and Paul, *Amos*, 192.

<sup>158</sup> Paul, *Amos*, 188.

<sup>159</sup> Jeremias, *Amos* 102.

He argues that Amos did not reject the elements of the cult per se; he rejected the total lack of sincerity that Israel has paid to the cult. Worship had become a meaningless ritual, devoid of any ethical elements. Amos does did reject the cult, replacing it with his brand of proper ethics. Rather, Amos averred that sacrifices became meaningful only when they were accompanied by the proper concern for the poor.<sup>160</sup>

Amos offered a prescription for what ailed Israel. He wrote, “But let justice roll down like waters, and righteousness like an everflowing stream.” Amos uses the visual imagery of a streambed filled to overflowing after a heavy rain. An “everflowing stream” calls to mind one of the few permanent streams that flowed through Israel’s territory. Meir Weiss observes that, left to itself, such a stream will naturally “roll.” It is only when it is impeded that a stream, like justice, ceases to flow.<sup>161</sup> Justice and righteousness should have been pervasive and abundant in Israel. Instead the rich deliberately obstructed justice. Water, containing such potential power, will not endure being blocked for an indefinite period of time. Eventually it will break through the obstacle, devastating the area immediately downstream with a powerful flood.<sup>162</sup> Amos here seems to extend a

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<sup>160</sup> Jensen writes, “But cultic worship necessarily supposes sincere dispositions on the part of the worshiper, contrition for sins, if nothing else. In the present circumstances it was being offered by those who were unrighteous, perhaps consciously as a sop to substitute for lack of righteousness, without contrition, without right dispositions.” Jensen, *Ethical Dimensions*, 85.

<sup>161</sup> “The ‘rolling’ of ‘justice and righteousness’ is expressed in the passive form of an intransitive verb, implying that the natural activity of ‘justice and righteousness’ is one that has no need of any assistance as long as it is not impeded. In order that ‘justice and righteousness’ may roll as ‘water’ and as an ‘unfailing stream,’ what is demanded in this prophecy is that all impediment to this motion be removed. It is clear from the context who is responsible for the impediment, and to some degree what the impediment is: the accepted forms of worship, whether in themselves or in their conceptual implications, whether directly or indirectly.” Meir Weiss, “Concerning Amos’ Repudiation of the Cult,” in *Pomegranates and Golden Bells: Studies in Biblical, Jewish, and Near Eastern Ritual, Law, and Literature in Honor of Jacob Milgrom*, ed. David P. Wright, David Noel Freedman, and Avi Hurvitz (Winona Lake, Indiana: Eisenbrauns, 1995), 211.

<sup>162</sup> Witness the destruction caused by the overtopping of the Taum Sauk dam in December, 2005. A brief synopsis of the break can be found here: [http://en.wikipedia.org/wiki/Taum\\_Sauk\\_Hydroelectric\\_Power\\_Station](http://en.wikipedia.org/wiki/Taum_Sauk_Hydroelectric_Power_Station). Accessed January 22, 2012.

similar analogy to justice. Instead of an exhortation to do justice, the text thus becomes a threat against those practice injustice. Justice has been obstructed for so long, Amos seems to say, that its destructive power can no longer be restrained. Devastation can be the only result.<sup>163</sup>

Amos' denigration of an empty cult is a common theme found throughout the corpus of eighth century prophets. Isaiah, for example, laments Judah's reliance on the cult to the exclusion of the establishment of justice and the protection of the oppressed. He writes,

What to me is the multitude of your sacrifices? says the LORD; I have had enough of burnt offerings of rams and the fat of fed beasts; I do not delight in the blood of bulls, or of lambs, or of goats. When you come to appear before me, who asked this from your hand? Trample my courts no more; bringing offerings is futile; incense is an abomination to me. New moon and sabbath and calling of convocation— I cannot endure solemn assemblies with iniquity. Your new moons and your appointed festivals my soul hates; they have become a burden to me, I am weary of bearing them. When you stretch out your hands, I will hide my eyes from you; even though you make many prayers, I will not listen; your hands are full

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<sup>163</sup> This is Jon Berquist's understanding of Amos 5:24. Contrary to most Bible translations and commentaries, he believes that the first word of the verse should be considered an imperfect verb and not a jussive as it is commonly understood. This would have the effect of changing the translation from the NRSV's "But let justice roll down..." to "Justice will roll..." Jon L Berquist, "Dangerous Waters of Justice and Righteousness: Amos 5:18-27," *Biblical Theology Bulletin* 23, no. 2 (1993): 58. He also understands the reference to "waters" and "an everflowing stream" differently. As normally interpreted, the allusion to water is taken to mean that Israel's leaders should let justice be as constant as a permanently flowing stream. Berquist, however, notes that references to water often takes on a destructive connotation in the Hebrew Bible and the ancient Near East. Rather than understanding the verse as it typically is, he instead finds that "the justice and righteousness of this verse act in dangerous, possibly destructive ways." Berquist, "Dangerous Waters," 57. Berquist appeals to the larger context of the verse, placing it within an oracle that runs from verse 18 through to verse 27. He suggests that the context of the entire oracle is "God's destruction of the people." Berquist, "Dangerous Waters," 58. Berquist concludes that this verse is not a call for justice (which would be centered on human actions), but a declaration that Yahweh will serve up justice. He writes that, "...justice and righteousness seem to be attributes or activities of the deity, rather than the result of human accomplishment." Berquist, "Dangerous Waters," 60. Israel's leaders had, thus far, dammed up justice as if it were a small rivulet. But Yahweh would send justice in such a quantity that it would "overwhelm the leaders like a flash-flood." Berquist, "Dangerous Waters," 61. Yahweh's act of justice would, of necessity, be destructive. Thus, according to Berquist, Yahweh is making the shocking announcement that he is willing to destroy his people in order to bring order back into society. Finally, Berquist opines that, "...the poor would have welcomed the removal of the upper classes, so that they could live their lives unfettered in the land." Berquist, "Dangerous Waters," 61.

of blood. Wash yourselves; make yourselves clean; remove the evil of your doings from before my eyes; cease to do evil, learn to do good; seek justice, rescue the oppressed, defend the orphan, plead for the widow. (Isa 1:11-17)

Micah joins the chorus. The book of Micah records these words:

With what shall I come before the LORD, and bow myself before God on high? Shall I come before him with burnt offerings, with calves a year old? Will the LORD be pleased with thousands of rams, with ten thousands of rivers of oil? Shall I give my firstborn for my transgression, the fruit of my body for the sin of my soul?" He has told you, O mortal, what is good; and what does the LORD require of you but to do justice, and to love kindness, and to walk humbly with your God? (Mic 6:6-8)

Finally, Hosea adds, "For I desire steadfast love and not sacrifice, the knowledge of God rather than burnt offerings. (Hos 6:6)" All four of the eighth century prophets described a community (or a portion of that community) that presumed that the extent of their responsibility to Yahweh involved performing the various sacrificial rites delineated by the cult. The prophets, however, claimed that Yahweh required more from them; he required justice, righteousness, and love; attributes that Amos demonstrated were in short supply in Israel.

**Amos 6:1, 3-6.** "Alas for those who are at ease in Zion, and for those who feel secure on Mount Samaria, the notables of the first of the nations, to whom the house of Israel resorts! ... O you that put far away the evil day, and bring near a reign of violence? Alas for those who lie on beds of ivory, and lounge on their couches, and eat lambs from the flock, and calves from the stall; who sing idle songs to the sound of the harp, and like David improvise on instruments of music; who drink wine from bowls, and anoint themselves with the finest oils, but are not grieved over the ruin of Joseph!"<sup>164</sup>

In the preceding oracle, Amos decried the state of Israel's worship. In this oracle, he condemns her leisure time activities. Yet some of the language describing the two

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<sup>164</sup> Four of the indictments listed in the book of Amos include the mention of wine. This oracle, however, is the most explicit in accusing Israel of using wine in excess. Some parallel passages can be found here: Isa 5:11-13, 5:22-23, 28:1, and Hos 7:5-7



activities is identical. Whereas the recipients of the preceding oracle are not specified, here Amos leaves no doubt as to whom he is addressing. The wealthy are soundly criticized by Amos for their extravagant lifestyle.<sup>165</sup>

Some scholars believe that Amos describes in this text a Semitic social and religious organization known as a *marzeah*.<sup>166</sup> According to King and Stager, the institution had a long history; dating from the 14<sup>th</sup> century BCE through the Roman period.<sup>167</sup> The *marzeah* may have functioned as a memorial banquet.<sup>168</sup> Regardless of its function, however, Stager and King write that the *marzeah* consisted of five elements, all of which are found in this text: couches (“beds of ivory”) on which the guests reclined; a gourmet meal involving meat, the accompaniment of music, the drinking of wine, and the anointing of the participants with oil.<sup>169</sup>

Whether or not the wealthy were engaging in a *marzeah*, Amos describes in this text conditions about which the poor could only dream. Our earlier survey of the

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<sup>165</sup> Wolff notes that the syntax and vocabulary of the first verse of this text identifies the wealthy as being care-free and arrogant. They are, Wolff writes, the “self-acknowledged ‘choicest’ stratum of society.” He continues, “Thus the carefree attitude of the elite class of Samaria is rooted in the sense of belonging to the patently superior people.” Wolff, *Amos*, 274. This oracle criticizes not just the wealthy of Samaria, but the prosperous in Jerusalem (Zion) as well. Jeremias understands this to mean that the people of Samaria considered their royal city to be on par with Jerusalem despite the fact that Samaria was not the site (as far as we know) of any temple. Jeremias intimates that the wealthy of Israel arrogated for themselves an importance in the eyes of Yahweh that equaled or exceeded that of Jerusalem. Jeremias, *Amos* 112.

<sup>166</sup> King, *Archaeological Commentary*, 137. Lawrence E. Stager and Samuel R. Wolff, “Production and Commerce in Temple Courtyards: An Olive Press in the Sacred Precinct at Tel Dan,” *Bulletin of the American Schools of Oriental Research* 243, no. (1981): 355. Paul, *Amos*, 210. Mays thinks that the revelry that Amos describes is more likely “simply that of privileged powerful people who enjoy the indulgences which they can afford.” Mays, *Amos*, 117.

<sup>167</sup> Philip J. King and Lawrence E. Stager, *Life in Biblical Israel*, ed. Douglas A. Knight, Library of Ancient Israel (Louisville: Westminster John Knox Press, 2001), 355.

<sup>168</sup> If Amos indeed alluded to a *marzeah* in this text, it could not have been accidental that the institution was often associated with death. Amos builds in the mind of the reader a powerful image of a group of people participating in a Hebrew wake, not recognizing that the death they were mourning would be their own.

<sup>169</sup> King and Stager, *Life in Biblical Israel*, 355-6.

economic conditions in eighth century Israel suggested that the poor would have had little leisure time to engage in such activities and they certainly would not have had ivory couches on which to recline nor the resources to provide meat and oil for a party of guests. Stuart notes that “Many Israelites probably ate meat as infrequently as three times a year – only at the festivals and even less often if they were poor.”<sup>170</sup> Yet Amos charges that the wealthy ate “choice meats.”<sup>171</sup> Music, wine, and anointing oils were also a part of the celebrations. These elements were descriptive of cultic activities as well.<sup>172</sup> The lifestyles of the wealthy stood in stark contrast with those of the poor.

**Amos 8:4-6.** “Hear this, you that trample on the needy, and bring to ruin the poor of the land, saying, ‘When will the new moon be over so that we may sell grain; and the sabbath, so that we may offer wheat for sale? We will make the ephah small and the shekel great, and practice deceit with false balances, buying the poor for silver and the needy for a pair of sandals, and selling the sweepings of the wheat.’”<sup>173</sup>

This final indictment outlines the procedures that Amos said the rich used to impoverish the poor.<sup>174</sup> Amos identified the recipients of his oracle as “you that trample on the needy, and bring to ruin the poor of the land.” The first phrase is reminiscent of the

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<sup>170</sup> Stuart, *Hosea-Jonah*, 359.

<sup>171</sup> Wolff notes that the rich “eat the young lambs from the flock, whose flesh makes for the tenderest meat. Then too this gourmet taste finds only veal acceptable from the herd, and even that from calves ‘set aside for fattening.’” Wolff, *Amos*, 276.

<sup>172</sup> The vessel from which Amos says the wealthy imbibed was a vessel often associated with the cult. Paul, *Amos*, 208. Andersen and Freedman noted that, “aside from this passage in Amos, no one ever drinks out of a *mizrāq*.” Andersen and Freedman, *Amos*, 564. Paul and Wolff both note that the vessel was probably a large one and that Amos is implying that the wine was drunk in large quantities. Paul, *Amos*, 208. Wolff, *Amos*, 276. Paul suggests that, based on the Amos’ selection of the verb meaning ‘to anoint,’ Amos also intended his audience to understand that the wealthy were anointing themselves in some cultic way. Paul, *Amos*, 208. Thus this event, whatever it was, may have blended cultic ritual with lavish entertainment.

<sup>173</sup> Compare Amos’ indictment with that of Micah. Micah writes, “Alas for those who devise wickedness and evil deeds on their beds! When the morning dawns, they perform it, because it is in their power. They covet fields, and seize them; houses, and take them away; they oppress householder and house, people and their inheritance” (Micah 2:1-2). Isaiah condemns those who “ruin the poor with lying words” (Isa 31:7). Hosea condemns the “trader, in whose hands are false balances” (Hos 12:7).

text of Amos 2:7. The needy in this text are the *'ebyôn*, the beggarly poor. Amos also uses the Hebrew word עָנִי (*ānī*) to describe the “poor of the land.” The word connotes humility and, according to W. J. Dumbrell, refers to the dispossessed. These were people without land or social standing and thus stood at the same level in society as the resident alien, the widow, and the orphan; which is to say they were liminal members of Israel’s society.<sup>175</sup> Thus they would have been closely related to the *ebyôn*. Both classes of poor lived with very little margin of error. Yet it was this group that Amos portrays the rich as targeting in their quest to add to their wealth.

Amos demonstrates the hypocrisy of the wealthy.<sup>176</sup> Apparently they followed the Hebrew law inasmuch as they desisted from selling on the Sabbath. In contravention of the law, however, they neglected to provide for the poorest of the land. The law made provision for the poor, insisting that land owners leave behind produce that the poor could glean.<sup>177</sup> Those with resources were to be generous with them, sharing with those in need. Instead, the rich in Amos’ day were impatient for the sacred holidays to be over so they could get back to fleecing the destitute. Amos accuses the wealthy of using dishonest weights and measures, a practice specifically proscribed in the law.<sup>178</sup> Amos

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<sup>175</sup> W. J. Dumbrell, “עָנִי,” in *New International Dictionary of Old Testament Theology and Exegesis*, ed. Willem VanGemeren (Grand Rapids, Mich.: Zondervan Pub. House, 1997), 455.

<sup>176</sup> This hypocrisy prevented the rich from seeing their own deeds as wrong and thus permitted them to continue to practice them. Jensen writes, “[Amos] has a special polemic against the cult because it allows its practitioners to convince themselves that they stand in a right relationship to God and so encourages them to continue evil practices.” Jensen, *Ethical Dimensions*, 89.

<sup>177</sup> For example, “You shall not strip your vineyard bare, or gather the fallen grapes of your vineyard; you shall leave them for the poor and the alien: I am the LORD your God. (Le 19:10)” and “When you gather the grapes of your vineyard, do not glean what is left; it shall be for the alien, the orphan, and the widow. (De 24:21)” In the book of Ruth, Boaz is praised for his generous treatment of Ruth precisely in this area.

<sup>178</sup> “You shall not cheat in measuring length, weight, or quantity. You shall have honest balances, honest weights, an honest ephah, and an honest hin: I am the LORD your God, who brought you out of the land of Egypt. (Le 19:35-6)”

also charges the rich with trafficking in the poor (specifically the *dalîm* and the *'ebyôn*). Finally, Amos indicts the wealthy for adulterating their grain, all the more to inflate their profits at the expense of the poorest Israelites.

### **The Identity of the Offenders**

In the above survey I have generally identified the offenders as the upper classes of Israel. Five of the ten passages explored clearly implicate the wealthy.<sup>179</sup> As I have argued above, I believe legitimate arguments can be made that each of the remaining five accusations also targeted the rich. In this section I will briefly summarize the arguments I have made above and offer some concluding observations on the identity of the offenders in the book of Amos.

Amos 2:12 is an anonymous indictment against those who would cause the nazirites to break their vows and silence the prophets. While anonymous, the context suggests that Amos was specifically implicating the wealthy. Wolff and Paul both consider this verse to be an extension of the oracle found in 2:6-8.<sup>180</sup> Thus it would not be unreasonable to assume that this verse was also aimed at the affluent. The case might also be made that only the influential of Israel could effectively stifle the activities of the nazirites and the prophets.

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<sup>179</sup> Although Amos 5:7, 10-12 and 6:12b were covered together above, they are here considered to be separate pronouncements. The five oracles which plainly identify the rich are Amos 2:6-8; 4:1; 5:7, 10-12; 6:1, 3-6; and 8:4-6.

<sup>180</sup> Andersen and Freedman, however, treat 2:9-16 separately from 2:6-8. They label their discussion of this section as "Oracles against the whole of Israel." Andersen and Freedman, *Amos*, 324. They include within their discussion the text of Amos 3:1-8. Amos 3:1-2 seems to include the entire nation within its scope. Amos wrote, "Hear this word that the LORD has spoken against you, O people of Israel, against the whole family that I brought up out of the land of Egypt: You only have I known of all the families of the earth; therefore I will punish you for all your iniquities." Following Andersen and Freedman, it might be plausible to suggest that that this indictment targeted the entirety of Israel.

Amos 3:9-10 also does not explicitly implicate the wealthy. There are clues which suggest that Amos had the prosperous in mind, however. As we have already noted, Amos in this oracle invites those in the “strongholds in Ashdod” and Egypt to assemble on Mount Samaria and witness the crimes contained within it. Mays writes that “strongholds” denotes a building which is taller than surrounding buildings and built to be defensible. He concludes, “Such buildings obviously would be the residences of the richer and ruling class in a city.”<sup>181</sup> Paul agrees and opines that Amos is calling on the wealthy of other nations to denounce its peers in Israel for their lawless and corrupt behavior.<sup>182</sup>

In Amos 4:4-5, Amos sardonically calls on Israel to “go to Bethel and transgress.” Whether Amos is referring to all of Israel or just to the wealthy is open to question. Again, the case can be made that, if speaking literally, only the wealthy could afford the time and wealth necessary to make the mentioned pilgrimages and offer the stated offerings. Even if taken as hyperbole, however, we have seen that the text probably refers to pilgrimages which the poor would doubtless have been unable to take. It should be noted that the verses immediately following this text mentions Yahweh’s attempt to garner Israel’s attention by “[giving] you cleanness of teeth in all your cities, and lack of bread in all your places. (Am 4:6)” The resulting famine would have impacted both the rich and the poor. Thus the argument could be made that Amos intended this indictment to refer to the nation as a whole. This may be the most ambiguous text surveyed when it comes to identifying the offenders.

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<sup>181</sup> Mays, *Amos*, 64.

<sup>182</sup> Paul, *Amos*, 115-7.

Amos 6:12b is another anonymous indictment. Its content parallels Amos 5:7, however, an oracle that specifically indicts the wealthy. Unfortunately the context of 6:12b muddies the waters somewhat. Amos 6:12b is part of an oracle that begins in verse 11. That verse reads, “See, the LORD commands, and the great house shall be shattered to bits, and the little house to pieces.” If “little houses” here refers to the domiciles of the poor, than Amos is apparently accusing the entire nation of subverting justice. This seems improbable; however, as Amos has previously made the case that the poor had no voice in the local courts. Wolff thinks that the “little houses” may be a reference to “magnificently laid out vineyards.”<sup>183</sup> Or it might reference the summer or “vacation” homes of the wealthy that, while lavish by the standards of the poor, were nevertheless less luxurious than were their primary homes.

The last of the oracles which does not specifically identify the rich is Amos’ *pièce de résistance*, found in Amos 5:21-24. Once again, the context suggests that Amos may have intended to target primarily the wealthy with his words. The evident expense of the offerings Amos mentions could arguably only have been met by Israel’s most prosperous.

The indictment of the wealthy became somewhat of a favorite pastime of the eighth-century prophets. Each of the prophets of that era castigated the wealthy of their respective nations for their arrogant treatment of the poor. For example, Isaiah wrote,

Ah, you who make iniquitous decrees, who write oppressive statutes, to turn aside the needy from justice and to rob the poor of my people of their right, that widows may be your spoil, and that you may make the orphans your prey! What will you do on the day of punishment, in the calamity that will come from far away? To whom will you flee for help, and where will you leave your wealth... (Isa 10:1-3)

Hosea also condemned the arrogance of the rich when he wrote,

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<sup>183</sup> Wolff, *Amos*, 283.

But as for you, return to your God, hold fast to love and justice, and wait continually for your God. A trader, in whose hands are false balances, he loves to oppress. Ephraim has said, "Ah, I am rich, I have gained wealth for myself; in all of my gain no offense has been found in me that would be sin. (Hos 12:6-8)

Micah also railed against the insatiable appetites of the wealthy. He wrote,

Alas for those who devise wickedness and evil deeds on their beds! When the morning dawns, they perform it, because it is in their power. They covet fields, and seize them; houses, and take them away; they oppress householder and house, people and their inheritance. (Mic 2:1-2)

Later generations remembered the accusations that Amos and the other eighth century prophets made against the wealthy. Zechariah, writing over two hundred years after Amos and following the Babylonian exile, attributed the deportations of both Israel and Judah to the mistreatment of the poor by the wealthy. He warned the newly returned Jews of their responsibilities towards the poor and the dangers of neglecting that duty.

The word of the Lord came to Zechariah, saying: Thus says the Lord of hosts: Render true judgments, show kindness and mercy to one another; do not oppress the widow, the orphan, the alien, or the poor; and do not devise evil in your hearts against one another. But they refused to listen, and turned a stubborn shoulder, and stopped their ears in order not to hear. They made their hearts adamant in order not to hear the law and the words that the Lord of hosts had sent by his spirit through the former prophets. Therefore great wrath came from the Lord of hosts. Just as, when I called, they would not hear, so, when they called, I would not hear, says the Lord of hosts, and I scattered them with a whirlwind among all the nations that they had not known. Thus the land they left was desolate, so that no one went to and fro, and a pleasant land was made desolate. (Zech 7:8-14)

It is reasonable to conclude, then, that the vast majority of Amos' indictments implicated only the wealthy in Israel. It must be noted, however, that several scholars take a contrary view. M. Daniel Carroll R., for example, argues that the book of Amos

provides a window into the popular religion of eighth century Israel.<sup>184</sup> This religion was shared equally by both rich and poor. He writes that “both those privileged by social or economic station as well as the masses go to the same holy places and join together in the same cult. Even if agendas and motivations differ, all are part of a shared religious life and rhythm that Yahweh abhors and will judge at a terrible cost.”<sup>185</sup> He says that Amos 2:6-16, for example, implicates the wealthy while also condemning the general populace.<sup>186</sup> As a result, “no social class will escape the mourning, and no group responds to death and Yahweh in ways the text would consider appropriate.”<sup>187</sup> Paul Noble largely agrees. He notes that,

...although it is the rich and powerful who are charged with exploiting the poor, it is the people as a whole that is indicted for the cultic transgressions at Bethel and Gilgal (iv 4-5) and charged with ‘iniquities’ (iii 1-2). Consequently, the punishments depicted in Amos are often of an indiscriminate nature, striking against all sections of society. Both the ‘large house’ and the ‘small house’—i.e. dwellings of every degree—shall be shattered at Yahweh’s command (vi 11). Likewise, famine, drought, and blight (iv 6-9) are no respecters of social class or piety.<sup>188</sup>

Kapelrud also argues that all of Israel stood condemned. He says, “Amos accepts the ancient idea of collective responsibility, probably because he is of the opinion that sin has

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<sup>184</sup> M. Daniel Carroll R., "For So You Love to Do' Probing Popular Religion in the Book of Amos," in *Rethinking Contexts, Rereading Texts: Contributions from the Social Sciences to Biblical Interpretation*, ed. M. Daniel Carroll R. (Sheffield: Sheffield Academic, 2000), 188.

<sup>185</sup> Carroll R., "So You Love to Do," 178.

<sup>186</sup> “Whatever the precise nature and location of worship in view here, these sacrilegious excesses are possible only because the powerless have been taken advantage of. Nevertheless, at the same time, the wider context of the oracle (2:6-16) incorporates the people as a whole into the prophetic condemnation.” Carroll R., "So You Love to Do," 174.

<sup>187</sup> Carroll R. here refers specifically to the oracle in Amos 6:8-10. Carroll R., "So You Love to Do," 176.

<sup>188</sup> Paul R. Noble, "Amos' Absolute 'No'," *Vetus Testamentum* 47, no. 3 (1997): 336. Noble references Carroll R. as having a similar position. Carroll R., referring to the oracle contained in Amos 4:4-5, writes, “In this oracle, in other words, the unacceptable worship practices of a few is part of a wider refusal to respond properly to the voice and will of Yahweh.” Carroll R., "So You Love to Do," 175.



permeated the whole of society.”<sup>189</sup> Finally, Jeremias alleges that although Amos indicted only the wealthy, the entire nation stood guilty. He writes, “In contrast to the oracles against the nations, it is not only the ruler and the politically responsible who perish, but rather everyone, without exception, because everyone has become guilty.”<sup>190</sup>

Jeremias’ response illustrates what I believe to be the problem with this position. Jeremias, as does Carroll R., apparently assumes that all Israel is guilty because the entire nation was destroyed. While this might be more ethically palatable than the alternative, it ignores the fact that Amos almost exclusively proclaims the guilt of the wealthy. It also ignores the fact that the poor would have been less impacted by a change in administration as represented by the defeat of Israel. This is not to suggest, however, that the poor would not suffer as a result of the coming military disaster. As I will argue in the final chapter, this position also diminishes the guilt of the prosperous in Israel.

It would, perhaps, be better to assume that Amos intended for his readers to understand that Israel’s punishment would be directed at the wealthy alone. The poor were simply “collateral damage.” While modern readers might be squeamish about the notion of innocents suffering alongside of the guilty, it must be recognized that this is an inevitable result of punishment. The same phenomenon occurs in modern society and it is not often lamented. Rarely does the court or the public clamor for leniency because an offender’s prison sentence (or worse) would unduly harm the family of the guilty

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<sup>189</sup> Arvid S. Kapelrud, "God as Destroyer in the Preaching of Amos and in the Ancient Near East," *Journal of Biblical Literature* 71, no. 1 (1952): 35. Kapelrud views Israel’s moral failings as a proxy for her relationship with Yahweh. He writes, “It is always dangerous to generalize, but the chief points in the preaching of the prophets may be summed up in a few words: Yahweh’s doom had to come because the people had turned away from their god. They preferred Ba’al and the fertility gods and practiced a foreign cult. Closely connected with this apostasy was the people’s reject of ancient moral standards.” Kapelrud, "God as Destroyer," 36.

<sup>190</sup> Jeremias, *Amos* 44.

party.<sup>191</sup> The reality, today as in antiquity, is that the innocent often suffer along with the guilty.<sup>192</sup>

## Summary

Using biblical material as well as sociological models and archaeological data, scholars have pieced together the socioeconomic conditions of eighth-century Israel and Judah. They have concluded that only a very few enjoyed the seeming prosperity of Israel during the mid-eighth century. Not only did the wealthy not share their resources with those who had less, they used their wealth and influence at the court and in the courts to deprive the poor of what little they had left. The rich coveted the land possessed by the poor. They used their wealth to aggregate lands which they had confiscated into large estates and planted them in vineyards and olive groves, and to a lesser extent, wheat fields; all products with commercial value. While all peasant farmers may not have been dispossessed of their land, nevertheless most found themselves in a situation where they no longer controlled decisions regarding it. Without that control, they were no longer able to practice appropriate risk-spreading techniques. Thus the poor were left vulnerable to the vagaries of the weather and other natural disasters.

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<sup>191</sup> I have yet to see Irving Picard, the trustee for the victims of the Bernard Madoff Ponzi scheme, castigated for driving Madoff's oldest son to suicide because he relentlessly pursued justice and compensation for the victims of the scheme. As far as I am aware, it is unknown if Mark Madoff played a part in the scheme although his lawyers denied that he held any responsibility. Yet Mark Madoff and his family, especially his two year old son, paid a heavy price for Picard's pursuit of justice. (Arguably, many other factors, including perhaps guilt may have contributed to Mark Madoff's suicide.) Nevertheless, I find it doubtful that any disinterested observer would blame Picard for attempting to provide a modicum of justice to Madoff's victims. The ultimate responsibility for all of the suffering has to be laid at the foot of the perpetrator of the fraud, Bernard Madoff himself. As one victim proclaimed regarding Mark Madoff's suicide, Bernard Madoff paid "the ultimate punishment" for his deeds. Larry Neumeister and Tom Hays, "Madoff Son's Suicide Follows Battle with Trustee " *MSNBC online edition*, December 13 2010. I believe the same principle applies to the wealthy in eighth century Israel.

<sup>192</sup> This is the very basis for modern jurisprudence's notion that crimes are committed against "the state" rather than the individual. As John Darley notes, "...the intentional infliction of a wrong injures not just the victim but what might be called the 'fabric of society.'" Darley and Pittman, "Psychology," 330.

Amos includes several social classes in his description of the poor. It is interesting to note, however, that Amos nowhere describes the archetypal biblical poor; the resident alien, the widow, and the orphan.<sup>193</sup> Rather, Amos often describes the poor as the “working poor;” as small landholders, or as day-laborers. Perhaps this is because poverty was considered the natural condition of the widow, the orphan, and the alien. The same could not be said of many of those Amos describes, especially in light of the evident prosperity of the country. Counterintuitively, that prosperity, rather than being broad-based, actually swelled the ranks of the poor. The sin of Israel’s elite came in its total disregard for the vast majority of Israel’s population and their exploitation of them.<sup>194</sup>

Amos accused Israel of committing crimes that are, in most cases, not overtly religious in nature.<sup>195</sup> But this does not mean that Amos was unconcerned about religious matters. As we have seen, at least two of his indictments directly involved cultic matters. The fact that Amos’ list of crimes was relatively “secular” seems to have been

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<sup>193</sup> Rainer Kessler writes, “Those whose economic existence was thus threatened do not appear to have been the classic biblical oppressed persons; the book of Amos never speaks of widows and orphans. Rather, these are small farmers who are expected to hand over more and more, and who, when nothing more is to be had from them, fall into debt slavery.” Kessler, *Social History*, 109. It should be noted that the other eighth-century prophets do specifically mention the “typical” poor.

<sup>194</sup> Kessler writes that in Amos “wealth and poverty are seen in a cause and effect relationship. The wealthy are rich because they exploit the poor; the poor are impoverished because they are exploited by the rich. The simultaneous existence of rich and poor has become an antagonistic opposition.” Kessler, *Social History*, 109.

<sup>195</sup> The bifurcation of religion from secular life is a notion peculiar to modern living. Amos probably understood his indictments as being religious in nature. Nevertheless, the crimes that he highlights are of a different nature than those of Hosea, for example. Hosea’s indictments can be more readily identified as violations of Israel’s law. For example, Hosea writes, “Hear the word of the LORD, O people of Israel; for the LORD has an indictment against the inhabitants of the land. There is no faithfulness or loyalty, and no knowledge of God in the land. Swearing, lying, and murder, and stealing and adultery break out; bloodshed follows bloodshed (Hos 4:1-2).” He accuses Israel of having “forgotten the law of your God (Hos 4:6).” Hosea likens Israel’s behavior to that of a prostitute because they have worshipped idols rather than remaining faithful to Yahweh. “My people consult a piece of wood, and their divining rod gives them oracles. For a spirit of whoredom has led them astray, and they have played the whore, forsaking their God (Hos 4:12).” Hosea also rails against the social crimes of Israel when he wrote, “for they deal falsely, the thief breaks in, and the bandits raid outside (Hos 7:1)” and “You have plowed wickedness, you have reaped injustice, you have eaten the fruit of lies (Hos 10:13).”

intentional. Amos was condemning Israel for committing crimes that even those who did not worship Yahweh would have identified as wrong. One did not need to worship Israel's God to recognize the basic injustices committed by the antagonists in Amos' story. Israel's crimes went against the customs of her culture as well as those of her God. Thus Israel's coming punishment could only be considered well deserved. Israel, of all nations, should have recognized that fact. Amos' indictments against Israel demonstrate the rightness of Yahweh's actions and indemnify Yahweh against any accusation of injustice.

It must also be noted that, despite Amos' concern for the poor, he cannot be said to champion them. He does not call for economic reforms nor demand that the nation's prosperity be somehow shared. In fact we learn little of the underprivileged classes. Amos' true focus turns out not to be the poor at all, but the rich. Thus the bulk of Amos' invective was targeted at the small percentage of Israel who controlled the majority of its wealth. Amos' accusations are graphic and disturbing.<sup>196</sup> He describes the rich as arrogant. They relied on their privileged positions to shield them from prosecution. The message of Amos is that privilege did not alleviate the wealthy from the responsibility to act morally. Amos also accused the rich of being self-serving, hypocritical, greedy, and cruel. They thought only of themselves and gave no concern to the impact their actions had on others. They stole (by deception) from the poor, physically and sexually abused them, sold them into slavery, and denied them justice. Although the wealthy were apparently scrupulous in their praxis of the cult, Amos claims that it will be of no avail.

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<sup>196</sup> As graphic as Amos' accusations are, they cannot match those of Micah 3. There Micah compares the leaders of Judah with butchers. He wrote, "And I said: Listen, you heads of Jacob and rulers of the house of Israel! Should you not know justice?—you who hate the good and love the evil, who tear the skin off my people, and the flesh off their bones; who eat the flesh of my people, flay their skin off them, break their bones in pieces, and chop them up like meat in a kettle, like flesh in a caldron. (Micah 3:1-3)"

Their rituals were worthless and devoid of real meaning because they were not backed up by compassion.

Amos acknowledged the uniqueness of Israel when he wrote, “You only have I known of all the families of the earth. (Amos 3:2a)” That fact, however, did not diminish Israel’s responsibility in his mind. Rather, it increased it. Amos continued, “...therefore I will punish you for all your iniquities. (Amos 3:2b)” In another place, Amos minimized Israel’s special connection with Yahweh. He wrote, “Are you not like the Ethiopians to me, O people of Israel? says the LORD. Did I not bring Israel up from the land of Egypt, and the Philistines from Caphtor and the Arameans from Kir? (Amos 9:7)” Israel’s status as Yahweh’s chosen nation did not give her a free pass when it came to her treatment of the poor. Amos seemed to consider the wealthy as no more righteous than the foreigners he condemned at the opening of his book. One wonders if Amos would account the wealthy as essentially foreign in nature; true Israel consisting of the poor that the rich had done so much to impoverish.

In the final analysis, the aggrieved party in the book cannot be said to be the poor. Israel’s elite have sinned against Yahweh. There must be consequences for such actions. Thus the book of Amos includes not only a catalog of crimes, but also the promise of retribution against those responsible. The punishment of the wicked is the subject of the next chapter.

## V. CRIME AND PUNISHMENT

Something of Amos' character is revealed through his indictments against the nations, and particularly those aimed at Israel. We learn, for example, that Amos considered arrogance and disregard for others as something deeper than just a character flaw; to him these actions were criminal. Israel's crimes went against those of her culture as well as those of her God. Thus Israel's coming judgment could only be considered well deserved. The punishments that he announced inform us about Amos' depth of feeling regarding these crimes. It is telling that, if anything, the punishments reserved for Israel are more severe than they were for the nations. The announcements of Israel's punishment occupy proportionally more space than did Amos' indictments.<sup>1</sup> The focus of this chapter concerns the range of punishments Amos predicted would befall Israel.

### **The Nature of Israel's Punishment**

The announced penalties Israel could expect can be roughly divided into three categories: generic pronouncements of punishment; predictions of military defeat and exile; and the specter of natural disasters/cosmic disturbances. In the paragraphs following, we will briefly examine the punishments Amos expected to soon come upon Israel.

**Generic Pronouncements of Punishment.** Amos leaves unspecified the mode or agency of the predicted disaster in three texts. In the first, he wrote, "You only have I known of all the families of the earth; therefore I will punish you for all your iniquities. (Am 3:2)" The focus is less on the punishment in this text than it is on the Israel's

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<sup>1</sup> The following is once again not necessarily a comprehensive list, but incorporates most of the extended passages which announce punishment on Israel: Amos 2:13-16, 3:2-8, 3:9-11, 3:12-15, 4:2-3, 5:1-3, 5:4-6, 5:11, 5:16-20, 6:7, 6:8-11, 6:12-14, 7:8-9, 7:17, 8:1-3, 8:7-10, 8:11-14, 9:1-4, and 9:8-10. Unlike the previous chapter, these predictions will be treated topically.

relationship with Yahweh. Israel prided itself on its favored status with Yahweh. Amos acknowledged that special relationship, but argued that such privilege came with great responsibility. As Jeremias writes, “Israel misunderstood God’s election and nearness in the sense of the self-assurance of the favored one, instead of comprehending the commission to be a model for the world of nations.”<sup>2</sup> Instead of being a model to the nations, Yahweh was forced to call on the nations to witness Israel’s crimes (Am 3:9-10). One can almost sense the disappointment Amos feels in Israel through his words.

The mode of punishment also remains unspecified in Amos 3:14-15. The text reads,

On the day I punish Israel for its transgressions, I will punish the altars of Bethel, and the horns of the altar shall be cut off and fall to the ground. I will tear down the winter house as well as the summer house; and the houses of ivory shall perish, and the great houses shall come to an end, says the LORD.

The language of the passage might indicate an earthquake or perhaps a military defeat. Amos’ interest is not in the mode of the punishment, however, but in the author of it.<sup>3</sup> Amos makes it clear that the responsibility for Israel’s judgment falls squarely on Yahweh.<sup>4</sup>

Another generic announcement occurs in one of the five visions recorded in the book of Amos. There Yahweh showed Amos a basket of over-ripened fruit. Yahweh interpreted the visual metaphor, saying, “the end has come upon my people Israel; I will

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<sup>2</sup> Jeremias, *Amos* 51.

<sup>3</sup> Andersen and Freedman write of the book of Amos, “There is little or no interest in secondary causes or agencies. Yahweh will do it, as is shown by the ‘I’ clauses of judgment speeches.” Andersen and Freedman, *Amos*, 338.

<sup>4</sup> Amos often ascribes to Yahweh the responsibility for Israel’s punishment, even when it is obvious that humans will be the agents of that punishment. Andersen and Freedman write, “There is little or no interest in secondary causes or agencies. Yahweh will do it, as is shown by the ‘I’ clauses of judgment speeches.” Andersen and Freedman, *Amos*, 338.

never again pass them by. The songs of the temple shall become wailings in that day,' says the Lord GOD; 'the dead bodies shall be many, cast out in every place. Be silent!' (Am 8:2b-3)" Amos does not specify the cause of death. It might be due to famine, plague, or war. Amos was instead interested in the humiliating circumstances in which Israel would soon find itself. As Wolff writes, "The judgment of death is intensified by the shame of not being buried; the corpses are consequently consumed by dogs and birds or they lie about like dung, fertilizing the fields."<sup>5</sup> Once again the pathos of Israel's situation is obvious.

In each of these texts, the exact cause of destruction is unknown. It should also be noted that it is not the cause that Amos is most interested in. Rather, he highlights another aspect of the coming punishment that he finds important. In Amos 3:2 he focused on Israel's misunderstanding of its relationship with Yahweh. In Amos 3:14-15 he identifies Yahweh as the author of Israel's pain. In Amos 8:2-3 he highlighted the shame that would accompany Israel's defeat or death.

**Military Defeat and Exile.** Numerous texts in Amos specify that Israel's punishment will involve military defeat and exile. For example, Amos warned, "Therefore thus says the Lord GOD: An adversary shall surround the land, and strip you of your defense; and your strongholds shall be plundered. (Am 3:11)" Throughout the book, the adversary remains unnamed. For example, in chapter six Amos wrote, "Indeed, I am raising up against you a nation, O house of Israel, says the LORD, the God of hosts,

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<sup>5</sup> Wolff, *Amos*, 320. The other eighth century prophets also gave general predictions of disaster. For example, Isa 1:24 reads, "Therefore says the Sovereign, the LORD of hosts, the Mighty One of Israel: Ah, I will pour out my wrath on my enemies, and avenge myself on my foes!" and Hos 3:9b says, "I will punish them for their ways, and repay them for their deeds." Micah wrote, "The best of them is like a brier, the most upright of them a thorn hedge. The day of their sentinels, of their punishment, has come; now their confusion is at hand. (Mic 7:4)"



and they shall oppress you from Lebo-hamath to the Wadi Arabah. (Am 6:14)” Amos specified only that a nation would oppress Israel, and that it would do so at the behest of Yahweh. The anonymous agent operated as an instrument of Yahweh’s judgment.<sup>6</sup> In this text, Amos referred to Yahweh as “the Lord of hosts.” This is often understood by scholars to be a military title. Thus, as Wolff comments, “Amos is a messenger, not of any particular world power, but of the one and only commander-in-chief of all powers, Yahweh.”<sup>7</sup>

The previous texts told of Israel’s victimization at the hand of an enemy. In Amos 2:14-16 Amos revealed the magnitude of that defeat. He wrote that

Flight shall perish from the swift, and the strong shall not retain their strength, nor shall the mighty save their lives; those who handle the bow shall not stand, and those who are swift of foot shall not save themselves, nor shall those who ride horses save their lives; and those who are stout of heart among the mighty shall flee away naked in that day, says the LORD.

The defeat would be marked by personal humiliation as fear robbed the speedy of their speed and the strong of their strength.

Amos returned again to the magnitude of Israel’s defeat in chapter five. For example, in Amos 5:3, he threatened, “For thus says the Lord God: The city that marched out a thousand strong shall have a hundred left, and that which marched out a hundred shall have ten left.” Taken literally, Amos predicts a ninety percent mortality rate.<sup>8</sup> Amos

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<sup>6</sup> It may well be that Amos remains enigmatic as to the identity of the conquering nation for just this reason. The focus was not to be on the conquering nation but on Yahweh, who commissioned the nation to carry out his will.

<sup>7</sup> Wolff, *Amos*, 289.

<sup>8</sup> Wolff does not believe that Amos is necessarily predicting that a remnant of Israel will survive. As in Amos’ metaphor of the torn sheep, he understands the mention of the remnant to simply be a demonstration that Israel’s fate was sealed. Wolff comments, “It is true that interpreters still want to see in this oracle reference to a saved remnant, but Amos’ own interpretation of this oracle, found in the immediately preceding funerary lament, shows that there is as little thought of a remnant here in 5:3 as there is in 3:12.

does not intend to be taken literally, however. In Amos 6:9 he writes, “If ten people remain in one house, they shall die.”<sup>9</sup> In Amos 9:1b, he says “...those who are left I will kill with the sword; not one of them shall flee away, not one of them shall escape.” His point is simply that Yahweh’s anger is relentless. Amos reinforced that theme when he warned,

Though they dig into Sheol, from there shall my hand take them; though they climb up to heaven, from there I will bring them down. Though they hide themselves on the top of Carmel, from there I will search out and take them; and though they hide from my sight at the bottom of the sea, there I will command the sea-serpent, and it shall bite them. And though they go into captivity in front of their enemies, there I will command the sword, and it shall kill them; and I will fix my eyes on them for harm and not for good. (Am 9:3-4)

The evil of Israel was such that Yahweh would go to any length to eradicate it, even if it meant completely destroying the entire nation.

It must be presumed that Israel’s defeat will be particularly crushing because it has come to think of itself as a military power to be reckoned with. Amos highlighted Israel’s confidence when he wrote, “you who rejoice in Lo-debar, who say, ‘Have we not by our own strength taken Karnaim for ourselves?’ (Am 6:13)” Wolff notes that the place name Karnaim is the plural for the noun “horn,” a symbol of strength and power.<sup>10</sup> Israel in its arrogance had congratulated itself on its military prowess. In the end, however, the nation would be humiliated in the same way that Amos had predicted individuals would be disgraced in Amos 2:14-16.<sup>11</sup>

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If in Israel’s cities only a hundred men out of a thousand, or ten out of a hundred return from the war, then the death sentence has been pronounced over the state of Israel.” Wolff, *Amos*, 237.

<sup>9</sup> The context suggests that the city Amos is referring to is Samaria, the capital of Israel. Paul, *Amos*, 214.

<sup>10</sup> Wolff, *Amos*, 288.

<sup>11</sup> Colloquially, Amos seems to be saying that the neighborhood bully (Israel) is about to get its come-uppance at the hands of an even more powerful bully. As on the playground, Amos must have expected that

Exile often accompanied military defeat, and Amos predicted that this fate would befall Israel as well. He alluded to exile in one of the texts quoted above. (Am 9:4. “And though they go into captivity in front of their enemies, there I will command the sword, and it shall kill them...”). The theme is also contained in Amos 5:4-5. There Amos wrote, “For thus says the LORD to the house of Israel: Seek me and live; but do not seek Bethel, and do not enter into Gilgal or cross over to Beer-sheba; for Gilgal shall surely go into exile, and Bethel shall come to nothing.” Amos specified that certain cities would be carried into exile. He also singled out a specific group facing deportation, the “cows of Bashan” of Amos 4:2-3. Amos even promised exile to a particular individual. That story is told in Amos 7:10-17. The text relates a confrontation that took place between Amos and Amaziah, a priest at Bethel.<sup>12</sup> Amaziah wrote to the king of Israel, accusing Amos of “conspiring against the very center of the house of Israel.” This charge of treason was a serious one and presumably would not have been taken lightly. Jeroboam must have remembered that Jehu, his great-grandfather, ascended to the throne on the strength of Elisha’s prophecy. The prophets might be disregarded, but they were not to be ignored.<sup>13</sup>

Amos responded to Amaziah’s accusation by predicting that “Your wife shall become a prostitute in the city, and your sons and your daughters shall fall by the sword,

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no one would lament the diminution of the small bully’s status, just as no one would celebrate the specter of now dealing with a new, stronger bully.

<sup>12</sup> It is normally understood that Amaziah was the head of the state-sponsored Yahweh cult and thus a retainer of the king. Wolff, *Amos*, 239. As such he would have been a member of the class excoriated so thoroughly by Amos. His complaints can only be seen as self-interested. Wolff argues that this event took place near the end of Amos’ ministry and, indeed, brought about the end of it. Wolff, *Amos*, 309. Andersen and Freedman postulate that, as a result of the confrontation with Amaziah, Amos was imprisoned until a hearing was convened before the king. They suggest that subsequently he was imprisoned for life or possibly even martyred. Andersen and Freedman, *Amos*, 86-7.

<sup>13</sup> Amaziah’s charge seems to be almost a tacit admission that Amos’ indictments were accurate. He was apparently fearful that Amos’ words would cause a popular uprising.

and your land shall be parceled out by line; you yourself shall die in an unclean land, and Israel shall surely go into exile away from its land. (Am 7:17)” Amaziah represents the fate of the entire nation. As Wolff writes, “Thus does Amos specify in particular for the priest in Bethel a fate which corresponds to that announced for Israel as a whole in the threats of war and deportation.”<sup>14</sup>

Amos was not alone in his predictions of military defeat of the Hebrew nations. Each of the eighth century prophets had essentially the same message for Israel and/or Judah.<sup>15</sup> Military defeat and exile were essentially the same punishments that Amos had predicted would befall the foreign nations in his oracles against the nations. Amos is thus declaring that the severity of Israel’s crime equaled that of the nations.<sup>16</sup>

**Natural Disasters and Cosmic Disturbances.** Natural disasters and cosmic disturbances—earthquake, drought, famine, pestilence, solar and lunar eclipses—being undirected by humans, were thought of as a form of communication directed by the gods towards humanity. Natural disasters might well affect an entire nation. As such, they were often thought of as divine retribution on a national scale. The concept that the gods might destroy their own nation was not unique to Israel. As Kapelrud writes, “The ancient Near Eastern gods did not hesitate to destroy their own people. That idea is no invention of the Hebrew prophets, as is sometimes popularly believed.”<sup>17</sup>

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<sup>14</sup> Wolff, *Amos*, 316.

<sup>15</sup> For example, see Isa 1:20, Isa 3:24, Hos 5:8-9, Hos 7:16, and Mic 1:15-6. For specific predictions of exile, see Hos 8:13 and Hos 9:3.

<sup>16</sup> Wolff writes, “Amos considers Israel to be considerably more guilty than her foreign neighbors. Israel has no excuse; she was expected to recall that Yahweh intervenes on behalf of the weak, since precisely such an act of intervention had established her own historical existence.” Wolff, *Amos*, 173.

<sup>17</sup> Kapelrud, "God as Destroyer," 35.

A text by an anonymous author lamenting over the destruction of the Sumerian city of Ur provides a ready example. The exact date of the text is unknown, but it was probably written sometime in the first half of the second millennium BCE.<sup>18</sup> An excerpt from the lament reads:

When they [that is the leaders of the pantheon and the assembly of the  
great gods] ordered the utter destruction of my city,  
When they ordered the utter destruction of Ur,  
When they gave instructions that its people be killed –  
On that day, I verily did not forsake my city,  
I verily did not neglect my Land;  
Truly I shed my tears before An,  
Truly I myself uttered supplication before Enlil:  
'May the city not be destroyed!' I said indeed to them,  
'May Ur not be destroyed!' I said indeed to them,  
'May an end not be put to its people!' I said indeed to them.  
But An never changed that word,  
Enlil never soothed my heart with that  
'It is good; so be it!' ...  
Verily they gave instructions that my city be utterly destroyed,  
Verily they gave instructions that Ur be utterly destroyed,  
Verily they decreed its destiny that its people be killed.<sup>19</sup>

The author of this poem ascribed the destruction of the city of Ur (and presumably the empire that it presided over) to the gods; An and Enlil in particular. Although the exact reason for the destruction of Ur is unspecified, the text hints that “sins” may have been the cause of the gods’ anger. A broken line near the end of the lamentation reads, “May the hearts of its people that committed evil, be purified before you!”<sup>20</sup>

Another example dates from the mid-first millennium BCE. Unlike the previous example, this text details an ongoing national disaster rather than the memory of one. An

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<sup>18</sup> Hallo and Younger, *Context of Scripture*, 1:535.

<sup>19</sup> Hallo and Younger, *Context of Scripture*, 1:536.

<sup>20</sup> Hallo and Younger, *Context of Scripture*, 1:538.

epidemic raged through the Hittite kingdom of Mursili II.<sup>21</sup> The plague had already killed the nation's previous two kings, Mursili's father, Suppiluliuma I, and his brother Arnuwanda II. Mursili viewed the plague as a punishment sent by the gods for a wrong committed by his father. Mursili wrote a series of prayers, appealing to the gods for relief. One extant prayer records Mursili's attempt to propitiate the gods.

Now because Hatti has been very much beaten down by the plague, and Hatti continues to experience many deaths, the affair of Tudhaliya has begun to trouble the land. It was ascertained for me (through an oracle) by [a god], and I made (further) oracular inquiries [about it]. They will perform before you, [the gods], my lords, the ritual of (transgressing of) the oath which was ascertained for you, [the gods], my lords, and for your temples in regard to the plague. They will purify [... before you]. And I will make restitution to you, the gods, my lords, with reparation and propitiatory gift on behalf of the land.<sup>22</sup>

Mursili informed the gods that he was about to offer gifts to them in order to regain their favor.

The Hebrew Bible often attributed natural disasters to the hand of Yahweh. Biblical authors often associated the earthquake with Yahweh. For example, Exodus 19:18 connected the quaking of Mount Sinai with the presence of Yahweh. The Psalmist illustrated the majesty of Yahweh by depicting the earth as trembling and melting before him.<sup>23</sup> The Song of Deborah in Judges 5 used the imagery of an earthquake to symbolize Yahweh's intervention in battle.<sup>24</sup>

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<sup>21</sup> Hallo and Younger, *Context of Scripture*, 1:156. According to Kuhrt, Mursili II was sole monarch from about 1321-1295 BCE. Kuhrt, *Ancient Near East*, 1:254.

<sup>22</sup> Hallo and Younger, *Context of Scripture*, 1:157.

<sup>23</sup> "His lightnings light up the world; the earth sees and trembles. The mountains melt like wax before the LORD, before the Lord of all the earth. (Ps 97:4-5)"

<sup>24</sup> "LORD, when you went out from Seir, when you marched from the region of Edom, the earth trembled, and the heavens poured, the clouds indeed poured water. The mountains quaked before the LORD, the One of Sinai, before the LORD, the God of Israel. (Judg 5:4-5)"

The book of Amos also remembered past natural disasters and attributed their occurrence to Yahweh. In Amos 4:6-10 Amos reports,

I gave you cleanness of teeth in all your cities, and lack of bread in all your places, yet you did not return to me, says the LORD. And I also withheld the rain from you when there were still three months to the harvest; I would send rain on one city, and send no rain on another city; one field would be rained upon, and the field on which it did not rain withered; so two or three towns wandered to one town to drink water, and were not satisfied; yet you did not return to me, says the LORD. I struck you with blight and mildew; I laid waste your gardens and your vineyards; the locust devoured your fig trees and your olive trees; yet you did not return to me, says the LORD. I sent among you a pestilence after the manner of Egypt; I killed your young men with the sword; I carried away your horses; and I made the stench of your camp go up into your nostrils; yet you did not return to me, says the LORD.

In Amos' view, recent occurrences of drought, blight, locusts, pestilence and war—presumably resulting in famine—served as Yahweh's unsuccessful attempts to gain Israel's attention. Finally, in exasperation, Yahweh responded, "Therefore thus I will do to you, O Israel; because I will do this to you, prepare to meet your God, O Israel! (Amos 4:12)" Israel's king and her leaders, unlike the Hittite Mursili, ignored the divine portents and apparently took no steps to regain Yahweh's favor. Or perhaps they attempted to appease Yahweh through sacrifices. We have already seen Amos' reaction to Israel's brand of worship, however. Whether or not Amos knew of Mursili and his attempts to appease the gods, it is certain that he was aware that other nations, when faced with national disaster, often turned to their gods. Israel, in its recalcitrance, did not measure up even to the standards of the surrounding nations.

Many of the disasters mentioned in the Hebrew Bible are prophetic rather than historical. For example, a close contemporary of Amos wrote, "Therefore I will make the heavens tremble, and the earth will be shaken out of its place, at the wrath of the LORD

of hosts in the day of his fierce anger. (Isa 13:13)”<sup>25</sup> The author of 1 Kings told of the prophet Elijah’s prediction of a severe drought. The text reads, “Now Elijah the Tishbite, of Tishbe in Gilead, said to Ahab, ‘As the LORD the God of Israel lives, before whom I stand, there shall be neither dew nor rain these years, except by my word.’ (1 Ki 17:1)” The sixth century prophet Jeremiah also predicted national disaster against Israel. He wrote, “Although they fast, I do not hear their cry, and although they offer burnt offering and grain offering, I do not accept them; but by the sword, by famine, and by pestilence I consume them. (Jer 14:12)”

Amos thus used a familiar concept when he used his oracles to predict natural disasters. Although his language is often metaphorical, Amos seems to allude to a Yahweh-sent earthquake in three separate oracles. Amos 2:13 reads, “So, I will press you down in your place, just as a cart presses down when it is full of sheaves.” This is understood by several commentators as referring to an earthquake. They assume that the furrowed ground served as a metaphor for the fissures sometimes left by earthquakes.<sup>26</sup> Paul uses this text to directly connect the prosperity of the wealthy with an earthquake. He writes, “The imagery is actually paradoxical. The reason the cart comes to a halt is

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<sup>25</sup> Of the eighth century prophets, Isaiah and Micah joined Amos with predicting some form of natural or cosmic phenomenon. Isaiah predicted drought. He wrote, “And now I will tell you what I will do to my vineyard. I will remove its hedge, and it shall be devoured; I will break down its wall, and it shall be trampled down. I will make it a waste; it shall not be pruned or hoed, and it shall be overgrown with briars and thorns; I will also command the clouds that they rain no rain upon it. (Isa 5:5-6)” He also foretold an earthquake (in the above text) and also in Isaiah 5:25. That text reads, “Therefore the anger of the LORD was kindled against his people, and he stretched out his hand against them and struck them; the mountains quaked, and their corpses were like refuse in the streets. For all this his anger has not turned away, and his hand is stretched out still.” Micah envisioned the mountains melting in the presence of Yahweh. “For lo, the LORD is coming out of his place, and will come down and tread upon the high places of the earth. Then the mountains will melt under him and the valleys will burst open, like wax near the fire, like waters poured down a steep place. (Mic 1:3-4)”

<sup>26</sup> See, for example, Wolff, *Amos*, 171. and Jeremias, *Amos* 43.



that it is overloaded, which is precisely a reflection of the abundance and prosperity of the accused.”<sup>27</sup>

Amos 9:1 perhaps alludes to an earthquake as well. In his fifth vision, we are told that Amos “saw the LORD standing beside the altar, and he said: Strike the capitals until the thresholds shake, and shatter them on the heads of all the people...” Wolff notes that the word translated “shake” (Hebrew root רָעַשׁ, *r’š*) is used exclusively in the Hebrew Bible to refer to earthquakes or cosmic disturbances.<sup>28</sup> Thus this may be an enigmatic reference to a coming earthquake.

A third possible reference to an earthquake occurs in Amos 8:8. There the prophet asked, “Shall not the land tremble on this account, and everyone mourn who lives in it, and all of it rise like the Nile, and be tossed about and sink again, like the Nile of Egypt?” Paul believes that Amos was using the annual inundation of the Nile as a simile for an earthquake.<sup>29</sup>

Thus, according to Amos, Israel’s destruction would not be the result of military defeat alone. Yahweh would add natural disaster to Israel’s troubles. Obviously only Yahweh could wield the weapon of an earthquake. Earthquakes were terrifying phenomena, occurring without warning and allowing for no defense. They symbolized a threat to the very order of the world. As Wolff writes, “the presupposition here, as in Hos

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<sup>27</sup> Paul, *Amos*, 95.

<sup>28</sup> Wolff, *Amos*, 339. Other commentators treat the text less literally. For example, Mays writes that some commentators believe that Yahweh ordered Amos to strike the capitals, thus causing the subsequent collapse of the temple. Mays believes the command to strike is simply rhetorical. Mays, *Amos*, 153-4. The word Amos uses in 9:1 is a different Hebrew word than that used in 8:8.

<sup>29</sup> Paul, *Amos*, 260-1. Wolff has a similar understanding. Wolff, *Amos*, 329.

4:1-3, is that anyone in Israel who tampers with the just orders of life draws the earth and its inhabitants into perdition at the same time.”<sup>30</sup>

Amos’ use of the earthquake as a sign of Yahweh’s displeasure must have taken on a particularly powerful meaning to Amos’ audience. The book’s superscription dates the book to the reigns of “King Uzziah of Judah and in the days of King Jeroboam son of Joash of Israel, two years before the earthquake. (Am 1:1)”<sup>31</sup> Thus not long after Amos’ prediction, a powerful quake evidently impacted much of Israel. The earthquake was severe enough that it was remembered by the prophet Zechariah over two centuries later.<sup>32</sup> No record survives of the impact of the earthquake on Amos’ audience.

Amos did not confine his predictions of disaster to earthquakes alone. For example, in Amos 8:9 adds the threat of a disaster of cosmic proportions. Amos wrote, “On that day, says the Lord GOD, I will make the sun go down at noon, and darken the earth in broad daylight.” Shalom Paul observes that Amos is here referring to a solar eclipse.<sup>33</sup> A partial solar eclipse is known to have occurred in 763 BCE, probably coinciding with the ministry of Amos. A total solar eclipse had also occurred some twenty-five years earlier on Feb 9, 784.<sup>34</sup>

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<sup>30</sup> Wolff, *Amos*, 329.

<sup>31</sup> Paul says that this earthquake is usually associated with evidence of an earthquake found in the archaeological record at Hazor and normally dated about 760 BCE. Paul, *Amos*, 35.

<sup>32</sup> It was apparently this earthquake that Zechariah mentions in Zech 14:5. “And you shall flee by the valley of the Lord’s mountain, for the valley between the mountains shall reach to Azal; and you shall flee as you fled from the earthquake in the days of King Uzziah of Judah. Then the LORD my God will come, and all the holy ones with him.” While the dating of the last chapters of Zechariah remains problematic, a date no earlier than the Persian or Hellenistic period seems probable. Thus the earthquake that is mentioned in Amos was remembered and regarded as a particularly noteworthy event at least 250 years after the fact.

<sup>33</sup> Paul, *Amos*, 262.

<sup>34</sup> Wolff, *Amos*, 329. Wolff, however, is less sure that Amos intends to be taken literally in this text. He understands Amos to be speaking metaphorically. Wolff writes, “In this context, however, the only thing to

The solar eclipse was universally regarded in the ancient Near East as a portent of impending disaster.<sup>35</sup> In the context of the book of Amos, the threatened cosmic disturbance comes in relation to the abuse of the poor by the prosperous. Amos implies that the exploitation of the oppressed contradicts the cosmic order to such an extent that the normal workings of the world begin to malfunction. As Jeremias writes, “When the community of the people of God collapses, the world order, including nature and all human beings, are drawn into the catastrophe.”<sup>36</sup>

### **The Target of Yahweh’s Punishment**

We have already established that Amos aimed most of his indictments specifically at Israel’s wealthy. Some of the promised disasters also specifically target this group. For example, the context of Amos 2:13-16 suggests that the target of this punishment will be the wealthy. The oracle predicts the destruction of Israel’s army. The army protected the nation (and thus the source of Israel’s wealth) from outside forces. It was also a tool of the wealthy to enforce their will on the people of Israel. Wolff notes that members of the

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be said is that, on the day of the announced end of Israel, not only the female singers of the court and all inhabitants of the earth, but even the heavens will join in the mourning.”

<sup>35</sup> Paul writes, “Eclipses were considered portents of disaster throughout the entire ancient world because they were seen as reflexes of the anger of the gods. Compare in Mesopotamia: ‘An eclipse of the moon took place on the fourteenth, and this occurrence of an eclipse is ill-portending.’” Paul, *Amos*, 262. M. Nissinen relates a Babylonian text in which an official of Esarhaddon recommends that a substitute king be appointed for the duration of an upcoming eclipse. The text reads, “If it suits the king, my lord, a common man should, as before, be appointed to the office of the *šatammu* ... When [an eclipse] afflicting Babylonia takes place, [he] may serve as a substitute of the king, my lord.” Martti Nissinen, *References to Prophecy in Neo-Assyrian Sources*, State Archives of Assyria Studies (Helsinki: Neo-Assyrian Corpus Project, University of Helsinki, 1998), 71. An eclipse was considered such a bad omen that, in this text, the author has suggested that a substitute king be appointed in the place of the ruling monarch to assure that any bad fortune would fall on the substitute rather than the actual king. A further text relates the death and burial of the king, presumably not from natural causes. Nissinen, *References to prophecy*, 68-9.

<sup>36</sup> Jeremias, *Amos* 149. Joel 2:10-1 also unites the specter of an earthquake with the phenomenon of an eclipse. Joel specifically associates the portents with the Hebrew concept of the ‘Day of the Lord.’ He wrote, “The earth quakes before them, the heavens tremble. The sun and the moon are darkened, and the stars withdraw their shining. The LORD utters his voice at the head of his army; how vast is his host! Numberless are those who obey his command. Truly the day of the LORD is great; terrible indeed—who can endure it?”

military elite were probably drawn from the upper class in Israel.<sup>37</sup> Thus Amos predicts that the wealthy would specifically suffer the consequences of their own actions.<sup>38</sup>

However, it is also apparent that a serious military defeat would impact all of Israel. If the military elite were members of the upper class, there is little doubt that the common foot soldier belonged to the lower classes. It could even be surmised that enrollment in the military was one of the few occupations left to those who had lost their land to the depredations of the wealthy. So while the wealthy would suffer for the consequences of their own actions, their victims would also suffer.

The oracle of Amos 3:9-11 was particularly addressed against the “strongholds of Israel.” As we discussed in chapter four, the strongholds of Israel were inhabited by the wealthy. In Amos 3:12-15, Amos mentioned the destruction of winter and summer houses. Of course only the wealthy could afford such luxuries, and so this oracle was also aimed at the upper class. The punishments mentioned in Amos 4:2-3 were directed against the “cows of Bashan,” a metaphorical expression for the wives of Israel’s leaders. Amos 5:11 continues in the same vein. There Amos wrote, “Therefore because you trample on the poor and take from them levies of grain, you have built houses of hewn stone, but you shall not live in them; you have planted pleasant vineyards, but you shall not drink their wine.” Paul describes this as a “futility curse.” He writes,

The prophet proceeds to pronounce a retaliatory punishment in the form of a ‘futility curse,’ that is, a curse that describes the reversal of one’s

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<sup>37</sup> “Although in his threats against foreign nations Amos always made particular reference to the national rulers, in the oracle against Israel he does not do so. On the other hand we would expect to find here a comparable reference to the fate of the rich, and it seems likely indeed that they comprise the military elite among those to be so disastrously routed.” Wolff, *Amos*, 172.

<sup>38</sup> As well as the association of the military elite with the social elite, it was noted above that Paul regarded the symbolism of a heavily loaded cart as suggesting that this oracle was specifically targeted at the elite in Israel.

expectations. Because the upper class had enlarged its property and wealth at the expense of the poor, its own possessions will be taken from it. The people of the upper class will not enjoy the fruits of their own labor.<sup>39</sup>

It was only fitting that the guilty should suffer for their crimes and the above texts suggest that Amos envisioned that such would be the case. However, there are many other oracles in Amos which appear to suggest that the wealthy would not suffer alone. For example, Amos 3:1-2 reads, “Hear this word that the LORD has spoken against you, O people of Israel, against the whole family that I brought up out of the land of Egypt: You only have I known of all the families of the earth; therefore I will punish you for all your iniquities.” Amos here apparently addresses the entire nation. Likewise Amos 5:1-3 seems to refer to a broader population than just the upper class. There Amos wrote,

Hear this word that I take up over you in lamentation, O house of Israel:  
Fallen, no more to rise, is maiden Israel; forsaken on her land, with no one to raise her up. For thus says the Lord GOD: The city that marched out a thousand shall have a hundred left, and that which marched out a hundred shall have ten left.

It is unlikely that the small villages Amos alludes to were populated by the wealthy. Rather, they were probably inhabited by the victims of the wealthy and thus the poor would have found themselves doubly victimized.<sup>40</sup>

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<sup>39</sup> Paul, *Amos*, 173. Examples of the futility curse can be found in each of the other eighth century prophets. See, for example, Isa 5:8-10, 9:20; Hos 3:10a; and Mic 6:15.

<sup>40</sup> Several scholars have suggested that Amos referred to military forces in verse three. For example, Mays writes, “The military forces of Israel were organized into units of ‘thousands’ and ‘hundreds.’ Translated into modern terms, Amos is saying that a battalion would be left a company, and a company reduced to a platoon.” Mays, *Amos*, 86. While it may be tempting to again call attention to the close association of the military with the wealthy, Mays rightly identifies the units mentioned as conscripts. Whether or not Amos views the commoner as culpable of sins that rise to the level of those of the wealthy, he certainly recognizes that the entire nation will suffer as a result of Yahweh’s imminent punishment. Andersen and Freedman also understand verse 3 as a reference to military units. They, however, assume that this is describing two military encounters of the same unit. The first time the unit goes to battle it loses ninety percent of its troops. A subsequent engagement reduces the one hundred that were left to a mere ten survivors. Thus Andersen and Freedman claim that this verse refers to a ninety-nine percent casualty rate. Andersen and Freedman, *Amos*, 477.

Amos, in Amos 3:14-15, rather obliquely refers to the extent of Israel's destruction. He apparently describes the death of the entire nation. Amos wrote, "Thus says the LORD: As the shepherd rescues from the mouth of the lion two legs, or a piece of an ear, so shall the people of Israel who live in Samaria be rescued, with the corner of a couch and part of a bed. (Am 3:12)" Amos is here referring to a practice well known to shepherds of the Israel, a profession of which Amos was a member. If a sheep under the charge of a shepherd was killed by a wild animal, the shepherd was expected to bring some of the animal's remains to the owner. This exonerated the shepherd from stealing the sheep under the guise of an animal attack. The "remains" in this text, then, do not represent a "surviving" portion of the sheep. Rather, they are proof that the animal is indeed dead. This appears to be Amos' intent with this text in regards to Israel. He is not necessarily predicting that a remnant will survive the coming onslaught. Rather, he is warning that Israel's destruction will be total and the few remaining alive will merely serve as proof that the nation has indeed died. In Amos' metaphor, Yahweh does not play the part of the sheep owner; he is the lion that causes the slaughter.<sup>41</sup>

### **Summary**

Amos' prediction of Israel's coming disaster creates some thorny ethical questions for the modern reader. At the very least, it would seem to be poetic justice that nations guilty of war crimes should themselves become victims of war. Amos, however, predicts identical penalties against Israel. Yet Israel's crimes, on the surface, seem to simply be infractions of what we would call the "laws" of social justice. Amos, and by

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<sup>41</sup> "The 'rescue' of a small body part in this context naturally represents nothing more than proof that nothing could have prevented this death. Read in connection with vv. 3-8, the metaphor simultaneously forces the readers of this prophetic saying to realize that the God on whose automatic help they count is himself now the ravaging lion bringing death." Jeremias, *Amos* 59.

extension, Yahweh, appear to be overzealous in their pronouncements of judgment against Israel.

The natural disasters and military defeats predicted by Amos were, by their very nature, indiscriminate in their choice of victims. One can only presume that the poor, with fewer resources to begin with, would have been disproportionately impacted by famine, pestilence, and other natural disasters. War not only decimated the population and destroyed resources; it also damaged social institutions (including, for example, the practice of religion). The poor would have suffered along with the wealthy in the destruction of these social institutions.

Apparently Amos was untroubled by what seem to be difficult problems for the modern reader. Amos's presuppositions are foreign to us and the culture of his day seems primitive in relation to ours. If one is to accept as normative the ethics of Amos, as many modern readers of Amos attempt to do, the gap between Amos' culture and our own must be bridged. The final chapter will attempt to build that bridge.

## VI. AMOS AND MODERN ETHICS

Amos' charges against the various foreign nations resonate with modern, Western notions of justice. The practices of running farm implements over defenseless populations or selling entire communities into slavery would be defended by virtually no one today.<sup>1</sup> These acts would qualify as war crimes and crimes against humanity under the Rome Statute of the International Criminal Court.<sup>2</sup>

The actions of Israel's wealthy would no doubt be considered unsavory and unethical by a large segment of the modern population as well. Nevertheless, many of the 'crimes' of the Israelite elite would not be accounted as criminal by today's standards.<sup>3</sup> Their actions would not violate any modern laws. Some of their activities may well not have violated any Hebrew statutes either. Israel's wealthy were indicted, as much as anything, for the general attitude they held towards the poor. While this attitude

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<sup>1</sup> This is not to say that war crimes are no longer perpetrated today. Recent history is filled with examples of despicable actions directed against an enemy. But, as in antiquity, the fact that these actions are taken does not imply that laws against them do not exist. These laws make the actions indefensible. As we have discussed above, the laws in antiquity were often informal, taking their shape in customary laws rather than in formal statutes.

<sup>2</sup> Article 7, Paragraph 1 defines a crime against humanity as "any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: ..." Specifically included in the list are murder (item 'a'), and 'deportation or forcible transfer of population' (item 'd'). Article 8 defines war crimes and includes willful killing (item 2.a.i), torture and inhumane treatment (item 2.a.ii), and unlawful deportation (item 2.a.vii). "Rome Statute of the International Criminal Court", [http://untreaty.un.org/cod/icc/statute/99\\_corr/cstatute.htm](http://untreaty.un.org/cod/icc/statute/99_corr/cstatute.htm) (accessed December 3, 2011).

<sup>3</sup> This is not true of all of Amos' accusations. Some of the activities that Amos describes might violate modern statutes. For example, if Amos described a case of rape in 2:7, then this is obviously a crime by today's standards. Amos 2:6 described the wealthy as "selling the righteous for silver." Assuming this is speaking of some form of debt slavery, this would be a crime by modern standards, although not by the ancient Near Eastern standards. Amos 3:10 mentions the robbery and violence that characterized Samaria. These actions would certainly have been illegal in Amos' day just as they are today. Amos does not specify the guilty party in his indictment, however. It might be that these crimes were committed by the poor in retaliation to their treatment by the rich. Amos also indicts the wealthy for taking bribes in Am 5:12. The context suggests this was a suborning of justice, which would today be considered illegal. (Note that the modern punishment would be much more restrained than that predicted by Amos.)



contravened the prevailing standards of the day, Amos does not indict Israel on the basis of existing Israelite laws.

It is worth noting that, in some sense, that the actions and attitudes of Israel's upper class are being repeated today. As I write this in 2011, the protests of the "99 percent" have become front page news. The manifestos of these demonstrators closely echo statements we might imagine the workers of Amos' day made. For example, one supporting website makes this statement,

We are the 99 percent. We are getting kicked out of our homes. We are forced to choose between groceries and rent. We are denied quality medical care. We are suffering from environmental pollution. We are working long hours for little pay and no rights, if we're working at all. We are getting nothing while the other 1 percent is getting everything. We are the 99 percent.<sup>4</sup>

The web site of the Occupy Wall Street movement, the progenitor of many related movements in the United States, contains the following mission statement:

Occupy Wall Street is leaderless resistance movement with people of many colors, genders and political persuasions. The one thing we all have in common is that We Are The 99% that will no longer tolerate the greed and corruption of the 1%. We are using the revolutionary Arab Spring tactic to achieve our ends and encourage the use of nonviolence to maximize the safety of all participants.

This movement empowers real people to create real change from the bottom up. We want to see a general assembly in every backyard, on every street corner because we don't need Wall Street and we don't need politicians to build a better society.<sup>5</sup>

These movements decry the growing disparity between the wealthiest and the poorest in the United States. Their notion that the government is nothing more than a tool of the wealthy to oppress the poor might have been lifted from the book of Amos as well.

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<sup>4</sup> "We are the 99 percent", <http://wearethe99percent.tumblr.com/> (accessed November 26, 2011).

<sup>5</sup> "Occupy Wall Street", <http://occupywallst.org/> (accessed November 26, 2011).

The demonstrations in the US have remained largely non-violent. The same cannot be said for the Arab Spring protests, however. The Arab Spring movement, which served as inspiration for the US protests, also originated in 2011. This movement has been marked by violence. Revolution has erupted in Egypt, Tunisia, and Libya. Syria is embroiled in conflict. Many other Arab countries have experienced various degrees of unrest.<sup>6</sup> The Arab Spring owes its origin to conditions that closely mimic those found in the Israel of Amos' day. Alexander Orlov cites the gap between the rich and the poor as an important factor in Arab unrest. Socioeconomic issues affecting the poor include high unemployment, inadequate healthcare (and its attendant rise in mortality rates), falling educational standards, and rising prices.<sup>7</sup> On the other hand, the Arab rich are gaining ground at the expense of the poor. Orlov writes, "...the relatively well-off part of society, the caste of modern patricians, enjoys absolutely unlimited benefits without essentially giving anything back to the remaining part of the population and in no way justifying the astronomical standards of its existence."<sup>8</sup>

The non-violent nature of the American protestors has been notable.<sup>9</sup> Despite our history of participation in wars, including our current involvement in two military

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<sup>6</sup> The Arab Spring movement was literally ignited by the self-immolation of Mohamed Bouzid of Tunisia. Once again it is easy to imagine that the conditions that moved Bouzid to protest his straits in such a final, public fashion are mere echoes of the conditions experienced by the poor of Amos' Israel. Bouzid was a poor fruit vendor responsible for the care of an extended family. Unable to afford either a license to sell his fruit or to pay the bribes of the police, he was harassed and insulted by a policewoman. He made a futile attempt to appeal to provincial authorities. When they refused to hear him, he set himself on fire. Rania Abouzeid, "Postcard: Sidi Bouzid," *Time* 177, no. 5 (2011). Laila Lalami, "Winter of Discontent," *Nation* 292, no. 8 (2011).

<sup>7</sup> Alexander Orlov, "First Revolutions of the 21st Century," *International Affairs: A Russian Journal of World Politics, Diplomacy & International Relations* 57, no. 4 (2011): 43-4.

<sup>8</sup> Orlov, "First Revolutions," 44.

<sup>9</sup> The protestors have themselves, however, been the victims of violent reactions. See, for example, <http://abcnews.go.com/US/occupy-protesters-beaten-pepper-sprayed/story?id=14990310>. Another marked

conflicts, Americans (at least in their rhetoric) often prefer the non-violent solution. As such, we quail at the judgments that Amos pronounced against Israel and the nations.<sup>10</sup>

The punishments seem harsh and, in the case of Israel, perhaps even seem disproportionate to the crime. How are we to understand the message of Amos in the light of modern culture? In this chapter, I will attempt to provide one possible response to the ethical problems of the book of Amos.

### **Retributive Justice**

Chapter two presented several competing modern theories of justice. In the time of Amos, only the retributive form of justice seems to have been widely understood and used. The concept of retributive justice has many modern proponents as well. Despite its widespread use in antiquity and today, however, a vocal segment of the modern population finds the notion of retributive justice repugnant. To begin our discussion of this form of justice a more detailed definition is in order.

The basic premise of retributive punishment states that society has the right to harm an offender who has injured another. The nature of the harm brought about by society often includes methods not normally permitted. It is not, for example, normally permissible for members of modern Western societies to hold people against their will. Yet imprisonment is a common punishment in those same societies. Some modern societies permit the execution of criminals for certain egregious actions despite the fact that, in most other situations, the causing of death would be a punishable offense. The

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difference between the US and Arab protests is the openness with which these miscues by authorities are discussed in the national media.

<sup>10</sup> The modern Near East perhaps has standards that more closely align with their forbears. In Libya, at any rate, the former leader, members of his family and some high ranking officials have been murdered in the recent overthrow of the government.

moral philosopher Peter French defends the concept of retributive punishment when he writes, “I have already maintained that the offender’s actions in violation of moral principles or prohibitions, in effect, bestow on everyone else the moral liberty to do things to the transgressor that would otherwise be forbidden by morality.”<sup>11</sup>

It is this basic premise of retributive punishment that has created a philosophical divide among modern scholars and non-scholars alike. David Boonin agrees that retributive punishment allows society to commit normally impermissible actions. He writes, “Legal punishment involves treating those who break the law in ways that it would be wrong to treat those who do not.”<sup>12</sup> Boonin, however, finds the concept unacceptable. He asks, “How can the fact that a person has broken a just and reasonable law render it morally permissible for the state to treat him in ways that would otherwise be impermissible?”<sup>13</sup> French asks in turn, “How bad can vengeance and retributive punishment be when performing them does not sully the hands of God, who remains morally pure?”<sup>14</sup>

These brief statements from opposite perspectives help frame the scope of the arguments. There is little common ground between the two positions, and it would be presumptuous of me to think that I could resolve an impasse that has existed for many years. My goal will be more modest. I hope to show that Amos’ pronouncements of punishment on both the nations and Israel fit the spirit and even the letter of retributive

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<sup>11</sup> French is defending a specific subset of retribution which will be discussed in more detail below. French, *Virtues of Vengeance*, 169.

<sup>12</sup> Boonin, *Problem of Punishment*, 1.

<sup>13</sup> Boonin, *Problem of Punishment*, 1.

<sup>14</sup> French, *Virtues of Vengeance*, 108. Of course some would argue that such violence does sully the hands of God.

punishment as espoused by modern philosophers. I recognize at the outset that those who reject any form of retributive punishment will be unconvinced by the arguments presented.<sup>15</sup> The best I can hope to achieve is to demonstrate that the book of Amos can be a valid participant in modern discussions of punishment and justice.

**A Definition of Retributive Punishment.** Numerous scholars have attempted to adequately define and describe retributive justice. There seem to be as many definitions as there are scholars. These scholars recognize that not all forms of punishment are just. They thus seek to properly define the conditions under which punishment can be said to be fair. The many available definitions usually include similar elements. I will highlight four components usually considered to be necessary ingredients of just punishment.

The first element seeks to define who may punish. There is a general consensus among modern theorists that the punisher must have the proper moral authority to administer punishment. This element, for example, can be found in H. L. A. Hart's classic definition of retributive justice. He states that punishment "... must be imposed and administered by an authority constituted by a legal system against which the offence is committed."<sup>16</sup> In other words, the punisher must have jurisdiction over the offender. For the purposes of this discussion, we will label this element the "authority condition."<sup>17</sup>

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<sup>15</sup> A recent poll found that 61% of Americans approve of the use of the death penalty (down three points from last year and 25% from 17 years ago) Frank Newport, "In U.S., Support for Death Penalty Falls to 39-Year Low," (2011). <http://www.gallup.com/poll/150089/Support-Death-Penalty-Falls-Year-Low.aspx> (accessed February 2, 2012). It seems reasonable to assume that support for the death penalty could act as a decent proxy for the percentage of Americans who would also support at least some form of retributive justice. Presumably, then, a significant portion of the American population would agree with Amos, at least in theory, that abhorrent crimes demand dire consequences. This is not to suggest that they would agree with the particulars of Amos' announced punishments.

<sup>16</sup> Hart's definition will be referenced again below. His definition of punishment includes the following five components: "(1) it must involve pain or other consequences normally considered unpleasant; (2) it must be for an offense against legal rules; (3) it must be of an actual or supposed offender for his offence; (4) it must be intentionally administered by human beings other than the offender; and (5) it must be imposed and administered by an authority constituted by a legal system against which the offence is committed." H.

A further condition we will label the “prior knowledge” condition. This condition relates to the offense committed. According to this condition, an act must have been considered criminal prior to the offender’s actions. Hart states simply, “[the punishment] must be for an offence against legal rules.”<sup>18</sup> John Rawls defines punishment in a way that incorporates this and related conditions. He states that,

... a person is said to suffer punishment whenever he is legally deprived of some of the normal rights of a citizen on the ground that he has violated a rule of law, that violation having been established by trial according to the due process of law, provided that the deprivation is carried out by the recognized legal authorities of the state, that the rule of law clearly specifies both the offense and the attached penalty, that the courts construe statutes strictly, and that the statute was on the books prior to the time of the offense.<sup>19</sup>

Rawls notes that the prior knowledge condition specifies that not only must the offense have been predefined; the attached penalty must have been set out as well. An important corollary of the prior knowledge condition states that there must be a reasonable expectation that an offender would have or should have known that their actions were criminal. Thus a criminal action includes intent (the concept of *mens rea* in modern criminal law).

A third condition placed by modern theorists on just punishment requires that an offender must deserve his/her punishment.<sup>20</sup> This element we will label the “desert

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L. A. Hart, "The Presidential Address: Prolegomenon to the Principles of Punishment," *Proceedings of the Aristotelian Society* 60, no. (1959): 4.

<sup>17</sup> I am borrowing this label from Peter French. French, *Virtues of Vengeance*, 112.

<sup>18</sup> Hart, "Presidential Address," 4.

<sup>19</sup> John Rawls, "Rule Utilitarianism," in *Philosophical Perspectives on Punishment*, ed. Gertrude Ezorsky (Albany: State University of New York Press, 1972), 89. Notice that Rawls’ definition also contains a moral authority clause. Specially, he writes that punishment is just, “provided that the deprivation is carried out by the recognized legal authorities of the state.”

<sup>20</sup> Hart’s definition says that the punishment, “... must be of an actual or supposed offender for his offence.”

condition.”<sup>21</sup> A. M. Quinton calls this the first principle of retribution.<sup>22</sup> The desert condition is ultimately about the target of the retribution. The offender must be the one punished and not someone else. Modern justice systems insist that an individual may not be punished for another’s crime.<sup>23</sup> Only the offender’s moral worth has been reduced.<sup>24</sup>

French writes,

People who do evil deeds have less moral merit than those who do not. I think we all can agree on that. But if worth is proportional to merit, then people who do evil have less moral worth than nonevildoers, and morality would permit differential treatment: they do not have to be treated with the same respect as good people.<sup>25</sup>

The desert condition explains why offenders may be treated in ways not normally permitted by society. In essence, the theory of retributive punishment argues that the actions of the offender have created an imbalance in society. Punishment is necessary to restore that balance.

A final element of just retribution requires that the punishment fit the crime.<sup>26</sup>

French enumerates two constraints related to retributivism. He argues both that the

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<sup>21</sup> Again I borrow the label from Peter French. French, *Virtues of Vengeance*, 173-206.

<sup>22</sup> “At any rate the first principle of retributivism is that it is necessary that a man be guilty if he is to be punished.” A. M. Quinton, "On Punishment," in *Philosophical Perspectives on Punishment*, ed. Gertrude Ezorsky (Albany,: State University of New York Press, 1972), 7.

<sup>23</sup> Certain societies in the past have allowed for the punishment of family members in place of the offender. Hart gives the Roman example of *Lex Quisquis*. Hart, "Presidential Address," 11. The Hebrew Bible contains the concept that an offender must suffer for their own crimes. Ezekiel 18:20 directly addresses the issue. The text reads, “The person who sins shall die. A child shall not suffer for the iniquity of a parent, nor a parent suffer for the iniquity of a child; the righteousness of the righteous shall be his own, and the wickedness of the wicked shall be his own.” Numbers 14:33, however, says, “And your children shall be shepherds in the wilderness for forty years, and shall suffer for your faithlessness, until the last of your dead bodies lies in the wilderness.” An examination of the differences reflected in these texts is beyond the scope of this monograph.

<sup>24</sup> French, *Virtues of Vengeance*, 193.

<sup>25</sup> French, *Virtues of Vengeance*, 192.

<sup>26</sup> Hart’s definition does not include the proportionality condition. Igor Primoratz includes the proportionality condition in his definition of punishment. This definition includes: “(1) the moral *right* to

severity of the punishment cannot exceed that of the crime but also that “punishment must not be less than of a degree commensurate with the nature of the crime and the culpability of the criminal.”<sup>27</sup> Thus punishment must precisely fit the crime. Scholars are virtually united in their recognition that this is one of the most difficult conditions to meet.<sup>28</sup> Igor Primoratz, for example, writes, “...it has frequently been remarked that the *lex talionis* cannot always be applied, since it is often in the nature of the case that we cannot requite the offense in the same way and in the same measure.”<sup>29</sup> This element will be labeled the “fit” or “proportionality condition.”<sup>30</sup> The fit condition is properly the domain of the Hebrew Bible concept of *lex talionis*.

To summarize, then, we have noted that just retributive punishment must meet four necessary conditions. The punishment must be administered by one having the moral authority to punish the offender. The offense must have been previously considered a crime and the offender should have known that his/her actions would be considered criminal. As a consequence of the offending action, the offender has lost moral worth and

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punish is based solely on the offense committed; (2) the moral *duty* to punish is also grounded exclusively on the offense committed; (3) punishment ought to be *proportionate* to the offense (the *lex talionis*); (4) punishment is the ‘*annulment*’ of the offense; (5) punishment is a *right* of the offender.” Primoratz, *Justifying Legal Punishment*, 12.

<sup>27</sup> French, *Virtues of Vengeance*, 222.

<sup>28</sup> French states that vengeance is often discouraged in practice, in part, because fit is so hard to determine. Difficulty in determining fit does not, however, disqualify revenge as a viable means of punishment from a moral standpoint. French, *Virtues of Vengeance*, 227. Charles K. B. Barton makes the statement that determining fair punishment is not a particular problem of retributive punishment. Consequentialist theories of punishment must also attempt to fairly fit the punishment to the crime. Charles K. B. Barton, *Getting Even: Revenge as a Form of Justice* (Chicago, Ill.: Open Court, 1999), 49.

<sup>29</sup> Primoratz, *Justifying Legal Punishment*, 80. Primoratz explains later that, “Properly understood, the *lex talionis* requires that punishment should affect the offender as much as his offense has affected the victim. This can be attained even in cases in which the principle ‘an eye for an eye, a tooth for a tooth’ cannot be applied literally. This explains the use of fines and prison terms, which in respect of severity can be made proportionate to all kinds of offenses.” Primoratz, *Justifying Legal Punishment*, 80-1.

<sup>30</sup> French discusses this element in French, *Virtues of Vengeance*, 207-30.



thus deserves punishment. Finally, the punishment must fit the crime. Although this is an admittedly abbreviated survey of a complicated subject, we have nevertheless established sufficient grounds to allow a comparison of modern concepts of retribution with the punishments announced by Amos. This comparison will take place in two domains; that of Amos' pronouncements against the nations, and that of his proclamations against Israel.

**The Punishment of the Nations.** If we assume that that Amos is a reliable witness, the actions of the nations would obviously be considered criminal by today's standards. It does not, however, necessarily follow that similar punishments would be accepted by today's society.<sup>31</sup> The related issues can best be discussed by utilizing the four components of retributive punishment discussed above.<sup>32</sup>

Most modern definitions of punishment assert that moral authority lies with the state or some other legally recognized body. However there were no *human* supranational legal bodies in the time of Amos. As we have seen, the gods were thought to constitute

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<sup>31</sup> In reality, the options open to modern society are still very limited. In recent memory, a favorite means of discouraging rogue nations from violating modern rules has involved the invocation of various forms of sanctions. Many have argued that these sanctions tend to hurt the average citizen more than the leaders presumably guilty for perpetrating the crimes. Of course the recent actions in Iraq and Afghanistan show that war is just as much of tool of law in modernity as it was in antiquity.

<sup>32</sup> As I stated above, there are two schools of thought that do not speak in terms of deserved punishment. One school sees punishment as a means to an end while the other abhors the concept of punishment altogether. Members of the consequentialist school would presumably disagree with the idea that the nations or Israel deserved punishment. They might agree that punishment was necessary to further the common good. They could also conceivably disagree with the modes of punishment that Amos announces. Those of the restorative justice school would argue that Yahweh's use of punishment was simply morally wrong. It is difficult if not impossible to bridge the gap between these schools of thought and the retributive justice perspective. What follows, then, is simply an attempt to show how, from one point of view, Amos' announced punishments might be justified in modern terms. To quote Robert Nozick on a nearly identical topic, "I am trying to explain how it is possible that retributive punishment sometimes is appropriate or demanded. Those who think it is never suitable will think there is no such fact to be explained. ... Yet perhaps even these deniers can see that the material that follows as providing ... understanding if not explanation, providing understanding of appropriate retributive punishment by placing it in an illumination network of possibilities." Nozick, *Philosophical Explanations*, 366.

that legal body in the ancient Near East. Presumably, then, the gods would have had the moral authority to punish the nations for their breaches of international law. The problem resides in ascertaining which deity/deities had jurisdiction over the nations. The foreign nations condemned in Amos' oracles did not worship Yahweh. How, then, did Yahweh have the moral authority to punish these nations?

One possible answer might lie in a theoretical preexistent Davidic empire. As we have already discussed, several modern scholars posit that such an empire existed in Amos' day. This empire would have been held together by various treaties that subsumed all of the nations mentioned in the oracles. If these scholars are correct then the nations would have, by agreeing to the terms of the presumed treaty, placed themselves under the authority of Yahweh. Thus Yahweh's moral authority would be obvious and the problem essentially disappears. Unfortunately, the concept that some form of Davidic Empire lies behind the book of Amos has remained a minority view. No treaties between the nations have been found nor, with the exception of Tyre, are any such treaties even implicitly mentioned by the biblical texts.<sup>33</sup> I do not find the arguments for this position compelling. Any notion of a Davidic Empire underlying the book of Amos remains essentially a scholarly construct.

Modern readers might perhaps point to the fact that, at least in the case of two of the nations, Amos claimed a previous association of the nations with Yahweh. Amos 9:7 says that Yahweh not only brought Israel up from Egypt, but also that he brought the

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<sup>33</sup> Solomon and the king of Tyre were apparently on good terms. They were trading partners and Solomon took a wife from among the Sidonians (presumably a daughter of the king of Tyre, see 1 Ki 1:1). Later, the Northern Kingdom's Ahab married the daughter of Ethbaal, "king of the Sidonians" (1 Ki 16:31), also implying a treaty arrangement. Foreign marriages were a part of ancient diplomacy and were often part of the treating making process. (The wives were essentially hostages, guaranteeing the good behavior of the treaty partner.) However, Ahab predates Amos' time by well over a century. There is currently no textual or archaeological support for an operational Davidic dynasty in Amos' day.

Philistines from Caphtor and the Arameans from Kir. Thus Amos establishes an historical link between Yahweh and these two nations. However, it does not follow that Yahweh's previous actions on behalf of the two nations would have been recognized within those nations. Nor does it follow that Yahweh's assistance necessarily gave him moral authority over the nations. Even if it did, it is too large a leap to assume that Yahweh's prior association with two nations necessarily gave him authority over all of them. This explanation, like the previous one, is ultimately unsatisfactory.

It must be noted that the question of moral authority was probably a non-issue in Amos' day. War, pestilence, and famine were considered instruments of the gods. The outcome of war, for example, was thought to be determined in advance by the gods. Although the outcome was determined in advance, humans could not know the decision of the gods until the smoke had cleared. The war must be fought. It was supposed that, when two opposing kingdoms went to war, their gods went to war as well. The winning nation was victorious because their god was stronger. Or it might be that the vanquished nation was being punished by their god for some transgression. Either way, from the perspective of ancient Near Eastern culture, the victory of one nation over another signaled that the god of the winning nation had the moral authority to punish the losing nation. A modern explanation of the events would come to the opposite conclusion. From a modern perspective, we would suggest that the title of most powerful god, and thus the moral authority of that god, devolved on a deity because their nation won the war. We would perceive that moral authority stemmed from military might. The ancients would say that military might demonstrated a god's moral authority. To a large degree, the question of moral authority is predicated upon the presuppositions of the observer.

Amos is a special case in that he did not predict Israel's victory. Rather he predicted the demise of the nation as well as the punishment of the foreign nations. The claim of Amos (and other Hebrew prophets) is perhaps unique in that he assumed that Israel's *defeat* demonstrated Yahweh's sovereignty, and hence moral authority, over the nations.<sup>34</sup> His point, of course, is that Yahweh will allow such devastation because of Israel's sin.

This discussion highlights the point that, although we might use modern *principles* to examine the book of Amos, nevertheless that *standards* by which the book is judged must remain the standards of the culture from which the book derived. If we utilize Amos' standards, then we can consider the moral authority condition met. As we will see in the next section, however, I believe there is a subset of retributive punishment that better resolves the moral authority problem.

Another problematic question pertaining to Amos' judgments concerns the prior knowledge condition. As we have discussed, this condition states that actions must have been previously defined as criminal before violators can be held liable. There being no international criminal court in the time of Amos, no formal law against the actions of the nations would have existed. As I have already argued, however, custom dictated that non-combatants be accorded a certain amount of respect in the ancient Near East.<sup>35</sup> The fact

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<sup>34</sup> Yahweh could only be presumed to be in control on the basis that he revealed to Amos the fate of Israel and the nations prior to the actual events. It was fulfilled prophecy, in the mind of the prophets and their disciples, which demonstrated the power of Yahweh despite the defeat of Israel (and subsequently Judah). This view, of course, is still maintained by some groups in Judaism and Christianity. These groups would reject the notion, posited by some modern scholars, that much of the prophecy in the Hebrew Bible is, in reality, *ex eventu* prophecy.

<sup>35</sup> It should be noted that customary law, especially at the international level, often carries as much weight as statutory law, even in modern jurisprudence.

that history demonstrates that this restraint was not always practiced does not grant that no such custom existed.

It can be further argued that a prior, *formal* statement of law is not a necessary condition of just punishment. All that is necessary is that there existed the presumption that an action should have been known to be wrong. Robert Nozick writes,

A prior announcement that such acts will bring punishment (by an authority reasonably expected to carry through) is one sufficient condition for ‘should have known.’ However it is not a necessary condition. There are ways other than through actual prior announcement that a person should have known he would be punished for a wrong.<sup>36</sup>

Nozick notes, for example, that the knowledge that an action was previously considered wrong or was considered wrong everywhere else would serve to meet the prior knowledge condition. Nozick also argues that the presumption must exist that an action is criminal if it is recognized that such an action would lead to punishment.<sup>37</sup> The various actions of the nations enumerated in Amos’ oracles were often considered *casus belli* in the ancient Near East. If these actions could precipitate war, then it is clear that they were considered morally wrong in the ancient Near East, just as they are today. Using these criteria, it would appear that the nations were indeed culpable for the actions described by the book of Amos. They should have known that their actions were criminal.

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<sup>36</sup> Nozick, *Philosophical Explanations*, 391.

<sup>37</sup> Nozick, *Philosophical Explanations*, 391. Nozick uses a hypothetical argument involving Nazi Germany as an example. He argues that, even if Germany had changed their laws to make the killing of Jews legal and if international laws as they then existed did not hold persons (as opposed to communities) responsible for such acts, the people committing the murders should have known that they were in the wrong. He writes, “...the acts previously were considered wrong in Germany, and at the time they were considered wrong everywhere else—except Poland.” He also argues that Germany should have known that they would be punished by the opposing nations for their actions, assuming the opposing nations were victorious. In a nutshell, might does not make right and customs and laws beyond one’s borders matter. It seems that Nozick’s argument is valid whether applied to eighth century BCE nations of the ancient Near East or twentieth century CE Germany.

The third condition we have labeled the desert condition. This condition asserts that the offender must be deserving of punishment. We have already established that, by modern as well as ancient standards, such was indeed the case. The actions of the nations were obviously wrong.

Finally, modern theories of punishment state that punishment should fit the crime. Amos' announced punishments seem to meet this criterion, although perhaps more vigorously than many moderns would accept. Amos predicts that many of the nations would suffer a fate identical to that which they perpetrated upon their victims; defeat and exile. While this punishment may seem excessively harsh, nevertheless it should be obvious that the punishment indeed fit the crime. If, as some scholars argue, there existed a previous treaty between Israel and the nations, then the nations had even tacitly accepted the possibility of such harsh punishment when they entered into the treaty.<sup>38</sup> A singular exception occurs with the nation of Moab. Amos predicted that Moab would be destroyed because "he burned to lime the bones of the king of Edom." Moab's offense, while appalling, would hardly be considered a capital crime today. This infraction does not appear to merit such dire consequences. It might perhaps be that Amos used this Moabite action as a proxy for other, more heinous, war crimes. Or perhaps this action may have been considered a capital offense in the ancient Near East. Unfortunately the full meaning of the expression is opaque to us.

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<sup>38</sup> See chapter two for examples of the curse-component of ancient Near Eastern treaties. One cannot say that divine destruction would have been the *expected* outcome of breaking a treaty, however. Presumably if there had truly been a one-to-one correspondence between treaty-breaking and divine destruction, then nations would have respected treaties more consistently than they did. This is not to say, however, that treaties and their attendant curses did not serve as a deterrent to treaty-breaking behavior. All signs point to the fact that they did. But since divine destruction was not an automatic outcome of breaking the provisions of a treaty, the deterrent value often depended more on the perceived strength of the opposing nation rather than on the fear of divine curses. It may have been difficult to separate the two notions; however, since it was thought that a nation became powerful because it had a powerful god.

**The Punishment of Israel.** If the punishments of the nations seem harsh, the predicted demise of Israel seems to be completely out of proportion to the severity of her crimes, at least as judged by modern standards. Amos accuses the wealthy of a wide range of crimes, including drunkenness, gluttony, conspicuous consumption, bribery, theft by deceit, perverting the course of justice, rape, and perhaps the selling of the poor into slavery. While some of these actions would elicit lengthy prison sentences in most modern democracies, others would not be considered criminal at all but almost a natural right: conspicuous consumption is virtually an American institution. Yet Amos announces that Israel would suffer the same scope and scale of punishment to be visited on the foreign nations. Israel's population would be exiled and the nation itself would cease to exist.

The argument might be made that Amos was not literally expecting such a harsh punishment to fall on Israel. Perhaps he was simply using such rhetoric to persuade Israel to turn away from its crimes. There seems to be no real evidence to back up such an assertion, however. It is notable that, with few exceptions, Amos does not call for Israel's reform or repentance.<sup>39</sup> Therefore I will operate under the assumption that Amos was predicting the literal end of the Northern Kingdom.

As we have seen, ethical questions concerning the punishment of the nations revolve around Yahweh's moral authority. Such an objection cannot be made with the nation of Israel, however. It is inconceivable that any rational person in the ancient Near

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<sup>39</sup> Both Amos 5:4 and 5:6 contain similar injunctions to "Seek the Lord and live." Amos 5:14 advises Israel to "seek good and not evil." Amos 5:15 tells Israel to "hate evil and love good." The context of the last named verse, however, reveals that judgment has already been passed. The best Amos can say is that, if Israel turns away from evil, "it may be that the Lord, the God of hosts, will be gracious to the remnant of Joseph. (Am 5:15b)" It may well be that Amos hoped that his message would lead to Israel's repentance, but this does not seem to be a major theme of the book.

East would have denied that Yahweh held sufficient moral authority to punish Israel.<sup>40</sup> Nor does it seem likely that any modern objections could be offered.

It also seems evident that the wealthy knew their actions were immoral, thus meeting the prior knowledge condition. As we have previously noted, Amos' handling of this element is somewhat surprising. Presumably Amos could have called attention to Israel's laws in condemning the actions of the well-to-do, especially vis-à-vis the treatment of Israel's poor.<sup>41</sup> Instead Amos, I believe intentionally, utilized contemporary Near Eastern standards of justice in his indictment of Israel.<sup>42</sup> Whether by means of Israel's laws or Near Eastern customs, however, Israel's rich had no excuse. Their actions were obviously wrong.

The prior knowledge condition not only demands recognition of the impropriety of the action, it also implies intentionality in the commission of the crime. Amos 2:12 suggests that intentionality. In the text Amos indicts Israel's wealthy for their attempts to silence the prophets and rendering ineffective the ministry of the nazirites. Amos implies that the elite understood the wrongness of their actions. Rather than changing their behavior, however, they demanded that their actions not be exposed and they sought to discredit those whose lifestyles revealed the excess of their own.

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<sup>40</sup> According to Primoratz's definition, Yahweh also had the responsibility to punish the nation. He regards it a "right" of the offender to be punished. Primoratz, *Justifying Legal Punishment*, 12.

<sup>41</sup> Although there is some debate as to when Israel's law achieved written form, nevertheless most scholars accept that the written law had ancient precedents that would have certainly been known in the time of Amos. Isaiah, Amos' slightly younger contemporary, certainly recognized elements of Israel's ceremonial law (Isa 1).

<sup>42</sup> I am not making the argument that Israel's contemporaries were necessarily any less cruel to the poor. Undoubtedly similar crimes were being played out in numerous cities around the region. I am simply arguing that Israel, along with the nations, understood that such treatment of the poor was wrong. Amos was not required to cite Hebrew law to indict Israel. It stood condemned in light of the standards of its culture.



The desert condition requires that the guilty party, and only the guilty party, be punished for their crimes. Retributive justice theories (unlike consequentialist justice ones) prohibit the punishment of the innocent. Yet Amos could be accused of just such a fault. I have previously argued that Amos' indictments specifically targeted Israel's wealthy. Yet the mechanisms of Israel's punishment were indiscriminant. Whether through war, famine, or pestilence, the poor would have suffered along with the rich. This seems to be a major breach of justice. I have argued in the previous chapter, however, that Israel's poor, although harmed, were not punished. Their harm was the regrettable byproduct of the guilt and punishment of the wealthy. The harm suffered by the innocent only intensifies the guilt of the offender. The poor were not only victimized by the wealthy, they suffered as a result of the wealthy's punishment as well. The poor were thus doubly victimized by the rich.<sup>43</sup> This may well have been part of Amos' message. The culpability of the wealthy increased because their punishment would have necessarily involved the innocent poor. It is a tragedy when the innocent suffer because of the actions of the guilty, but it is neither the fault of the judge nor of the executioner. The plight of the innocent is a consequence of the ever-widening sphere of destruction inevitably brought about by the continual practice of evil.

It is probably in terms of the fit or proportionality condition that modern readers find their greatest discomfort. As previously noted, the fit condition is perhaps the most difficult condition to accurately appraise. Peter French writes that no mechanical

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<sup>43</sup> A similar case might well (and unfortunately often does) occur in modern jurisprudence. Suppose that a child is physically abused by a parent. Obviously the child is a victim of the parent's abuse. If the parent is subsequently arrested and jailed, the child is victimized again by the loss of the companionship of the parent (such as it was) and perhaps the loss of the resources that the parent provided. It could also be argued, however, that the removal of the child from the abusive situation served the child's best interests in the long run. I believe a similar argument might be made for Israel's poor.

formulas are available to determine the appropriate punishment.<sup>44</sup> Nevertheless, the destruction of an entire nation for primarily economic crimes seems unduly severe. Certainly the selling of individuals into slavery (2:6); the taking of bribes (5:12); the utilization of false weights and measures (8:5); and the selling of substandard or adulterated food (8:6) would qualify as bona fide crimes today. However, many of Israel's actions would, at best, be considered morally wrong by today's standards. For example, the sexual involvement of a father and son with the same girl (2:7) would in many (although by no means all) circles be considered a moral wrong. Unless their attentions were forced on the girl, however, this action would not be considered criminal. Neither would involving the profits of ill-gotten gains in a house of worship (2:8), nor extravagant spending (6:4-6) lead to jail time today, certainly not to execution. Even the oppression of the poor (4:1) would not in most conditions be considered a criminal offense by modern Western standards. And yet for those crimes, Amos assigns the same level of punishment as he does to those that would rip open the wombs of pregnant women.

Although we are applying modern philosophical ideas to an ancient text, nevertheless, it seems that we must allow Amos to set the appropriate judicial standards. To some degree, laws (and their attendant punishments) are culturally conditioned. As Robert Solomon writes, "Justice claims are always contextual and presuppose a local set of conditions and considerations."<sup>45</sup> Thus it must be recognized that, utilizing the standards of Amos' day, Israel's announced punishment may not have been out of

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<sup>44</sup> French, *Virtues of Vengeance*, 227.

<sup>45</sup> Solomon, *Passion for Justice*, 18.

proportion to her crimes. Infractions similar to those contained in the book of Amos are known from other ancient Near Eastern texts. In those texts, the crimes were often punishable by death. For example, the Law of Eshnunna states that if the wife or child of a commoner is taken in distraint and subsequently dies, the perpetrator's life would be forfeit.<sup>46</sup> The Code of Hammurabi had a similar provision.<sup>47</sup> Certain economic crimes might also result in capital punishment. The Code of Hammurabi specifies that if a man purchases a valuable (silver, gold, cattle, and slaves) without a witness or a contract, that person would be considered a thief and executed.<sup>48</sup> Hammurabi also designated the death penalty for a case that bears some resemblance to that found in Amos 2:7. The code says, "If a man selects a bride for his son and his son carnally knows her, after which he himself lies with her and they seize him in the act, they shall bind the man and cast him into the water."<sup>49</sup> The Egyptian *Instruction of Amenemope* cautions against the abuse of the poor as well. Although the author does not threaten legal action, he warns that evil may befall the one who oppresses the helpless. The text reads,

Beware of robbing a wretch,  
Of attacking a cripple;  
Don't stretch out your hand to touch an old man,  
Nor open your mouth to an elder.  
Don't let yourself be sent on a mischievous errand,  
Nor be friends with him who does it.  
...  
He who does evil, the shore rejects him,  
Its floodwater carries him away.  
The northwind descends to end his hour,  
It mingles with the thunderstorm.

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<sup>46</sup> §24. Hallo and Younger, *Context of Scripture*, 2:333.

<sup>47</sup> Statute 155 says that if a son of a creditor is taken in distraint and dies from abuse at the hands of the distrainer, the distrainer's son is to be killed. Hallo and Younger, *Context of Scripture*, 2:345.

<sup>48</sup> §7. Hallo and Younger, *Context of Scripture*, 2:337.

<sup>49</sup> §116. Hallo and Younger, *Context of Scripture*, 2:343.

The storm cloud is tall, the crocodiles are vicious,  
You heated man, how are you now?  
He cries out, his voice reaches heaven,  
It is the Moon who declares his crime.<sup>50</sup>

The text implies that these actions would bring about retribution, presumably at the hands of the gods. There is evidence, then, to suggest that the proportionality condition may well have been met using the criteria of the ancient Near East.

Although the crimes for which Amos indicted Israel were primarily economic, it should again be noted that violent crimes were also committed.<sup>51</sup> As we have seen, Amos 3:9-10 states that violence and robbery were prevalent. Amos later refers to a “reign of violence.”<sup>52</sup> Hosea also alludes to the violence of the day. He writes, “Ephraim herds the wind, and pursues the east wind all day long; they multiply falsehood and violence. (Hos 12:1)”<sup>53</sup> Within its context, then, Amos does not appear to be overly extravagant in his pronounced punishments against Israel. Israel stood convicted based on the standards of the day and the evidence suggests that even Israel’s elite would have recognized the fitness of Amos’ predictions.

To briefly summarize, then, we have examined four elements typically incorporated in modern definitions of punishment and compared them with Amos’

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<sup>50</sup> Hallo and Younger, *Context of Scripture*, 1:116-7.

<sup>51</sup> As we are currently witnessing, economic oppression can certainly lead to violence. The text of Amos does not make clear whether the violence mentioned was perpetrated by the wealthy or by the oppressed. It seems to be the position of Amos, however, that the wealthy would be complicit in the crime, whoever the perpetrator.

<sup>52</sup> “O you that put far away the evil day, and bring near a reign of violence?” Amos 6:3

<sup>53</sup> Other verses in Hosea also reveal the violent propensities of Israel. Hosea 4:2 says, “Swearing, lying, and murder, and stealing and adultery break out; bloodshed follows bloodshed.” The oracle of which this verse is a part was addressed to the “people of Israel” and not just the wealthy. Hosea 6:9 was specifically directed at the priests. “As robbers lie in wait for someone, so the priests are banded together; they murder on the road to Shechem, they commit a monstrous crime.” Although it might be argued that Hosea was speaking rhetorically, Andersen and Freedman do not think he did so. They suggest that kidnapping and murder for profit were committed by brigands on the road the Shechem and that the priests were “hand in glove with them.” Andersen and Freedman, *Hosea*, 441-2.

announced punishments against the foreign nations and against Israel. The first of these elements concerned Yahweh's moral authority to punish. It is difficult to dispute the moral authority Yahweh held over Israel. His authority over the nations, however, is more ambiguous by modern standards. According to ancient standards, however, Yahweh's moral authority seems more apparent. Amos relied on contemporary ethics and customary law to indict both the nations and Israel. Thus there is every reason to believe that the guilty understood their culpability and thus the prior knowledge condition is met. Likewise the desert condition is satisfied. Both Israel's wealthy and the leaders of the foreign nations deserved punishment because they had obviously and intentionally broken the customs of the day. In regard to the nations, the announced punishment easily fits the crime as it essentially mirrors the criminal action.<sup>54</sup> Amos thus applies the principle of *lex talionis* to the nations. The case of Israel is more problematic. Exile and the extinction of the nation (although not of the people) seem, by modern standards, to be an overzealous prosecution of the law. However, by the standards of the ancient Near East, even the proportionality condition may be said to have been met.

This brief analysis, then, suggests that Amos, when judged by modern principles of retributive justice, meets the necessary criteria for their punishment to be considered just. Nevertheless, especially as it pertains to the nations, Yahweh's moral authority seems tenuous. There is a subset of retributive justice which I believe more adequately addresses this problematic element. This theory of justice has the advantage of being one

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<sup>54</sup> While it may be troubling to view war as a form of punishment, it must be recognized that modern nations often rely on war as a form of retribution. Even with the modern methods of conflict resolution available to nations today, many states feel that war is the only option left to them.

that is often explicitly found in the Hebrew Bible. The theory involves the use of vengeance as punishment.

### “Wild Justice”

American society exhibits some schizophrenia with regard to punishment. We often demand that criminals atone for their crimes with punishment commensurate with the severity of their crimes. Hence the modern era of mandatory sentencing.<sup>55</sup> Yet we shun the idea of vengeance. Revenge is a concept not well regarded in today’s society. Children are taught from a young age not to retaliate when mistreated. Many take seriously the New Testament principle of turning the other cheek. Vengeance is seen as primitive and is viewed with distaste, even disdain.<sup>56</sup> The reactions against revenge are so strongly entrenched that many who find themselves in situations where feelings of vengeance would be normal instead deny any such emotion. Susan Jacoby, in her book *Wild Justice*, notes that members of modern democracies often feel compelled to express their possible desires for revenge in euphemistic forms. She concludes,

In countless instances, we see the tragicomic spectacle of victims (it makes little difference whether they are survivors of death camps or of muggings) who must deny any animus if their testimony is to be considered credible and who ...leave themselves open to bargain-

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<sup>55</sup> The reactions to the not-guilty verdict in the recent Casey Anthony trial illustrate the anger Americans feel towards what they see as a perversion of justice. See, for example, Steven Hoffer, "Casey Anthony Verdict: Instant Reactions " *The Huffington Post* (2011). [http://www.huffingtonpost.com/2011/07/05/casey-anthony-trial-verdict\\_n\\_890469.html#s303247&title=Leslee\\_Mitchell](http://www.huffingtonpost.com/2011/07/05/casey-anthony-trial-verdict_n_890469.html#s303247&title=Leslee_Mitchell) (accessed February 2, 2012); Susan Jacobson and Anika Myers Palm, "Casey Anthony Verdict Shocks Central Florida," *Orlando Sentinel* (2011). [http://articles.orlandosentinel.com/2011-07-05/news/os-casey-anthony-verdict-react-20110705\\_1\\_baez-and-chenev-mason-suburban-drive-casey-anthony](http://articles.orlandosentinel.com/2011-07-05/news/os-casey-anthony-verdict-react-20110705_1_baez-and-chenev-mason-suburban-drive-casey-anthony) (accessed February 1, 2012).

<sup>56</sup> Charles K. B. Barton says this of the modern view of revenge: “Perhaps the greatest obstacle in the path of substantial victim empowerment is the fear of revenge, as evidenced by revenge’s undeservedly poor image. Especially in contemporary Western societies, revenge is widely thought of as being crazy, nasty, and unworthy of the aspirations of truly civilized people, or of a civilized society.” Barton, *Getting Even*, xiv.

basement analysis if they allow their disinterested masks to slip in public.<sup>57</sup>

Despite this avowed denial of a need for vengeance, however, feelings of revenge are a natural reaction to being wronged. Robert Solomon, for example, says,

Vengeance is an inescapable part of our psychology, perhaps it is even an instinct. It forms the foundation of Old Testament justice in the measured guise of the *lex talionis*, “an eye for an eye, a tooth for a tooth.” And the New Testament does not reject vengeance; it only transfers it to God. Retribution is the point (even if it is not the only purpose) of punishment.<sup>58</sup>

Note Solomon’s suggestion that retribution is a form of vengeance. Solomon was not the first to suggest such an equation. Emile Durkheim regarded punishment as simply a form of revenge. He wrote, “Punishment, thus, remains for us what it was for our fathers. It is still an act of vengeance since it is an expiation. What we avenge, what the criminal expiates, is the outrage to morality.”<sup>59</sup>

Vengeance, unlike most forms of justice in the Western world, is intensely personal. Revenge often allows the victim of a crime to also be judge and executioner. This intimate connection between the avenger/victim and offender sets revenge apart from other forms of punishment. It is perhaps this close connection that causes modern society to view vengeance with suspicion. The modern world has been conditioned to presume that justice can only be done by impartial, even disinterested persons. As Peter French writes, “Impartiality has been all the rage in moral circles since the Enlightenment.”<sup>60</sup>

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<sup>57</sup> Jacoby, *Wild Justice*, 6-7.

<sup>58</sup> Solomon, *Passion for Justice*, 41.

<sup>59</sup> Durkheim, *Division of Labor*, 89. I have to wonder if it is Durkheim’s equation that punishment equals revenge that has led some to reject the validity of punishment altogether.

<sup>60</sup> French, *Virtues of Vengeance*, 67.

While the modern world exhibits a distrust of vengeance, it was an important ingredient in ancient Near Eastern society. H. G. L. Peels notes,

For modern man the word ‘vengeance’ has strongly negative connotations (immorality, arbitrariness, illegitimacy, cruelty); ‘vengeance’ and love are antipodes. In the OT, however, the concept of ‘vengeance’ has a positive connotation, both from a semantic as well as from a theological point of view: ‘vengeance’ has to do with lawfulness, justice, and salvation.<sup>61</sup>

The notion that vengeance can be a positive force has been the thesis of a small number of recent scholars. They have attempted to rehabilitate the concept of vengeance as a viable corollary to corporate punishment in modern society.<sup>62</sup>

Revenge, like retribution, has conditions of its own.<sup>63</sup> We have already met these conditions: the moral authority condition, the desert condition, and the fit condition. These conditions must necessarily be attached to vengeance to allow it to function as a moral force. They also prevent vengeance from causing society to spiral downward into disorder.<sup>64</sup>

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<sup>61</sup> H. G. L. Peels, "נקם," in *New International Dictionary of Old Testament Theology and Exegesis*, ed. Willem VanGemeren (Grand Rapids, Mich.: Zondervan Pub. House, 1997), 154.

<sup>62</sup> Perhaps chief among these is Peter French, a philosopher of ethics at Arizona State University. In his book, *The Virtues of Vengeance*, French makes the case that vengeance should be considered an acceptable form of punishment as long as it remains within certain parameters. French’s view of vengeance is essentially philosophical and abstract. The Australian scholar Charles K. B. Barton also defends the notion of vengeance in his book *Getting Even: Revenge as a Form of Justice*. His work is more functional. He attempts to find a place for elements of vengeance in modern systems of law.

<sup>63</sup> French, *Virtues of Vengeance*, 67. Much of the following analysis closely parallels French. It should be noted that French follows what he terms a ‘non-karmic’ view of vengeance. According to his view, “We do not live in a moral universe. There are no forces external to humans that ensure justice, that the good flourish and the wicked suffer.” French, *Virtues of Vengeance*, 175. His view is thus somewhat pessimistic and he argues for the legitimacy of vengeance since it might be the only method of justice available. Unlike Amos, he cannot appeal to Yahweh and thus, for him, vengeance becomes a justice of last resort.

<sup>64</sup> French is convinced, however, that allowing vengeance free rein would not necessarily lead to such a consequence. He is of the opinion that the institutionalization of punishment did not take place because of the overzealous prosecution of criminals by avengers. Rather, revenge was supplanted by corporate justice because justice was being ignored due to the difficulties inherent in avenging a wrong. He writes, “Because considerations of decency—and probably cowardice—constrain most of us, state institutions of retribution have been created and charged with taking over the retributive task. In this assumption I differ radically from the party line in that I do not find very persuasive the notion that concern about spiraling cycles of



Revenge differs most significantly from institutional punishment in the realm of moral authority. While the avenger must still be invested with moral authority, the shape of that authority contrasts with that found in more formally administered punishment.<sup>65</sup> For example the locus of moral authority has a different origin in revenge. As we noted in the previous section, most definitions of retributive punishment assumed that moral authority to punish was invested only in the community. Obviously vengeance must derive its moral authority from a different source. According to Peter French, “the avenger’s moral authority derives from the general liberty of everyone to punish wrongdoers as constrained by the requirement to utilize reliable procedures to ascertain the facts.”<sup>66</sup> Thus, according to French, anyone may punish an offender as long as a sincere effort is made to validate that vengeance is required. Note that, under this definition, the avenger does not of necessity have to be either the victim or an agent of the victim. French posits that the victim does not even have the right to assign an agent.<sup>67</sup> Instead, the avenger must simply be one who desires and has the ability to right a

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vengeance provoked the impersonal institutionalization of punishment. I am far more convinced of what may be a version of a Lockean view of all of this. That is, I suspect that assessment of the trackdown costs coupled with cowardice pointed the way to institutionalization. Fear of vengeance out of control, wild justice, it seems to me, likely would have been a minor concern in communities.” French, *Virtues of Vengeance*, 110.

<sup>65</sup> Offenders punished by someone lacking moral authority, according to French, cannot be said to have suffered a moral wrong. The offender deserved their punishment regardless of how that punishment was delivered. The avenger without moral authority, however, themselves become guilty and are thus deserving of punishment. French, *Virtues of Vengeance*, 167 French writes, “Even if the desert and fit conditions are satisfied, unless someone with moral authority to do so administers [the punishment], the hostile response to wrongdoing will be not be morally permissible. It will not be punishment, and it will not be an act of virtuous vengeance. It will itself be wrongdoing.” French, *Virtues of Vengeance*, 161.

<sup>66</sup> French, *Virtues of Vengeance*, 169.

<sup>67</sup> French, *Virtues of Vengeance*, 172. Victims do not need the right of assignment because anyone who follows the three conditions can act as a virtuous avenger. He writes, “Avengers typically have a special relationship to the victim, but the victim cannot grant or transfer to them the moral authority to punish the target. And, of course, they don’t have to because virtuous avengers already have that authority.” French, *Virtues of Vengeance*, 169.

wrong.<sup>68</sup> The avenger must not, however, seek vengeance merely to inflict pain.

Revenge, in this more technical sense, does not involve the spontaneous lashing out at an offender in retaliation for a harm done. Nor is it an attempt to compensate the victim for something lost. Rather, the purpose of vengeance is to reestablish the moral order that was lost when the harm was done.<sup>69</sup> Thus vengeance is ultimately about justice.

By French's reckoning, any individual can serve as an avenger as long as revenge is exacted for the proper reasons. Charles K. B. Barton is of a different opinion, however. In his view, moral authority devolves only on the victim of the wrong or on one who has a close relationship with the victim. In his taxonomy, an avenger with little or no personal relationship with the victim should more properly be labeled a vigilante.<sup>70</sup>

Despite the requirement that vengeance must follow reliable procedures, it, unlike retributive punishment, is not an emotionally neutral proposition. The immoral action that

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<sup>68</sup> "The only avengers who will have moral authority will be those whose motives in seeking vengeance are dominated by the intention to safeguard the right, to ensure that wrongful actions are met with appropriate hostile responses, meaning that conditions of desert and fit or proportionality have been met." French, *Virtues of Vengeance*, 172.

<sup>69</sup> Anthropologist Ralph Cintron writes, "Vengeance distinguishes itself from other forms of violence because it is often associated with a kind of justice. Vengeance seemingly entails a return to some moral order—or at least someone's perception of a moral order." Ralph Cintron, "Listening to What the Streets Say: Vengeance as Ideology?," *Annals of the American Academy of Political and Social Science* 567, no. (2000): 45. He also states "...violence has something to do with the establishment of order, a calling to order, whereas vengeance would entail a special kind of ordering based on a moral and/or ethical conviction." Cintron, "Listening," 46.

<sup>70</sup> Barton places the various forms of retribution on a two axis chart, each axis having two entries. Revenge proper he labels *non-institutionalized personal punishment*. This "is punishment imposed by a person (or a group) who has a personal reason for being involved in the process of punishment. This personal reason is that they are either the primary victim, or that they have a personal or special tie to the primary victim of the offense or wrong." Barton, *Getting Even*, 76. Vigilantism he labels *non-institutionalized non-personal punishment*. Of this he writes, "Typically, vigilante punishment is carried out by persons who are personally unrelated to either the victim, or the offender. Vigilantes, in a sense, are self-appointed agents who take up the task of punishing criminals in the name of fairness, justice, and the protection of the community through deterrence. ...They take on the responsibility of supplying the deterrence and the retribution if in the circumstances these cannot be ensured either privately by the wronged parties, or institutionally because of the inefficiency, or the total absence, of such a system." Barton, *Getting Even*, 77. Presumably, like all forms of retribution (including institutionalized retribution) vigilantism can be either moral or immoral depending on whether or not the principles of justice are followed. Barton does not speak disparagingly of vigilantism; he just distinguishes it from vengeance.

led to the need for vengeance naturally evoked feelings of anger and even hatred. Vengeance recognizes the validity of these emotions while seeking to control their impulses. French writes, “Perhaps the major moral saving grace of retributive hatred is that the retributive hater not only desires to injure, even kill, the target, but he or she also desires to restore the normal balance in the community that has been disrupted by the actions of the target.”<sup>71</sup> Thus, although vengeance may be an emotional activity (hence the oft used label of wild justice), it is not to be an irrational one.

French noted that the avenger must take care to utilize reliable procedures before revenge is taken. The need for vengeance and the identity of the offender must be accurately ascertained. Not to do so would be to place the erstwhile avenger in an immoral position. There are also other elements important to the concept of vengeance. For example, Robert Nozick argues that retribution is “... an act of communicative behavior.”<sup>72</sup> Vengeance, according to French, communicates a “message of morality” to the criminal.<sup>73</sup> It tells the offender that morality matters and that it will be enforced. The message must be a tacit one, however. The avenger must convey to the target the reasons for the vengeful actions.<sup>74</sup> An individual who has suffered a perceived slight or harm and chooses to respond by surreptitiously and anonymously inflicting harm on the offender is not truly taking vengeance. This act would of itself be considered immoral and hence deserving of punishment. Thus it can be seen that the act of righteous vengeance requires courage. Revenge, properly done, is not a cowardly action.

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<sup>71</sup> French, *Virtues of Vengeance*, 110.

<sup>72</sup> Nozick, *Philosophical Explanations*, 370.

<sup>73</sup> French, *Virtues of Vengeance*, 86.

<sup>74</sup> French, *Virtues of Vengeance*, 69.

The personal nature of revenge requires that the punishment of the culprit takes place at the hands of the avenger. If harm befalls the target that is not the result of the avenger's action, revenge has not happened. French notes, for example, that there is little satisfaction if a murderer is killed by an avalanche, unless the avalanche was started by the one taking vengeance.<sup>75</sup> Such would be a case of poetic justice, but not vengeance. Revenge may well necessitate dramatic action by the avenger. Vengeance may thus be costly, requiring the avenger to expend considerable financial and psychological resources.<sup>76</sup>

While the primary difference between retributive punishment and vengeance falls mainly in the realm of moral authority, the fit condition requires modification as well. Notably, the avenger must determine a fitting punishment. Nevertheless the avenger's verdict must be validated by others.<sup>77</sup> Vengeance, contrary to convention, is not a solo affair. The avenger cannot be the only one convinced that justice has been done; the observer must be persuaded as well.

Vengeance, understood in this way, is a long way from the stereotypical picture of revenge that often comes to mind. Although it is personal and recognizes the deep emotions of the victim/avenger, it nevertheless must seek justice first of all. The assuaging of heated emotions must take a back seat to the righting of the moral order.

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<sup>75</sup> French, *Virtues of Vengeance*, 69.

<sup>76</sup> French writes, "Successful avengers most likely will be persons with the emotional composure and physical stamina necessary to weather the personal pressures and losses that are likely to be endured." French, *Virtues of Vengeance*, 34.

<sup>77</sup> French writes, "When is the fit 'just right?' When does a suit of clothes fit? When it feels right? Yes, but also when it looks right to the wearer *and to others*. There are conditions but no mechanical formulas. ...Morality is an art, not a science." (emphasis added) French, *Virtues of Vengeance*, 227. French states that vengeance is often discouraged in practice, in part, because fit is so hard to determine. He makes the case, however, that this does not disqualify revenge as a viable means of punishment from a moral standpoint.

The book of Amos does not use the vocabulary of vengeance. Nevertheless it was a concept familiar to the Hebrew prophets. Words from the Hebrew root for vengeance (נקם, *nqm*) appear in two of the four eighth-century prophetic books.<sup>78</sup> Isaiah, for example, writes, “Therefore says the Sovereign, the LORD of hosts, the Mighty One of Israel: Ah, I will pour out my wrath on my enemies, and avenge myself on my foes! (Isa 1:24)”<sup>79</sup> It is interesting to note that the previous verse identifies Yahweh’s enemies. Isaiah says, “Your princes are rebels and companions of thieves. Everyone loves a bribe and runs after gifts. They do not defend the orphan, and the widow’s cause does not come before them. (Isa 1:23)” Yahweh’s enemies, according to Isaiah, bear a strong resemblance to the oppressors found in the book of Amos. The wealthy, then, are the targets of Yahweh’s vengeance in Isaiah’s prophecy. The concept of Yahweh’s vengeance was thus current in Amos’ day. So although the book of Amos lacks vengeance vocabulary, I believe a comparison of the concept of just revenge to the book can yield some useful insights.

Perhaps most importantly for our purposes the concept of vengeance bridges the moral authority gap between Yahweh and the nations. As we have previously noted, the issue of Yahweh’s moral authority vis-à-vis the nations creates an ethical challenge for the modern reader that is not easily resolved. Our description of “virtuous vengeance,” however, reveals that the moral authority to punish an offender belongs to any who has the desire to right the moral order and the ability to carry out the punishment. Or,

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<sup>78</sup> Approximately half (40 of 79) of the occurrences of words deriving from the root for vengeance are found in the prophets. In many cases the target of vengeance is one of the foreign nations in conflict with Israel. The concept of vengeance against Yahweh’s own people is exceptional.

<sup>79</sup> The context suggests that Isaiah’s message was intended for Judah. Micah also uses the language of vengeance. In Micah 5:15 he writes, “And in anger and wrath I will execute vengeance on the nations that did not obey.”

following Barton, we might also require that there be a close connection between the victim and the avenger. The book of Amos allows us to easily determine Yahweh's moral authority over the nations.

In the oracles against the nations, Amos normally left the identity of the victim nation(s) unspecified. We are not explicitly told, for example, whose communities Tyre turned over to Edom or the nationality of the victims of Ammon or Damascus (although we are told the victims resided in Gilead). It is generally thought that the crimes enumerated were committed against Israel. If this is the case, then Yahweh might be said to have acted as avenger on behalf of Israel. However, this ignores the fact that the oracle against Moab specifies that Edom (or more particularly, the corpse of Edom's king) served as the victim. It also seems strange to suppose that Amos would identify Israel as the victims in the first few oracles, but consider them the offender throughout the rest of his book.

It would perhaps be better, then, to argue that Yahweh acted as avenger for the helpless and oppressed, regardless of nationality.<sup>80</sup> This would seem to fit the context better. In the case of the nations, the various victims were obviously civilians and thus powerless to prevent their own victimization. In the case of Israel, the poor played the part of victim to Israel's wealthy. By virtue of the wrong done, therefore, Yahweh would certainly have had the moral authority to avenge the victims in each circumstance.

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<sup>80</sup> Wolff, commenting on the oracle against Damascus, writes, "It is not injury to Israel but exclusively the sheer inhumanity of the act as such which informs the indictment." Wolff, *Amos*, 157-8. The act, in this case, was the threshing of the population of Gilead with iron sledges. Paul writes something similar about the oracle against the Philistines. He says, "...the prophet is not inveighing here against an incursion into Judean territory per se (if at all) but is rather indicting the inhumanity and cruelty of the forceful traffic in human beings, who are thereby abused and debased to mere numbers and objects of merchandise." Paul, *Amos*, 56-7.

It may also be argued, however, that Yahweh was himself a victim. Amos would have recognized Yahweh as the author of moral order. The actions of Israel and the nations injured that order, thus bringing harm to Yahweh. It would be reasonable to conclude, then, that Yahweh acted on his own behalf as avenger. Who better to restore moral order than the author of that order himself?

We have already determined that vengeance, in order to be considered a moral force, must meet certain conditions. We have noted, for example, the communicative aspect of vengeance. The offender must be informed of the reason for the vengeful act. This seems to be the *raison d'être* of the book of Amos. Amos delivers to both Israel's wealthy and to the foreign nations the rationale for their coming punishment. The indictments were couched in language that anyone of Amos' culture would have understood, regardless of nationality.

A further condition of vengeance states that revenge must come from the hand of the avenger. That is, the moral order is not rebalanced if harm befalls the offender apart from the actions of the avenger. Amos makes it clear that the predicted punishments, whether brought on by the armies of an unnamed assailant or by a seemingly arbitrary plague, nevertheless came directly from Yahweh. For example, Amos, speaking for Yahweh, says, "I sent among you a pestilence after the manner of Egypt; I killed your young men with the sword... (Am 4:10a)" As far as Amos was concerned, Yahweh alone was responsible for Israel's punishment. Similarly, the oracles against the nations make it clear that the demise of the nations would be the direct result of Yahweh's actions. The oracle against Damascus serves as an example. There Amos wrote,

Thus says the LORD: For three transgressions of Damascus, and for four, I will not revoke the punishment; because they have threshed Gilead with

threshing sledges of iron. So I will send a fire on the house of Hazael, and it shall devour the strongholds of Ben-hadad. I will break the gate bars of Damascus, and cut off the inhabitants from the Valley of Aven, and the one who holds the scepter from Beth-eden; and the people of Aram shall go into exile to Kir, says the LORD. (Amos 1:3-5).

It is clear that Amos recognizes Yahweh's responsibility in bringing calamity to the Arameans even though the agent of that punishment would be an unnamed aggressor.

As we have noted, the motive of the avenger plays an important role in righteous revenge. The avenger must be interested in righting a wrong and not just in inflicting pain on the offender. Amos demonstrates this characteristic, in the case of Israel, by identifying them as Yahweh's chosen people. Amos wrote, "You only have I know of all the families of the earth... (Amos 3:2a)." In Amos 2:9-11 Amos reminded Israel of Yahweh's compassion when he prepared their land for them. Amos 9:11-14 reveals the benefits that Yahweh would pour out on Israel at a future time.<sup>81</sup> All of these examples point to Yahweh's compassion for Israel. This emotion is reinforced in Hosea's prophecy. He argued that Yahweh punished out of necessity and not out of pleasure. Hosea gave voice to the plaintive cry of Yahweh when he wrote, "How can I give you up, Ephraim? How can I hand you over, O Israel? How can I make you like Admah? How can I treat you like Zeboiim? My heart recoils within me; my compassion grows warm and tender. (Hos 11:8)"

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<sup>81</sup> It should be noted, however, that many scholars believe these verses are a late intrusion into the text of Amos. Wolff, for example, dates the addition of these verses to the postexilic period. During that period, he writes, "it was no longer possible to transmit a prophetic proclamation of judgment as one-sidedly harsh as Amos' without adding a new word of salvation." Wolff, *Amos*, 113. He apparently considers it impossible that Amos could mix optimism into such a highly pessimistic work. It is unclear to me, however, why the original author would be prevented from adding an optimistic conclusion while allowing a later editor the privilege. Certainly other texts in the Hebrew Bible contain drastic mood swings. The end of the book of Hosea, for example, also contains an optimistic ending. Many of the imprecatory psalms contain a note of praise following a long diatribe against an individual or corporate enemy. See, for example, Pss 5, 69, and 109.



The moral authority of an avenger derives, not just from both the desire to right a wrong, but also the ability to do so. It should be obvious that neither the victims of the foreign nations nor Israel's poor had the resources to redress their own grievances. Amos presents Yahweh as having both the desire and ability to right the wrongs of the nations and of Israel. Only Yahweh had the ability to heal the moral order and Amos promised that he would soon do so, to the detriment of Amos' intended audience.

We previously noted that the poor could not expect to benefit from Yahweh's punishment of the wealthy. As we have argued, however, the purpose of vengeance is not to compensate the victim for past harms. It is to restore moral order. Thus vengeance could do its duty without repairing the state of the poor.

Proper vengeance requires that the punishment fit the crime, not just from the perspective of the avenger, but from the viewpoint of an observer as well. I have argued that I believe this is a major feature of the book of Amos. Amos' use of customary law to condemn the nations invites any contemporary nation to witness the justice of Yahweh. Similarly, Israel's crimes are highlighted against the backdrop of its broader cultural context. As we have already mentioned, Amos summons the "strongholds in Ashdod" and "the land of Egypt" to view the "great tumults" in Samaria.<sup>82</sup> Thus the nations themselves were asked to judge the fitness of Amos' (and by implication, Yahweh's) judgment. The text implies that no objections could be offered.<sup>83</sup>

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<sup>82</sup> A similar invitation is issued by Isaiah in Isa 1:2. "Hear, O heavens, and listen, O earth; for the LORD has spoken: I reared children and brought them up, but they have rebelled against me."

<sup>83</sup> The entire text of Am 3:9-11 reads: "Proclaim to the strongholds in Ashdod, and to the strongholds in the land of Egypt, and say, 'Assemble yourselves on Mount Samaria, and see what great tumults are within it, and what oppressions are in its midst.' They do not know how to do right, says the LORD, those who store up violence and robbery in their strongholds. Therefore thus says the Lord GOD: An adversary shall surround the land, and strip you of your defense; and your strongholds shall be plundered."

Approaching Amos from a vengeance perspective also helps clarify an interesting issue noted by some commentators. It has been remarked that there is a paucity of reform language in the book. Amos did not see himself as a reformer. Rather, he might best be understood as an agent of the avenger. Sentence had already been passed. The job of Amos was to deliver the reasons for which the avenger would soon take action. Amos thus communicates French's "message of morality" to the nations, to Israel, and perhaps to his home country of Judah as well. The message of Amos included the novel idea that offenses against the moral order would not be tolerated, even if committed by members of Yahweh's own people.

In this section, I have argued that a reasonable case can be made that the book of Amos presents Yahweh as an avenger. While revenge is usually rejected by the mainstream of modern Western society, ancient Near Eastern society (as well as many other societies and subgroups, ancient and modern) recognized vengeance as a viable form of justice.<sup>84</sup> Further, I have demonstrated that the book of Amos meets the criteria of virtuous vengeance. It might be best, then, to presume that Amos viewed Yahweh as a virtuous avenger of the victims of oppression.

## **Conclusions**

I have attempted in this monograph to place the book of Amos within its ancient Near Eastern context. I have demonstrated that international relationships were governed

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<sup>84</sup> Ralph Cintron has studied vengeance in the context of inner-city neighborhoods. He writes that revenge often becomes the tool of the disenfranchised. He writes, "Indeed, if a legally based society is perceived by such communities or individuals as fundamentally corrupt or anemic, vengeance, in contrast, might be perceived as not only an alternative logic but the only reliable one." Cintron, "Listening," 47. It is only speculation, but perhaps some of the violence Amos reports came at the hands of the poor and directed towards Israel's elite. Thus part of his message may have included the idea that Yahweh would serve as the avenger of the poor, thus removing the need of the poor to attempt revenge on their own behalf. Amos may have intended the book to serve as encouragement to the poor as well as warning to the wealthy.

by customary law. Although differing from modern notions of international relations, nevertheless there was the expectation in antiquity that nations would adhere to certain standards of international behavior. These rules provided the necessary order to allow the peaceful coexistence of nations. The gods were considered a part of this ancient international legal system. They were understood to be the guarantors of justice, providing redress for violations committed against international norms. At times nations willfully violated the customary rules. War often resulted. Even in war, however, there were standards to be observed. While the ancients tolerated some activities (such as slavery) that would today be considered repugnant, nevertheless needless cruelty was condemned.

Ancient Near Eastern literature reveals a culture concerned about social justice. While no doubt the reality often did not match the ideal, nevertheless their ideals reveal the importance that the culture placed on the proper treatment of the poor and oppressed. Their concern should not, however, be confused with modern notions of social justice. The goal of ancient Near Eastern reformers was not necessarily equality, as accounted by modern standards, nor the eradication of poverty. Rather, the goal was to preserve the hierarchical social order of the day. This entailed the maintenance of families within their respective social and economic classes. It was the duty of both the king and the individual to provide for the poor and oppressed and to protect them from injustice (perhaps to prevent uprisings of the lower classes). Evidence from Egypt and Mesopotamia indicates that the poor were considered to be under the protection of the gods. Israel's literature evidences a similar regard for the poor.

I have also explored the concept of punishment within Israel and found that it shared with its broader culture common laws and forms of punishment. The concept of *lex talionis* can be found throughout Ancient Near Eastern society. They labeled as criminal many activities modern society would not consider as such. The punishments handed down by their law codes often seem harsh and disproportionate to the severity of the crime. Nevertheless, there is a consistency between Amos' view of punishment and that expressed in literature contemporary to him. Thus, when judged against its background, it should be apparent that the book of Amos easily fits within its ancient Near Eastern context.

Placing Amos within this context clarifies many elements of the book. As I have noted, Israel's wealthy constituted Amos' primary audience. By virtue of their position, they would have been participants in the international scene, probably in both the economic and political realms. Consequently they would have been aware of the customary laws that governed international relations. There can be little doubt, then, that Amos' audience recognized the culpability of the nations and would have readily agreed with Amos' conclusion that their punishment was warranted. They also could not have helped but recognize the validity of Amos' accusations against them. Their depredations of the poor violated the customs that governed their world just as seriously as did the crimes committed by the nations. Thus, Amos indicted the wealthy on terms they could not have helped but understood. He neither needed nor resorted to appeals to Hebrew law. Israel was guilty and stood so in front of her peers, the elite of the surrounding nations. There could only be one conclusion. Israel's elite, along with the nations, deserved punishment.

Amos also communicated the terms of Israel's punishment in a language easily understood. Their crimes were a violation of the moral order and divine retribution was only to be expected. Amos' audience would have understood that the appeals of the poor, while ignored in Israel's courts, would have been heard and adjudicated in Yahweh's court. Amos stripped away the privilege Israel's wealthy had arrogated to themselves and revealed instead their neglected responsibility to the poor and to Yahweh. The consequences of that neglect were to be dire. Amos used the language of military defeat, natural disasters, and cosmic disorders to describe Yahweh's reaction to Israel's violations. Such language was at home in the culture of the ancient Near East.

We have noted that Amos used the methods of punishment known to him to describe the justice of Yahweh. While those methods may seem cruel or unduly harsh to us, nevertheless they fully conformed to the standards of his day. Yet while Amos' standards belonged to his culture, I have argued that Yahweh's actions meet the modern criteria of just retribution, especially as embodied in the concept of virtuous vengeance. Thus the book of Amos can be seen as embodying modern principles while utilizing ancient standards. I do not pretend to think that my brief foray into ancient and modern ethics will be considered satisfactory by everyone. Nevertheless I believe I have shown that, like many features of the book, the ethics of Amos clearly reflect the ancient Near Eastern context of which it was a part.

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